
Appeal Decision

Site visit made on 7 November 2016

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2nd December 2016

Appeal Ref: APP/A5840/W/16/3156921
Rear of 24 Barry Road, London SE22 0HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Wayne Etienne against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/1493, dated 18 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is redevelopment of ancillary garage to rear of property, which faces and is accessed from Tyrrell Road, to provide a two bedroom two storey house with access from Tyrrell Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the living conditions of adjoining occupiers, having particular regard to outlook, light and the provision of outdoor space, and whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to outlook and the provision of outdoor space;
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

3. 24 Barry Road is a two-storey, end-of-terrace house which lies at the junction of Barry Road and Tyrell Road. A flat roofed garage, which is attached to an outbuilding at a neighbouring property, occupies part of the rear garden area. The garage, which is accessed off Tyrrell Road, is set back from the building line. A private access separates the site from the adjacent property 1 Tyrrell Road.
4. The proposal seeks to extend the existing garage forwards towards the road, and upwards, to create a first floor, to form a self-contained, two-bedroomed dwelling. The extended building would have a pitched roof, partly concealed by a parapet, and a double height bay to the front elevation. A first floor bay window to the side elevation, fitted with obscure glazing, would provide light to bedroom two. In addition there would be rooflights to both sides of the

- roof. The extension would be constructed in materials to match the existing building.
5. No openings would be provided to the west side elevation of the building and the rooflights would be positioned at such a high level that I am satisfied that there would be no overlooking of neighbouring properties. Similarly on the east side, because of the use of obscure glass in the proposed first floor window, there would be no opportunity for overlooking of the properties on Barry Road.
 6. However, the existing garage lies around only 7m from the rear of 24 Barry Road. The proposed building would be considerably taller and bulkier than the existing garage and at such limited distance, would dominate the outlook from the rear of the property and create an overbearing sense of enclosure, resulting in considerable harm to the living conditions of the occupiers of that property. To a lesser, but still nevertheless harmful, extent the proposal would also appear overbearing from the neighbouring property No 26.
 7. As a result of the orientation of the buildings I am satisfied that the proposal would not result in a significant loss of direct sunlight. However, the Council has calculated, in line with advice in the Council's 2015 Update to Residential Design Standards Supplementary Planning Document 2011 (SPD), that the proposal would result in a loss of daylight to facing windows and I have no reason to disagree. Consequently the proposal would make those rooms facing the site gloomier and less pleasant places to be.
 8. The proposal would provide two bedrooms and therefore, in line with the requirements of the SPD, private outdoor space should be provided for family use. However, the only meaningfully useable outdoor space provided in this case would be at the front of the property, where privacy could only be achieved by the provision of a high close-boarded fence. That space would be very limited in size, considerably smaller than the Council's recommended standards of 50 sqm and 10m length, as set out in the SPD. Whilst I have noted the proximity and size of local public open space, I am unconvinced that this negates the need for the provision of an acceptable standard of private outdoor space at the property itself.
 9. My attention has been drawn to developments in the locality which have been provided with limited amenity space contrary to the above standard. However, I do not have all of the circumstances of these decisions before me and cannot therefore be certain the developments or their context are directly comparable with the appeal proposal.
 10. Furthermore, it seems to me that the use of obscure glazing to the proposed side facing bedroom window is a contrived mechanism to avoid overlooking of the adjoining property. It would result in the bedroom having only limited outlook, as such creating a poor residential environment. In addition, outlook from the main side and front facing living room windows would be directly towards the proposed fences at close proximity.
 11. For these reasons the development would have a significant adverse effect on the living conditions of existing residents, and would not provide satisfactory living conditions for future occupiers in terms of outlook and the provision of outdoor space, contrary to the requirements of Policy 3.2 of the Southwark

Plan 2007 and advice in the SPD which seeks to protect the amenity of existing and future occupiers. In addition, the proposal would be contrary to one of the Core principles of the National Planning Policy Framework to 'secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Character and Appearance

12. The character and appearance of the area is defined by dwellings built around a similar period to a similar design and set out in a regular pattern. 24 and 22 Barry Road are corner properties which have windows on two sides. Open space at the rear of these properties reflects the original pattern of development and contributes positively to the character and appearance of the area.
13. The external design of the proposed development has been carefully considered to reflect the appearance and character of nearby dwellings, 2 and 4 Tyrrell Road. As such, in terms of its external appearance, it would not appear incongruous in the street scene. Whilst I accept that there would be some loss of openness, there is already a building on the site and any adverse impact on space would therefore be limited. The urban grain of the area would thereby be preserved.
14. Consequently the proposal would have a neutral impact on the character and appearance of the area. Accordingly it would be in accordance with Policies 3.12 and 3.13 of the Southwark Plan 2007 and Policy SP12 of the Southwark Core Strategy 2011 which in various ways seek to ensure that new development is of a high quality in terms of both architectural and urban design.

Other Matters

15. I have taken into consideration the personal circumstances put forward by the appellant in support of the scheme. However, on the basis of the evidence before me, I am not persuaded that the appellant's need for accommodation could not be met elsewhere in the area. Moreover, such circumstances do not outweigh the harm identified.
16. I have also taken into consideration the concerns of neighbouring residents relating to the effect of the development on the provision of car parking in the area. I noted at my site visit that there is considerable demand for on-street spaces locally. However, 24 Barry Road appears to have off-street parking provision at the front. I am unconvinced on the basis of the evidence before me that increased demand from one additional unit would significantly exacerbate the existing situation.
17. The appellant has drawn my attention to other properties with little or no amenity space. However, there are no specific details of these sites before me and I cannot therefore conclude that circumstances are identical to the appeal proposal. Moreover, it is my duty to determine the appeal proposal on its own merits, in the light of advice in the adopted SPD.

Conclusion

18. For the reasons set out above and, taking into account all other matters raised, the appeal is dismissed.

S. Ashworth

INSPECTOR