
Appeal Decision

Site visit made on 28 February 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 7th March 2017

Appeal Ref: APP/A5840/W/16/3164279
82 Clayton Road, London, SE15 5JG

- 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 Hanily McGarry against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/1200, dated 30 March 2016, was refused by notice dated 1 June 2016.
 - The development proposed is Erection of 3 flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the application stage, the appellant submitted revised drawings to the Council (labelled P2). However, the Council's decision notice only lists the originally submitted drawings (labelled P1) and their appeal statement confirms it is the originally submitted drawings which they made their decision against. I cannot be sure whether the revised drawings have been subject to any form of formal public consultation.
3. What is more, the Daylight and Sunlight Study (dated 23 February 2016) submitted by the appellant appears to be based upon the originally submitted drawings and not the revised drawings. In the absence of evidence of public consultation and the fact that the decision was originally made against the drawings labelled P1, I have considered these drawings only in coming to my decision.

Main Issue

4. The main issue is the effect of the proposal development on the living conditions of future occupiers, with specific regard to outlook from Flat B.

Reasons

5. The appeal site is located adjacent to 82 Clayton Road, being located on the junction of Clayton Road and Moncrieff Street. The street scene is residential in character, with No 82 Clayton Road currently the end of a row of terraced properties. The proposal seeks the erection of a two storey with basement building attached to the end of the terrace. This would comprise three flats, located individually over each floor. An earlier planning permission has established the principle of a residential development of this form under
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ref 14/AP/3566 in January 2015¹, and I see no reason to not concur with this. The main change from the earlier scheme is that the earlier approved scheme included one flat, and one maisonette over the ground and basement floors.

6. The appeal scheme seeks the provision of a two bedroom flat on the basement level which would be accessed from the rear of the building on the ground floor. This flat (Flat B) would be served by a patio area within a newly created lightwell of about 22sqm, with two bedrooms, an open plan living and kitchen area, together with a separate bathroom. The living room would have a triple door opening onto the patio area, with Bedrooms 1 and 2 having smaller openings onto the proposed patio. The bathroom would have no external openings.
7. The appellant has submitted a Daylight and Sunlight Study (dated 23 February 2016) which concluded that the 'proposed design satisfies all of the requirements set out in the BRE guide *'Site Layout Planning for Daylight and Sunlight'*.' With little evidence to the contrary, I see no reason to disagree with these findings. However, they relate only to levels of sun- or day-light, not to the acceptability of outlook. Indeed, the only outlook from the basement flat would be restricted onto the patio courtyard area. For a new development one would typically expect the provision of a good standard of amenity for all future occupants of land and buildings.
8. I am not convinced that small courtyard area with high walls on three sides and only three openings on one flank wall, would provide an acceptable degree of outlook for future occupiers. Whilst occupiers may benefit from satisfactory sunlight and daylight levels under the BRE guide, this is not the same as demonstrating that both light penetration into the farthest reaches of the rooms served by openings would be adequate or that the outlook from these windows would be anything more than oppressive onto a relatively small lightwell courtyard area.
9. I therefore conclude that the proposed development would fail to result in acceptable living conditions of future occupiers, with specific regard to outlook from Flat B. It would therefore be contrary to Strategic Policy 12 of the *Core Strategy* 2011 and Policy 4.2 of *The Southwark Plan* 2007, which, amongst other aims, seek to achieve good quality living conditions and include high standards of outlook, natural daylight and sunlight, ventilation and suitable outdoor/green space. It would also conflict with Policies set out in the *National Planning Policy Framework*, including one of the core planning principles set out at Paragraph 17 that planning should ensure a good standard of amenity for all future occupants of land and buildings.
10. For the reasons given above I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR

¹ Appellant's *Planning Appeal Statement*, November 2016 Para 4.2, page 7