
Appeal Decision

Site visit made on 28 March 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/A5840/W/16/3164939

2 Quarry Court, Dunstan's Grove, Southwark, London SE22 0HN

- 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 Pavilion London PLC against the decision of the Council of the London Borough of Southwark.
 - The application Ref 15/AP/5181, dated 16 December 2015, was refused by notice dated 8 June 2016.
 - The development proposed is the refurbishment of existing building and erection of a 3 storey rear extension to the building to provide the existing units with a second bedroom and an additional floor created in a modified roof space, creating a three bed unit.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant has submitted amended plans as part of the appeal and has requested that the appeal be granted on the basis of the scheme shown on drawing numbers: 196-PL20P00 PL8; 196-PL20P01 PL8 and 196-PL20E01 PL8. These would replace the earlier revisions referred to in the Council's decision notice. The changes increase the size of a number of the combined living/kitchen/dining areas and include high level windows on the ground floor of the rear extension.
3. The amendments therefore relate to the quality of the internal accommodation. As such the scheme is essentially that which was considered by the Council and on which interested people's views were sought. The Council has also had opportunity to comment on the proposals and essentially confirm that its third and fourth reasons for refusal have been addressed. I find no reason to take a contrary position and I am satisfied therefore, that in applying the 'Wheatcroft Principles', I am able to accept the amended plans and determine the appeal on the basis of the same.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the development on the living conditions of the neighbouring residents with particular reference to outlook.
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Reasons

Character and appearance

5. The appeal relates to a three storey block of flats situated in a prominent location on the corner of Dunstan's Road and Dunstan's Grove. The rear of the site is presently open with a small grassed area and surface car parking. Although there is a variety in the design of dwellings in the area, there is, in my view, a coherent pattern of development made up of terraces and other tightly spaced dwellings set back from the road frontage along clear building lines.
6. The appeal proposal would replace the existing pitched roof of the building with a mansard style roof. Even though the maximum height would not be raised above the existing ridgeline level, the proposal would add significant bulk to the building at roof level, which would be compounded by the dormer style projections. I recognise that the neighbouring property on Dunstan's Road is of comparable scale to the existing appeal building, however, the predominant scale of the area is that of much more modest two storey dwellings. The existing building therefore already contrasts with this scale and this contrast would become significantly more pronounced as a result of the appeal proposal.
7. Moreover, roof forms in the area typically comprise pitched roofs and to a lesser extent, concealed roofs behind front parapet walls. Again the appeal proposal would strongly contrast with this style and would introduce a building which is top heavy in its design with an uncharacteristic mansard roof form, front facing dormer projections and a high level terrace area.
8. The overall massing of the building would also be substantially increased by the proposed rear extension, which would be three storeys in function but with the added bulk created by an obscurely glazed enclosure to a terrace above. Whilst I accept it would be subordinate in scale to the enlarged main building, the extension would, nevertheless extend an inappropriate scale and massing further into the much more domestic scale of Dunstan's Grove, where proposal would appear particularly overbearing.
9. I appreciate that efforts have been made to overcome the Council's concerns and that the existing building, which does not fall within a conservation area, is of no particular merit and does not positively contribute to the street scene. Nevertheless, the existing building is significantly smaller than that proposed and has a relatively recessive presence within the street scene. In contrast, the appeal proposal would create a building with a domineering and overly prominent appearance, entirely out of character with both Dunstan's Road and Dunstan's Grove. Such harm would not be materially alleviated by any benefits arising from relocating the main entrance to Dunstan's Road.
10. I therefore conclude that the proposal would result in unacceptable harm to the character and appearance of the host building and the surrounding area, contrary to Saved Policy 3.12 of the Southwark Plan (SP) and Strategic Policy 12 of the Core Strategy (CS), which require, amongst other matters, that developments should achieve a high quality of architectural and urban design. It therefore follows that I also find conflict with paragraphs 17, 56, 58 and 60 of the National Planning Policy Framework (the Framework) which require high quality design that responds to the character of the area and promotes or reinforces local distinctiveness.

11. Whilst the appellant has made reference to Policy DM10 of the Proposed New Southwark Plan, I have not been provided with a copy of that policy or an explanation of its stage of preparation. I cannot therefore be certain of the weight which should be attributed to it. Nevertheless, I do not consider that the proposal would benefit from its support on the basis of the extract provided by the appellant, as I do not find that the proposal would amount to an innovative design that is specific to the site's context or constraints.

Living conditions

12. The proposed rear extension would be centrally positioned to the host building and as such would be off-set from the boundary to No 17 Dunstan's Road. However, given the size of the rear extension with terrace above, and the added bulk of the proposed roof form, the proposal would create an imposing and domineering form of development when viewed, in particular, from the rear garden of No 17.
13. Although the rear extension would project further towards No 6 Dunstan's Grove, this would be towards its blank side elevation. The main elevations for that property are orientated away from the appeal site and would therefore be largely unaffected. Moreover, given the separation, the proposal would not unduly affect the outlook from the rear garden of No 6.
14. Given the positioning of the building relative to the nearest residential properties, I am satisfied that the proposal would not materially affect levels of daylight and sunlight. I am also satisfied that on the basis of an obscurely glazed enclosure to the terrace, that the proposal would not result in unacceptable overlooking and loss of privacy to the occupants of neighbouring properties.
15. Nevertheless, the outlook from the rear garden of No 17 would be dominated by a mass of built form in a way which I consider would be overbearing and harmful to the living conditions of the occupants concerned. This would be contrary to Saved SP Policies 3.2 and 3.13, CS Strategic Policies 12 and 13 and the Council's 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document, which state, amongst other matters, that planning permission will not be granted where it would cause loss of amenity.

Other matters

16. I accept that the proposal would improve the size of the existing accommodation and would increase the supply of housing in a sustainable location. This benefit would however be limited due to the modest increase in the number of residential units. The proposal would also utilise an existing building within an urban area and would contribute to the economic dimension of sustainable development, albeit for a limited time during the construction phase.
17. However, on the basis of the harm to the character and appearance of the area and to the living conditions of neighbouring residents, the proposal would fail to meet the social and environmental dimensions of sustainable development. Accordingly, the proposal would not amount to sustainable development, having regard to the advice at paragraphs 7 of the Framework. Not being

sustainable development, it follows that no such presumption, as anticipated by paragraph 14 of the Framework, applies.

Conclusion

18. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR