
Appeal Decision

Site visit made on 25 April 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: 23rd May 2017

Appeal Ref: APP/A5840/W/17/3169541

Rear of 216 Crystal Palace Road, London, SE22 9EL

- 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 Ian Sands against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/2404, dated 13 June 2016, was refused by notice dated 8 August 2016.
 - The development proposed is demolition of a covered builder's yard and the construction of a dwelling over three levels.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on living conditions with particular regard to nearby existing and potential occupiers.

Reasons

3. The appeal site comprises a single storey builder's yard facing onto Silvester Road and located to the rear of 216 Crystal Palace Road. The proposal seeks the erection of a three floor building, with two storeys and basement level. It would consist of a three bedroom, five person dwellinghouse; with each bedroom served by an ensuite, a separate kitchen, living, and utility rooms.
 4. The Council's figures, which are not disputed, suggest that the two storey element would be located about 7.57 metres from the rear elevation of No 216. I see no reason to agree with this figure. The Council's Residential Design Standards 2011 (updated 2015) (herein RDS) suggest there should be a distance of 21 metres. Clearly the proposal in this case would fall well below this distance. I note that there would only be rooflights in this elevation and that the angles involved would make potential overlooking of occupiers at No 216 and its garden difficult. I do not find that there would be material harm in terms of overlooking.
 5. However, the two storey form proposed would enclose the small garden area serving No 216 further through the two storey form proposed and the resulting mass and bulk. In this respect, the flat roof form proposed together with the two storey form would appear as overbearing to the occupiers of No 216 Crystal Palace Road. The appellant asserts that 'the innovative design avoids harm'. However, there is little before me that suggest that a two storey flat
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roofed building with parapet, small garden area and which projects forward of the sorting office on Silvester Road, is anything more than an ordinary or basic design of very limited architectural or design merit.

6. In terms of floor space, the Council accepts that the internal dimensions would meet those set out in the RDS. I see no reason not to concur given the dimensions detailed. However, the external amenity space would consist of an area of about 11.8sqm as shown on drawing labelled PROPOSED GROUND FLOOR PLAN, an area which would also comprise the only access into the property from the pavement. I note that a 'sunken garden' of 11.2sqm is also proposed as shown on drawing labelled PROPOSED BASEMENT PLAN.
7. However, this open basement area would rely upon ventilation from an open grille on the ground floor and light provided by a skylight. I therefore question the ability of both areas to provide external amenity space for the drying of clothes, storage of bicycles, or entertaining, for example. In practice only one area would provide external amenity space.
8. In any case, the RDS requires an amenity space of 50sqm; which clearly the proposal falls well below whether only an area of 11.8sqm is taken into account or the total combined space. The appellant points to the proximity of both Peckham Rye Park and Common, and Dulwich Park, and also that there are areas of extensive areas of public open space within 5 minutes walk of the site. However, whilst it is useful that any occupiers might have access to public open spaces this does not overcome the fact that they would return to a tiny external amenity area for a three bedroom dwelling which falls well below the Council's requirement. I do not consider that proximity to public open spaces in this case justifies the provision of substandard external amenity space for a family sized dwelling.
9. I therefore conclude that the proposed development would have a materially harmful impact on the living conditions of existing and future occupiers in terms of its overbearing form and the lack of adequate external amenity space. It would therefore conflict with Policies 3.2 and 4.2 of the Southwark Plan 2007 Policy 13 of the Southwark Core Strategy, as supported by the RDS, which amongst other aims, seek to ensure that developments achieve good quality living conditions including suitable outdoor/green space.
10. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR