
Appeal Decisions

Site visit made on 24 April 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 26 May 2017

Appeal A: APP/A5840/W/16/3165165

Unit 6 St James Industrial Mews, St James Road, London SE1 5JX

- 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 Invordan Wetton Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/3355, dated 16 August 2016, was refused by notice dated 14 October 2016.
 - The development proposed is described as to "*retain two (2) flats within existing single storey building and construct first and second floor extensions with two (2) self contained studio flats on each floor.*"
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Appeal B: APP/A5840/W/16/3165137

Unit 3 St James Industrial Mews, St James Road, London SE1 5JX

- 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 Invordan Wetton Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/3672, dated 7 September 2016, was refused by notice dated 29 November 2016.
 - The development proposed is described as "*a retrospective application to provide 2 No self contained 1 bedroom flats with a new second floor level mansard with access to a communal corridor providing a flood refuge area*".
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Decisions

Appeal A

1. The appeal is dismissed

Appeal B

2. The appeal is dismissed.

Main Issues

3. The main issues in these appeals are;

Appeal A

- The quality of the proposed residential units in terms of space and amenity space
 - The effects of the proposed extension on the character of the area
 - Whether provision of affordable housing should be required.
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Appeal B

- The quality of residential units in terms of space and amenity space
- The effects of the proposal on the privacy of neighbours
- The effects of the siting of residential uses next to commercial uses
- The effects of the proposal in relation to employment premises
- Whether the provision for cycle and refuse/recycling storage is acceptable
- Whether provision for affordable housing should be required.

Preliminary Matters

4. At the time of my site visit Unit 6 had been converted to 2 residential units but not as shown on the submitted drawings. I shall determine the appeal on the basis of the submitted drawings and not on the basis of what was present on the site.
5. In relation to Unit 3, works to provide the second floor of accommodation had been undertaken when I did my site visit, but it provided 4 units on the second floor. The appeal before me shows 2 units and I shall determine the appeal on the basis of what has been applied for and not what was present on site when I was there. In addition, there is a difference of opinion between the Council and the appellant regarding whether a previously permitted Prior Approval scheme for the ground and first floor has been implemented or not. This is not a matter before me and I shall determine the appeal on the basis of what has been applied for and I do not consider that my determination of the appeal on this basis affects that other matter.

Reasons

6. The appeals relate to various units within this industrial mews, some of which have been converted to residential uses and 2 units (numbers 1 and 2) remain in commercial uses.

Appeal A

The quality of the proposed residential units in terms of space and amenity space

7. The proposal relates to unit 6 which is located at one end of the row of units, close to the boundary with No 272 St James Road. Unit 6 is single storey in height and at the time of my site visit had been converted to provide 2 residential units. The Council set out in its 2015 Technical Update to the Residential Design Standards (RDS) the expected minimum floor-space for different types of residential accommodation, in line with the National standards, and a requirement for outdoor space. These standards support various of the Council's policies including SP5 and SP13.
8. Of the 6 units as applied for, only 1 unit would meet the minimum floor-space standard and none of the 6 provides any storage area. In addition, no amenity space would be provided for any of the units. I consider these to be significant deficiencies in the scheme, which indicates to me that it would fail to provide a suitable standard of residential accommodation. These would be compounded by the fact that many of the windows within the units would face onto the very

narrow gap between the appeal site and No 272 St James Road. In my judgement, the very restricted outlook would compound the deficiencies of the scheme. Furthermore, the ground floor unit at the front would have its windows passed by all other residents which would give rise to unacceptable overlooking. In relation to this last point, I consider that the use of obscure glazing, even if only for part of the windows, would not be acceptable for the occupiers of this unit. In addition, I do not find that the possibility of the use of the area in front of the mews as amenity space would be acceptable; it is used as parking and it appears that Units 1 and 2 gain access over it.

9. Therefore, in relation to this issue, I consider that the proposal would fail to provide a suitable standard of residential accommodation, contrary to Policies SP5 and SP13 and the Council's RDS.

The effects of the proposed extension on the character of the area

10. The submitted drawings include part of the elevation of the neighbouring building at No 272 St James Road. However, this is clearly inaccurate as it shows No 272 to be significantly taller than it is; a matter readily accepted by the appellant's representative at my site visit. I have been made aware that a planning application has been submitted for this neighbouring site and there was an indication that this had been approved. However, I have not been provided with any details that I can use when judging the effects of the appeal scheme.
11. Notwithstanding the above, based on what I saw at my visit, I consider that the proposed additional 2 floors would not have any unacceptable effects on the existing 2 storey building within the larger appeal site or on the adjacent commercial premises at No 272, as it currently stands. Within this context, I consider that there would be no unacceptable effects on the character of the area.

Whether provision of affordable housing should be required

12. The Council is concerned that the appeal scheme, when combined with other developments on the wider site, should justifiably contribute to affordable housing. No such contribution is included within the appeal scheme. Whilst I can understand the Council's concerns, I have to determine the appeal before me which relates only to an additional 6 units in total. This falls below the threshold for such a contribution which is employed by the Council. In these specific circumstances I do not find the absence of provisions for affordable homes to add to my reasons for dismissing the appeal.

Appeal B

The quality of residential units in terms of space and amenity space

13. The Council indicate that proposed flat 9 should be considered as a 2 person flat as the bedroom is sufficient to provide a double bed. I consider it likely that such a room would be furnished to provide a double bed and agree with the Council's case here. On this basis, the size of the flat overall fails to meet the minimum space standard for a 2 person flat as set out by the Council's standards and the National standards. Furthermore, neither of the proposed flats is provided with any amenity space, which is contrary to the Council's standards. I consider that the appellant's reference to the open yard at the front of the mews to provide communal space to be wholly unacceptable in this

respect and the proximity of public open space would not compensate for a lack of on-site private and communal space. On this basis, I consider that the proposal fails to comply with Policies SP5 and SP13 as well as the RDS.

14. I have carefully considered the matter of the outlook from proposed flat 10, as referred to by the Council. Whilst not ideal, I consider that there is sufficient prospect of looking out over the adjacent building and gaining considerably longer views such that residents would not be unduly affected in this respect. In addition, whilst flat 10 fails to provide a storage area, I note that its floor-space exceeds the minimum requirement by an amount equivalent to the storage space and so, in my view, is acceptable in this relation to this point.

The effects of the proposal on the privacy of neighbours

15. The windows of proposed Flat 9 would face towards the rear of houses at No 282-292 St James Road. At my site visit I was able to gain this view and I visited No 282 and observed the appeal site from rooms within it and from its garden area.
16. When within the appeal site clear views can be gained into the rear rooms of No 282 and other houses, and into the garden area, particularly at No 282. I find this close relationship where future occupiers at the appeal site would be able to look down from a height into these residences to be unacceptable and far more intrusive than one could reasonably expect even in a busy urban location such as this.
17. The appellant compares this to the use of the unit as a commercial unit. However, that did not include accommodation at this higher level and would probably not have involved occupation during the evenings and weekends, as one may expect from a residential use. Therefore, I do not find that such a comparison compels me to look favourably on the proposal in this respect. The appellant has also referred to the use of obscure glass in parts of these windows in proposed flat 9; in my judgement this is not acceptable and would prejudice the living conditions of the occupiers of the proposed flat. As a result, the proposal is contrary to the provisions of the RDS and Policy SP13 of the Core Strategy and saved policy 3.2 of the Southwark Plan.

The effects of the siting of residential uses next to commercial uses

18. Units 1 and 2 within the wider site remain in commercial uses, as I observed at my visit. It was not clear what commercial activity is undertaken from these premises but I observed commercial vehicles arriving and leaving.
19. The effects of the juxtaposition of commercial uses and residential units can have a limiting effect on both uses. The residents may be subjected to unreasonable levels of noise and activity whilst complaints from residents may give rise to limits to the commercial activity of the businesses. In this instance the 2 uses would be set very close to each other. In my judgement, it seems highly likely that a commercial use, either now or in the future, could give rise to noise from within the premises or from activities associated with its use, which would have a detrimental impact on living conditions. In addition, there is also a likelihood that residents would be more likely to complain of such noise and activity, which itself could lead to the imposition of limitations on commercial activity.

20. I have taken account of the fact that a Prior Approval scheme has been granted for the premises and so it must be accepted that lawful residential use of parts of the building in some form seems highly likely. However, I consider that this does not mean that the co-existence of the 2 uses would be an amenable one and does not in itself justify the addition of more residents who may either be affected by the commercial uses or be the source of complaints about them. As a consequence, I consider the proposal to be unacceptable in this respect and contrary to Policy SP12 of the Core Strategy and saved Policies 3.2, 3.12, 3.13 and 4.2 of the Southwark Plan.

The effects of the proposal in relation to employment premises

21. The appeal site is within a Preferred Industrial Location (PIL) within the Southwark Plan. Part of the Council's case rests with the unacceptable effects of co-locating non-commercial uses in commercial areas and I have set out my finding in the preceding section in this regard. In relation to any additional effects in relation to the actual loss of commercial premises, the appeal before me only relates to the provision of 2 new flats within an extension constructed for residential use and I do not find that this represents the loss of commercial premises or floorspace.

The provision for cycling and recycling/refuse storage

22. The appellant seeks to provide suitable provisions within the basement of Wetton House, which sits immediately adjacent to the mews properties. However, the Council are concerned that the total provision for the total number of residential units possible on the site as a whole does not meet its standards in terms of waste/recycling and also cycle storage.
23. Whilst the provision within the submitted plans may be deficient in terms of the Council's assessment, I consider that, having seen the basement of Wetton House and considered the submitted plans, greater provision could be made in respect of both items. Therefore, I am satisfied that, had the appeal been allowed suitable conditions could have been imposed which would have secured a suitable provision in terms of numbers/space.
24. In relation to the convenience of the provision for residents, I do not consider that the short walk across the yard would be a significant inconvenience to residents.

Affordable Housing

25. The consideration of this matter is the same as for appeal A, in so far as the scheme before me is for 2 units only and this does not trigger a requirement for affordable housing. Therefore, I do not find the lack of provision to be unreasonable.

Conclusions

26. For the reasons set out above I find both schemes to be unacceptable and I consider that there are no benefits that they would bring that are sufficient to outweigh the harm. Therefore, both appeals are dismissed.

S T Wood

INSPECTOR