
Appeal Decision

Site visit made on 7 June 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 30th June 2017

Appeal Ref: APP/A5840/W/17/3169264
34 Grove Vale, London SE22 8DY

- 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 Kayhan Emin against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/3564, dated 30 August 2016, was refused by notice dated 22 November 2016.
 - The development proposed is erection of a two storey single dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the living conditions of the occupiers of No 34 Grove Vale with particular reference to the provision of garden space; and,
 - the effect of the proposal on the character and appearance of the local area.

Reasons

Living conditions – garden space

3. The proposed dwelling would be located on land to the rear of 34 Grove Vale, a three storey end terrace property. I understand that this building has previously been converted to a ground floor two bedroom flat and a total of four studio flats on the upper floors. The appeal site is currently somewhat overgrown, includes a number of outbuildings and appears to be used for the storage of building materials. The plans associated with previous planning applications to build on this site illustrate this area, noted on one plan as 'scrubland', as being associated with the host dwelling.¹
4. Whilst there is currently a brick wall separating the appeal site from the front entrance to the flat, access from French windows to the rear of the building remains, and there is a separate pedestrian access to the site from the Derwent Grove elevation. The plans illustrate that a narrow strip of garden would remain for the host dwelling, presumably the ground floor flat, accessed via the French windows and Derwent Grove pedestrian access.

¹ Planning application references 08/AP/3021 and 08/AP/1305

5. It is clear that the appeal site is not currently used for amenity purposes associated with the host dwelling to any great degree. However, this is a residential area of reasonably high density with limited and small scale provision of public open space close by. Whilst the appellant states that there are no family units within the host dwelling this does not mean that garden space is not required, nor that a communal space of this size would not be valued by residents for a variety of social and informal recreation activities. Indeed the Council's SPD² states that all flatted developments, including conversions, must provide some form of outdoor amenity space.
6. Therefore, whilst current residents have not chosen or been able to make use of this area, the development would prevent the occupiers of 34 Grove Vale from accessing this space in the future. As such the loss of this opportunity to improve the standard of accommodation available to current and future occupiers in this important regard is unacceptable. I note the appellant's point that there is no legal obligation requiring that this area be used as amenity space. However this fact does not undermine this aspiration.
7. My view is therefore that this proposal would have a detrimental effect on the living conditions of the occupiers of No 34 Grove Vale, with particular reference to the provision of garden space. It would therefore conflict with saved Policies 3.2 and 4.2 of the Southwark Plan 2007, Policy 13 of the Southwark Core Strategy 2011, and the SPD, which aim to provide high quality living conditions. It would also be contrary to Paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for future occupants of land and buildings. Policy 7.2 of the London Plan is also referred to but does not relate directly to this matter.

Character and appearance

8. Whilst not identified by the Council as a reason for refusal in this case, I have had regard to the objections raised by local residents relating to the appearance of the proposed dwelling. This local area is characterised by traditional two and three storey terraced housing, with distinctive porches and bay windows, yellow brick and slate roofs. In contrast the proposed dwelling would be red brick with simple detailing and significant areas of vertical wooden boarding on its north and east elevations. As it would be located within reasonably close proximity to both No 2 Derwent Grove and the host dwelling, it would be seen as part of the local street scene, presenting a discordant addition, contrasting with and not complementing local character. Whilst I note that the design of the previous proposals have sought to reflect their neighbours, this principle has not been followed in the present case.
9. The Council has recognised that the architectural form of the building would not be consistent with its neighbours, but does not consider that the quality of the local townscape merits consideration of such matters. However, the views of local objectors about the lack of contextual consideration are relevant. In my view such concerns are consistent with the requirement set out in the Framework, which at paragraph 64 states that *permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.*

² 2015 Technical update to the Residential Design Standards 2011 Supplementary Planning Document.

10. On this point I conclude that the proposal would have a detrimental effect on the character and appearance of the local area, and would not therefore meet the requirements of the Framework in this regard.

Other Matters

11. The proposed dwelling would have areas of amenity space on all four sides, to a maximum of around 3m in depth on its northern side. I accept that the total provision would meet the minimum requirement set out in the SPD of 50sqm. However, in order for such garden space to be sufficiently private and usable, the SPD also requires that the majority of space should be located to the rear of the property and should be at least 10m in length. I accept that these standards may be difficult to achieve in such tight urban environments. Nevertheless the proposal is for a three bedroom family dwelling and as such a reasonable area of usable private space would be required to ensure satisfactory living conditions for future residents.
12. The plans illustrate that the northern elevation of the proposed dwelling, which would contain a bedroom window at first floor level, would be located close to the boundary with the host dwelling, with the potential for overlooking of both the narrow garden area and clear glazed first floor windows. Furthermore the rear, western elevation of the proposed dwelling would contain two first floor bedroom windows and would be located close to the shared boundary with No 32 Grove Vale, with the potential for overlooking the rear garden of this property. I accept that such concerns could be addressed by a condition requiring partial obscure glazing to these windows.
13. I note the appellant's frustrations around the application and appeal processes, particularly given the informal guidance provided by the Council which suggested that a proposal for a dwelling on this site may be acceptable. Nevertheless, I have judged the proposal before me on its own merits and against policy requirements and found it to be unacceptable.

Conclusion

14. I have found that the proposal would have a detrimental effect on the provision of garden space for the occupiers of the host dwelling, and also on the character and appearance of the local area. I have also identified an additional concern regarding the provision of garden space for the proposed dwelling. Therefore, as the proposal would not accord with the development plan taken as a whole, the appeal is dismissed.

AJ Mageean

INSPECTOR