
Appeal Decisions

Site visit made on 7 June 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 5th July 2017

Appeal A Ref: APP/A5840/W/17/3170903 **8 Oakley Place, London SE1 5AD**

- 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 Tom Doran against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/3433, dated 19 August 2016, was refused by notice dated 20 October 2016.
 - The development proposed is a single storey side extension with a pitched roof at the rear of the property & a loft conversion, also to the rear of the property. These alterations will allow the property to change use from a single dwelling into two flats (x1 2 Bed, 3 Person & x1 2 Bed, 4 Person).
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Appeal B Ref: APP/A5840/D/17/3170915 **8 Oakley Place, London SE1 5AD**

- 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 Tom Doran against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/4886, dated 1 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is construction of a single storey side extension with a pitched roof at the rear of the property and a loft conversion to the rear of the property to make the property more suitable as a single family home.
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Decisions

1. Appeal A is allowed and planning permission is granted for a single storey side extension with a pitched roof at the rear of the property and a loft conversion, also to the rear of the property and conversion of the property from a single dwelling into two two-bedroom flats at 8 Oakley Place, London SE1 5AD in accordance with the terms of the application, Ref 16/AP/3433, dated 19 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing No 103 and drawing No 104.
 2. Appeal B is allowed and planning permission is granted for construction of a single storey side extension with a pitched roof at the rear of the property and a loft conversion to the rear of the property at 8 Oakley Place, London SE1 5AD in
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accordance with the terms of the application, Ref 16/AP/4886, dated 1 December 2016, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing No 005, drawing No 006 and drawing No 007.

Application for Costs

3. An application for costs was made by Mr Tom Doran against the Council of the London Borough of Southwark in respect of the proposed development subject to Appeal B. This application is the subject of a separate Decision.

Main Issues

4. The main issues are:
 - 1) whether the proposed development would meet the minimum original space standards for conversion and therefore whether the conversion of a family home would provide an appropriate housing mix (Appeal A only); and
 - 2) the effect of the proposed development on the character and appearance of the Cobourg Road Conservation Area (Appeals A and B).

Preliminary Matters

5. In March 2016 the Council issued a certificate of lawful proposed development pursuant to section 192 of the Town and Country Planning Act 1990 in respect of the addition of two roof lights to the front roof pitch and construction of a rear extension. To the rear of the appeal site is a small garden area that shares a rear boundary wall with a dwelling in Cobourg Road, which runs parallel to Oakley Place for the length of the terrace.
6. Oakley Place sits between The Old Kent Road to the north and Burgess Park to the south and west. The terrace forms part of the Cobourg Road Conservation Area (the Conservation Area). I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Appeal A

Space Standards and Housing Mix

7. Strategic Policy 7 of the Southwark Council Core Strategy 2011 (the Core Strategy) seeks to ensure that all development meets the Council's minimum overall floor sizes. Saved Policy 4.3 of the Southwark Plan 2007 (the Local Plan) states that conversion of a single dwelling into two or more dwellings would not be permitted where the original net internal floor space is 130 square metres or less. The floor space is approximately 146 square metres. However, the Council disregarded the attic floor space of approximately 25 square metres and refused permission.
8. The Council concluded that the attic space was not 'usable space' before the appellant installed an internal staircase from the first floor, and therefore not

part of the original floor space. Policy 4.3 refers to original net floor space and not usable space. Paragraph 3.3 of the Southwark Council 2015 Technical Update to the Residential Design Standards 2011 (the Technical Update) states that net internal floor space is to be determined by excluding space that cannot be used. The Technical Update, as a Supplementary Planning Document, is a material consideration to which I attach great weight.

9. The Council relies on a recent appeal decision (APP/A5840/A/14/2224804) to support its interpretation. In the decision the Inspector referred to a garage as not being 'habitable space'. However, this reference comes after the Inspector had determined the original floor space to be considerably less than 130 square metres.
10. 'Habitable space' is not the term used in Policy 4.3 and was mentioned in relation to applying the policy on housing mix rather than calculation of floor space. I consider that the decision does not support the Council's interpretation in relation to the meaning of original net floor space, and I therefore give it little weight. I have, in any event, reached my own conclusions on this appeal based on the evidence before me.
11. The application was refused solely on the calculation of original floor space and the Council was otherwise satisfied regarding the acceptability of the proposed development. The Technical Update excludes only space that cannot be used, which I consider allows for the inclusion of adaptable space not currently being used, such as an attic space, in calculating the total. Therefore I conclude that the original net internal floor space exceeds the minimum requirement and the proposed development would be in accordance with Strategic Policy 7 of the Core Strategy and Policy 4.3 of the Local Plan.

Impact on the Conservation Area

12. Policies 7.4 and 7.8 of the London Plan, together with Strategic Policy 12 of the Core Strategy, seek to ensure that buildings have regard to, and conserve or enhance the character and appearance of conservation areas. Similarly, Saved Policies 3.12 and 3.16 of the Local Plan seek to ensure that extensions also preserve or enhance the character and appearance of conservation areas. Saved Policy 3.13 also requires new developments to take account of good urban design principles.
13. The appeal site is an attractive, mid-terrace Victorian town house built of pale brick and detailed with white painted stone and yellow arched soldier courses above the door and windows on the front elevation. The roof of the property is slate and is delineated from neighbouring properties by means of raised party-wall parapets. There is a two-storey bay on the front elevation surmounted by an eye-catching, small faceted roof ancillary to the main roof pitch.
14. The distinctive front elevation of the terrace at Oakley Place makes a significant contribution to the Conservation Area as an exemplar of Victorian urban design. The rear elevation of the appeal site would only be visible from the rear of the properties on either side or those opposite in Cobourg Road. The property in Cobourg Road opposite the appeal site has a large square dormer and rear extension that is at least as large as the proposed development, and is much more modern in style. That extension is not visible from either end of the terrace and it is therefore unlikely that the proposed development would be visible. The Council concluded that the overall design of the proposed development, including the use of matching materials, would be complimentary

to the existing architectural style of the property and that it would preserve the character and appearance of the Conservation Area.

15. Because the rear gardens are small and not visible other than from properties within the terraces, I consider that they make no discernible contribution to the character or appearance of the Conservation Area. Therefore I conclude that the proposed development would have no adverse effects on the Conservation Area and would preserve its character and appearance. It would therefore comply with the relevant policies that I have identified. A condition relating to matching materials is not necessary because of the lack of impact the rear of the host building has on the character and appearance of the Conservation Area.

Appeal B

Impact on the Conservation Area

16. The Council refused permission for the proposal subject of Appeal B because of the effect of the rear dormer on the character and appearance of the Conservation Area. I take account of the fact that the external design of the rear dormer in the proposed development subject to Appeal B is identical to the design subject to Appeal A, which the Council found to be acceptable.
17. The rear of the appeal site is not visible from either the Old Kent Road or from the Cobourg Road Nature Area, which is a small nature area attached to Burgess Park. I consider the Council's statement that the extension would be visible from Cobourg Road Nature Area to be unsubstantiated.
18. For the reasons given in respect of Appeal A I conclude that the proposed Appeal B development would respect and conserve the character and appearance of the Conservation Area in compliance with the Council's policies.

Conclusion

19. For the reasons given above, and taking into account all other relevant matters, I conclude that Appeal A should be allowed subject to conditions necessary in the interests of proper planning.
20. For the reasons given above, and taking into account all other relevant matters, I conclude that Appeal B should be allowed subject to conditions necessary in the interests of proper planning.

D Guiver

INSPECTOR