

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: 7 July 2017

Appeal Ref: APP/A5840/W/17/3171751
342 East Street, London SE17 2SX

- 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 Al-rashid against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/4505, dated 4 November 2016, was refused by notice dated 27 January 2017.
 - The development proposed is internal alterations to ground floor commercial unit. First floor rear extension to form a studio. Extension to the roof space, to form a two-bedroom maisonette.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would provide a satisfactory standard of living accommodation for future occupiers;
 - The effect of the proposal on the character and appearance of the host building and local area; and
 - The effect of the proposal on the living conditions of the occupiers of No 344 East Street with particular reference to daylight and outlook.

Reasons

Living accommodation

3. The appeal property is a three storey building with commercial use on the ground floor and a one bedroom flat covering the two upper floors. The proposed extensions would enable the creation of a one bedroomed flat on the first floor and a two bedroomed flat over the second and newly created third floors. Whilst the appellant claims that the first floor unit would be a studio, it would have a separate living room/kitchen area and double sized bedroom, as opposed to the single multi-functional rooms which generally characterise studio flats.
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4. The internal space standards for new dwellings, as set out in the Council's Supplementary Planning Document (SPD)¹ and reflected in the *Technical housing standards-nationally described space standard* (national standard)², advocate a minimum of 50sqm for a 1 bedroom/2 person flat and 70sqm for a 2 storey 2 bedroom/3 person flat. In the present case, as the size of the 1 bedroom unit is around 39sqm and the two bedroom unit around 63sqm, there would be a significant shortfall in the achievement of the required minimum space standard.
5. The SPD also sets out the recommended sizes for individual rooms. In developments where the kitchen/dining area is combined with the living room, the minimum room areas are 24sqm for a 1 bedroom unit and 27sqm for a 2 bedroom unit. As these rooms within the proposed units would both be around 17sqm, there would be a significant shortfall against the required space standards. In this respect the proposed living areas would not provide sufficient flexibility to comfortably accommodate both the furnishings and space required to create a pleasant living environment.
6. The appellant suggests that reduced space standards could be mitigated by measures such as compact furnishings and underfloor heating. However, noting that the standards identified are minima, and that developers are encouraged to exceed them where possible, I do not agree that such marginal space gains would address the space deficiencies identified.
7. I therefore conclude that the proposal would not provide a satisfactory standard of living accommodation for the future occupiers of the proposed flats. As such it would conflict with saved Policy 4.2 of the Southwark Plan 2007, Policy 3.5 of the London Plan and guidance in 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.

Character and appearance

8. The built form of the area around the appeal site is of somewhat varied character, but comprises predominantly traditional three storey terraced properties. The appeal property is at the end of a terraced row which displays the original butterfly roof form and raised parapet wall along its whole length. Whilst I noted a slightly raised roof and different elevational treatment to No 346, on the whole the terrace displays a consistent rhythm at roof level. This is a notable and locally distinctive feature.
9. The proposed roof extension would appear as a mansard addition, set in slightly from the front and side elevations, but sitting flush with the rear and side boundary with No 344. The appellant notes that the height of the extension would be no higher than the parapet forming the party wall between No 344 and 346, which, as I have noted, is set at a higher level. It is also suggested that as this addition would slope away from the parapet walls its visibility would be reduced. Nevertheless as this is an end terrace the proposed roof extension, projecting around 1.6m above the parapet wall, would be clearly visible. It would be particularly visible from the west as the adjacent terrace is set back behind front gardens giving this end of the terrace particular

¹ 2015 Technical update to the Residential Design Standards 2011 Supplementary Planning Document, Section 2.4

² DCLG 2015

prominence. This discordant addition would have the effect of unbalancing the overall uniformity of the terrace row.

10. The appellant has referred to a number of other properties in the vicinity having mansard style roof additions, some of which I was able to view on my site visit. It is clear that some have been more successfully integrated within the local street scene than others, and that overall such high level additions can have a significant visual impact. The Council notes the variety of circumstantial factors which have led to these developments, some of which have been added prior to the current SPD guidance. This guidance includes the criteria that roof extensions will not be permitted *where there is an unbroken run of butterfly roofs*.
11. My view is therefore that the other examples of mansard roof extensions do not set a precedent for the consideration of this case, and that the site specific circumstances are of greater significance. In this respect, whilst I have accepted that the built character of this area varies, I have also noted the general uniformity of this terraced row and the specific contribution of its architecturally distinctive roof form. The harm to the local streetscape resulting from the damage to this feature would therefore not be acceptable.
12. I conclude that the proposal would have a damaging effect on the character and appearance of the host building and local area. In this respect it would not comply with Policy 12 of the Southwark Core Strategy 2011 (Core Strategy), saved Policies 3.12 and 3.13 of the Southwark Plan, the SPD and the Framework which, taken together, aim to ensure that development has regard to local context and that it protects and enhances local character.

Living conditions

13. The proposed extension to the first floor would span the full width of the property and would project around 3m from the rear elevation. The plans demonstrate that as the rear section of the plot is angled slightly further to the north west than the host building and its neighbour, this addition would project at less than 90 degrees from the shared boundary with No 344. The effect of the extension on the first floor window of No 344 which is located close to this shared boundary must be considered. In addition to the extension, the ventilation ducting which would run vertically up and over the extension close to the shared boundary is also noted, though my view is that this would be set back sufficiently to negate any further impact.
14. It is clear that the extension would have an effect on light and that it would be a prominent element of the outlook from this window. However, I noted on my site visit that the lower half of this tall narrow window is frosted, thereby restricting external views. Also the appellant states that this room is used as a kitchen and is therefore not habitable. Whilst the window above is curtained, this window appears to be without curtains, and so I accept that this is likely to be the case. Whilst definitions of habitable rooms vary, in my experience kitchens are often excluded and the required standards in terms of light and outlook applied more flexibly. As the outlook from this window is already restricted my view is that in this case the harm overall would not be significant.
15. On this point I conclude that the proposal would not have a detrimental effect on the living conditions of the occupiers of No 344 East Street with particular reference to daylight and outlook. In this respect the proposal would not

conflict with saved Policy 3.2 of the Southwark Plan, Policy SP13 of the Core Strategy, the Framework or the SPD which, taken together, seek to protect the amenity of current and future occupiers of land and buildings. Policy 7.2 of the London Plan is also referred to but does not relate directly to this matter.

Conclusion

16. The appellant points to the wider benefits of this proposal including the provision of a new unit of accommodation and the improvement to the ground floor commercial facilities. However these benefits, along with the fact that I have accepted that the proposal would not have a detrimental effect on the living conditions of the occupiers of the neighbouring property, would not be sufficient to overcome my concerns relating to two of the main issues. My conclusions on both the standard of accommodation which would be provided and also the effect of the proposal on the character and appearance of the host building and wider terrace are therefore decisive in this case.
17. As material considerations do not indicate that I should conclude other than in accordance with the development plan taken as a whole, the appeal is dismissed.

AJ Mageean

INSPECTOR