



Appeal Decision

Site visit made on 21 November 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 27th December 2017

Appeal Ref: APP/A5840/W/17/3180859
110 Asylum Road, London SE15 2LW

- 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 Andrew Fraser, Simnat Plc against the decision of the Council of the London Borough of Southwark.
 - The application Ref 16/AP/4839, dated 28 November 2016, was refused by notice dated 27 January 2017.
 - The development proposed is the conversion of existing 3 storey property containing 3 separate 1 bedroom Flats. The raising of the existing external brickwork, raising of the roof line, rear extension addition to ground with side extension, first, second floors and roof extension over. Installation of side windows and roof lights and balconies to rear in order to create No7 x 1 bedroom self-contained units.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. Although a different description of development has been entered in Part E of the appeal form and used by the Council in correspondence and in their decision notice, these all refer to seven 1 bedroom flats. However, it is clear from the plans and the Council's planning officer's report that the proposal includes two 2 bedroom and five 1 bedroom flats. The Council considered the application on that basis and so shall I.

Main Issues

3. The main issues raised by this appeal are the effect the development would have on: i) the character and appearance of the host building and the area; ii) the living conditions of neighbouring residential occupiers, with particular reference to outlook, light and any overbearing effects, and iii) the living conditions of future occupiers, with particular reference to outlook and internal and outdoor space.

Reasons

Character and appearance

4. The appeal property is a detached brick villa. Notwithstanding window detailing, it is virtually identical to 108 Asylum Road next door and the two appear as a pair in the streetscene as a result. Asylum Road has a variety of building sizes, ages and configurations with C19 detached, semi-detached and

terraced houses on the west side of the road and C20 flats on the east in the immediate vicinity of the appeal site.

5. Nevertheless, the appearance, simple and elegant proportions and architectural detail of Nos 108 and 110 make them distinct within these surroundings, an effect enhanced by the gaps on either side of No 110, exposing its relatively shallow plan, particularly on the south side. Although not recognised by any particular designation, they nonetheless make a positive contribution to the streetscene as a result.
6. The considerable full height extension to the rear would extend the flank walls on either side by more than the existing width of the building and would be readily apparent within the gaps to the side of the building. The enlarged hipped roof would have a raised ridge and increased pitch which would be noticeable from the street, particularly given that it would replace the modest low pitched existing one with flank slopes extending far back into the site. Although the appearance of the façade would remain unchanged, the extension would overwhelm the proportions of the existing building and would appear in marked and awkward contrast with those of No 108. The existing outrigger to the rear is lower at ground and first floor levels, having a much more proportionate and subtle effect on the building's composition than the considerable re-modelling to the rear that is proposed.
7. As a result the proposal's scale, height, massing, bulk and appearance would harm the character and appearance of the host building and the streetscene. Consequently, it would not achieve the high standards of building, architectural and urban design required by saved Southwark Plan¹ (SP) Policies 3.12 and 3.13, and Core Strategy² (CS) Strategic Policy 12, as supported by the Council's guidance³. The crime prevention requirements of saved SP Policy 3.14 cited by the Council in their refusal reason are not pertinent to this issue.

Neighbours' living conditions

8. The extension to the rear would project a considerable distance beyond the rear elevations of both 108 and 112 Asylum Road. Although set back slightly from the proposed ground floor extension and the party boundaries, those at first and second floor would have significant height and bulk. This would have a notable enclosing effect, impinging on outlook, when experienced from within rooms at ground, first and second floor looking out to the rear of No 108 and its outdoor space adjacent to the boundary. Whilst the top floor of the taller No 112 would experience little impact, rooms at lower levels would also be subject to a significant enclosing effect, albeit that rear windows in No 112 are set slightly farther to the rear and away from the boundary to those in No 108.
9. The appellant points out that the proposed arrangement above ground floor level would not interfere with a notional 45° 'rule of thumb' line drawn from the centre of rear windows in No 112. Whilst the Council's guidance uses this approach to gauge likely loss of daylight I have not been directed to any significance of this approach in guidance or policy in respect of outlook and any overbearing effects. Therefore, whilst this gives an indication of the degree of prominence the extension might have when experienced from rear windows, I

¹ The Southwark Plan - The framework for all land use and development in Southwark, 2007.

² Southwark Council Core Strategy, 2011.

³ Southwark Council 2015 Technical Update to the Residential Design Standards (2011) Supplementary planning document.

consider that when the height, depth and bulk of the extension is considered as a whole in relation to all the rear windows in No 112 it does not conclusively demonstrate that the effects would be acceptable. In any event, the appellant concedes that the extension would break this 'rule of thumb' when applied to No 108. I have considered that some of the rooms affected may be served by other unaffected windows. Whilst this would reduce impact to a degree it would not adequately mitigate against the adverse effects which would be caused.

10. This arrangement would result in a harmful overbearing effect on the occupiers of those adjacent dwellings. This would be compounded by the significant reduction in sunlight reaching the nearest ground floor and first floor windows in No 108 during winter months identified in the appellant's Daylight and Sunlight Assessment (DSA). Notwithstanding that the DSA found that good levels of daylight would be maintained in neighbouring properties, the living conditions of neighbouring occupiers would be materially harmed by way of the overbearing and overshadowing effects the proposal would give rise to.
11. The proposal would not accord with the design and amenity protection requirements of CS Policy 13, saved SP policy 3.2 or the Council's guidance. Nor would it accord with the National Planning Policy Framework's (the Framework) design requirements or its core planning principle of always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Future occupiers' living conditions

12. The proposed ground floor flats would benefit from reasonable sized outdoor space in the form of patios with private gardens beyond. However those on upper floors would rely on balconies as their only outdoor space. Those serving first and third floor flats would be modest in size. Whilst they may just enable occupiers to sit and relax outside, they would be constrained in the extent that they could reasonably allow outdoor domestic tasks to be performed. The balconies serving the two second floor flats would be little deeper than the doors opening on to them and would provide very little useable space.
13. No other outdoor space, private or shared, would be available to occupiers on upper floors and the space available would not be of a size that would reasonably cater for future occupiers' needs. Public open space, however conveniently located, would not provide an appropriate alternative to useable private or shared space within the development itself.
14. This would run counter to the Council's guidance which requires all flatted developments to provide outdoor amenity space. The private space provided by balconies for upper floor flats would be below the 10m² minimum standard it sets for flats of the size proposed. Whilst the guidance suggests that a shortfall in balcony size can be made up with communal space no such communal area is proposed, let alone the 50m² minimum required by the guidance. Furthermore the guidance considers that balconies must be a minimum of 3m² to be considered as private amenity space, which those serving flats on the second floor would not achieve.
15. The effects of this deficiency would be compounded by the overall small size of the upper floor flats which would be below the 50m² internal space minimum specified for flats of the proposed configuration in policy and guidance. The

ground floor flats would also have shortfall of internal space considered against these standards.

16. I agree with the appellant that rooflights serving much of the top floor flat would not necessarily result in a poor outlook given their cill heights. I also do not consider that the very limited outlook from the ground floor bedrooms served by windows in flank elevations would be unacceptably harmful given that occupiers would have access to other rooms with better outlook and natural light elsewhere in those flats. However, a lack of harm in these and other regards does not amount to a positive consideration in support of the appeal.
17. Therefore, given its deficiencies in respect of internal and external space, the proposal would materially harm the living conditions of future occupiers. This development would be contrary to the housing design and quality, amenity protection and minimum space standard requirements of London Plan, 2016 Policy 3.5, CS Strategic Policy 5 and saved SP Policies 3.2 and 4.2, as well as not according with the aforementioned Framework core planning principle and quality design requirements. The family housing and environmental standards requirements of CS Strategic Policies 7 and 13 cited by the Council are less pertinent to the consideration of this issue.
18. The benefits of delivering new housing would be considerably lessened given the shortcomings in the quality of accommodation that would be provided and would not outweigh the harm the proposal would cause in this and other respects.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, the development would harm the character and appearance of the host building and the area, and harm the living conditions of both neighbouring residential occupiers and future occupiers, contrary to the development plan, guidance and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR