The Planning Inspectorate

Appeal Decision

Site visit made on 27 February 2019

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th April 2019

Appeal Ref: APP/A5840/W/18/3217286
194 – 202 Old Kent Road, London, SE1 5TY

- 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 Jayesh Patel against the decision of the London Borough of Southwark.
- The application Ref 18/AP/2528, dated 23 July 2018, was refused by notice dated 27 September 2018.
- The development proposed consists of the construction of a two storey rear extension at second and third floor level to provide new rooms to the rear wing of the hotel.

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of development that appears on the Council's decision notice rather than that on the application form, as the former more accurately describes the proposed development.

3. The appeal relates to proposed extensions on the second and third floor levels at the rear of the existing hotel. However, planning permission has now been granted by the Council for the proposed second floor extension under reference 18/AP/0557. I observed on my site visit that work on implementing that consent is well underway with the outer shell to the new extension largely complete. The Council still maintain their objections to the third floor extension and I have, therefore, determined the appeal on that basis.

Main Issues

4. The main issues are:

    - the effect of the proposed development on the living conditions of the neighbouring occupiers of Minnow Walk, with particular regard to outlook, and

    - the effect of the proposed development on the character and appearance of the host building and the surrounding area

Reasons

Living conditions

5. Minnow Walk is located to the south west of the appeal site. It comprises a relatively modern development of two storey houses. Part of the development fronts onto Surrey Terrace, which is further to the south west. However, the bulk of the development comprises a long terrace of nine properties, 11 – 19 (inc.) Minnow Walk. These properties back directly onto the rear of the appeal site and are separated from it by their private amenity areas and a boundary fence, approximately 3 metres in height. Beyond this fence, is the service road to the host property, which includes customer car parking. This road is referred to as Backhouse Place and is accessed off Surrey Square.

6. A good understanding of the impact of the proposed third floor extension can be obtained through the works to construct the permitted second floor extension, which, on my site visit, were well advanced with most of the external works completed. I observed the appeal site from various vantage points, both within the service road to the host property and within the public realm area to the north west of 11 Minnow Walk. From all of these viewpoints, the rear of the appeal building is already very visible and prominent.

7. The proposed mass, height and width of the new third floor extension would accentuate that visibility and prominence further, to such an extent that it would become overbearing, increasing significantly the sense of enclosure for the occupiers of 11 -19 (inc.) Minnow Walk. The host building, with the proposed third floor extension, would dominate the outlook from both the existing rear windows, at ground and first floor level, to the properties at 11 - 19 (inc.) Minnow Walk, as well as from their private amenity areas.

8. The appellant refers to the distance separating the proposal from the rear of these properties in Minnow Walk, as well as, in their view, the minor increase in the angle of outlook (taken at eye level) from those properties. However, the latter increase is not in my view minor. In addition, simply measuring the distance from the top of the proposed extension to the rear of the properties in Minnow Walk does not provide a true sense of the close proximity of the two or the sense of enclosure that results.

9. I acknowledge that the proposed third floor extension is set back from the rear building line to the host property. However, the latter only comprises the existing ground and first floor, whereas the proposed extension is on the third floor, where it would be far more prominent and visible to the occupiers of Minnow Walk. The appellant also suggests that it's not unusual to have larger buildings adjoining terraced houses. That might well be so, but in this case the proposed third floor extension results in a building relationship that would be harmful to the living conditions of the occupiers of 11 – 19 (inc.) Minnow Walk.

10. The fact that there have been no objections from the occupiers of the properties Minnow Walk does not affect my findings, as any assessment must consider the impact on the living conditions of existing as well as future occupiers.

11. Accordingly, I find that the impact on the living conditions of the occupiers of 11 – 19 (inc.) Minnow Walk would be unacceptable in that the proposed development would be overbearing and oppressive, resulting in significant

harm to their outlook. It fails, in this respect, to comply with saved Policies 3.2 and 3.13 of the Southwark Plan (2007) and Policy SP12 of the Southwark Core Strategy (2011). These policies are consistent with paragraph 127 of the National Planning Policy Framework (Framework). Combined, they seek to ensure that new development does not result in any harm to the living conditions of existing and future occupiers of neighbouring properties.

Character and appearance

12. The appeal site is located within a mixed use area, with the properties fronting Old Kent Road generally comprising commercial uses on the ground floor with offices or residential above. The area to the rear of the appeal site is predominantly residential. Throughout the whole area, the scale, design and age of existing properties varies.

13. The proposals would not impact on the character and appearance of the front of the host property or Old Kent Road.

14. In relation to the rear of the host property, this has already been significantly altered and extended, a fact which the appellant acknowledges. I have also already alluded to the fact that the approved and under construction second floor extension increases the prominence of the rear elevation to the host building. Whilst the Council considered the impact of this second floor extension to be acceptable, the proposed third floor extension would overwhelm the rear elevation, making it appear overly dominant in the streetscene.

15. The change in appearance to the rear of the host building would be significant, as would its visual impact on the surrounding area, a result of the combined mass, height and width of the proposed third floor extension. As such, it would result in a development that would be out of scale with its surroundings.

16. I appreciate that the proposed design and materials seek to match those on the extensions below. However, the use of further large areas of zinc cladding has the opposite effect, in that it would accentuate the prominence and visual impact of the new extension. The appellant also contends that the new extension would be subservient, but for the reasons I have set out above, that is not a view I share.

17. The appellant contends that the proposed extension would only be seen in angled views from Surrey Square and would hardly be noticeable. It would certainly be noticeable from Surrey Square, but equally important are the views from the public realm area to the north west of 11 Minnow Walk. This area includes a well used pedestrian thoroughfare that leads from East Street through the Minnow Walk development to the adjacent residential streets. As I observed on my site visit, it is a well maintained and attractive route, with clear views of the rear of the host building.

18. From these viewpoints, the proposed third floor extension would result in the host building being overly dominant within the street scene. It would not enhance the quality of the built environment or make a positive contribution to the local townscape. The height, width and bulk of the new extension would be out of keeping with the local context, resulting in significant harm to the character and appearance of the area.

19. Accordingly, the proposed development would be contrary to Policies 3.12 and 3.13 of the Southwark Plan (2007), Policy SP12 of the Southwark Core Strategy (2011) and Policies 7.4 and 7.6 of the London Plan (March 2016). These seek to ensure that new development makes a positive contribution to the local townscape, is proportional, enhances the public realm and does not dominate its surrounds. These policies are consistent with those in paragraph 127 of the Framework and as such, the proposal would also conflict with the design objectives of national policy.

Other Matters

20. The appellant refers to various benefits that arise from the proposals in terms of new jobs, making effective use of the site and bringing more visitors to the area. I acknowledge that the proposed development would secure some limited economic and social benefits and as a consequence, compliance with other policies of the development plan and Framework. However, these benefits are not sufficient, either individually or cumulatively, to outweigh the significant harm that I have identified above.

Conclusions

21. For the reasons set out above, the proposals would conflict with the development plan, when read as a whole and the Framework. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan.

22. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

G Roberts

INSPECTOR