



Appeal Decision

Site visit made on 16 July 2019

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2019

Appeal Ref: APP/A5840/W/19/3219863
149 Bellenden Road, London SE15 4DH

- 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 Emmanuel Ayodele Olasemo against the decision of the Council of the London Borough of Southwark.
 - The application Ref 17/AP/3151, dated 11 August 2017, was refused by notice dated 3 October 2018.
 - The development proposed is retention of a roof covered ancillary space at ground and first floor level located between the existing outrigger and neighbouring boundary wall.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development set out on the application form has been amended by the Council. Having carefully considered the details and evidence before me, in my view, the Council's description more accurately reflects the appeal development. As a result, I find it reasonable and appropriate to refer to the Council's description in this Decision.
3. The original application sought retrospective planning permission for the scheme as described above. As such, I have been able to assess the appeal development in a state of partial construction during my visit. Accordingly, my assessment and determination of the appeal has been made in that context.
4. I note that enforcement action is ongoing in respect of this and other unauthorised extensions to the property. Whilst part of continuing investigations being undertaken by the Council and a material consideration in this case, such detailed matters are not before me. As such, this Decision deals principally with the merits of this appeal development for which planning permission has been sought.

Main Issue

5. The main issue is whether sufficient information has been provided to undertake an appropriate and full assessment of the appeal development and, if so, whether the visual appearance of, and use of materials for, the development is acceptable and appropriate to the character and appearance of its surrounding area.

Reasons

6. The Council argues that the appellant has supplied insufficient information on the nature and use of the appeal development proposed and that the purpose of the development remains unclear. The appellant states that although the submitted

plans are not perfectly accurate, the Council accepted these to be valid as part of the original application. As such, the Council must have deemed the plans reasonably representative of the development for which permission is sought.

7. In my view, whilst the Council could reasonably have requested further details on the development to be retained, it is for the applicant to provide sufficient detail and information to support their proposal in order for a full and reasonable assessment to be made. In this case, I find the details provided to be insufficient.
8. Furthermore, from what I saw during my visit to the site, I find the construction materials, which include wooden boards and synthetic or rubber roof sheeting, to be inappropriate and inadequate. As a result, I have significant concerns regarding the general standard and quality of construction of the structure. Moreover, there is nothing before me which addresses those concerns satisfactorily.
9. In their submissions, the appellant has stated that the intended use of the balcony area is ancillary outdoor space for the first floor flat and raises the point that the structure replaces a previous one which fell into disrepair. Furthermore, it is stated that the area below the balcony will continue to be used as an access passageway. It is also argued that the provision of some outdoor space for future occupiers, as proposed, is an improvement on no provision at all. As such, the appellant claims that residential amenity for future occupiers would be enhanced by the provision of such outdoor space. I have also considered the points that the appeal scheme replaces a previous structure that the completed development would be visually attractive and sympathetic to the local character and history of the building.
10. Notwithstanding the above, based on the quality of the works undertaken up to the time of my visit and the limited evidence and detail submitted, I find that the overall completed appearance of the structure would not likely reflect or complement the prevailing character of its surroundings. Moreover, from what I have seen and read, I find there to be nothing substantive to support the view that the development is of equal or better visual quality than was previously in situ. As a result, I find that there can be no certainty as to the environmental and social impact of the development on its surroundings.
11. Taking account of all above matters and other material considerations, given the limited details regarding the nature and use of the appeal development, I find there to be insufficient information to make a full assessment and of the scheme. Nevertheless, based on the evidence and my observations, I find that the appeal development is not of an appropriate high design quality to be acceptable.
12. Consequently, I conclude that whilst there is insufficient information to undertake a full assessment of the appeal development, from what is before me the scheme is not of a sufficient high design quality to be appropriate or acceptable. As a result, it has a material harmful effect on the character and appearance of the area. It is, therefore, contrary to Strategic Policy 12 of the Southwark Core Strategy 2011, Policy 3.12 of the Southwark Plan 2007, Policies 7.4 and 7.6 of the London Plan 2016 and Section 12 of the National Planning Policy Framework 2018.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should not succeed.

A McCormack

INSPECTOR