



Appeal Decision

Site visit made on 15 July 2019 by Mariam Noorgat BSc (Hons)

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/A5840/W/19/3228146

4 Camberwell Church Street, London SE5 8QU

- The appeal is made under section 78 of the Town Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Rasool against the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0421, is dated 6 February 2019, was refused by notice dated 5 April 2019.
 - The application is described as use of basement as a studio flat.
-

Decision

1. The appeal is allowed and planning permission is granted for the use of basement as a studio flat at 4 Camberwell Church Street, London SE5 8QU, in accordance with the terms of the application Ref: 19/AP/0421, dated 6 February 2019 and drawing no. CCS/02 and the plan showing the site's location.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. At the time of my site visit the property was already in use as a dwelling, albeit the internal layout did not reflect that shown in the proposed plans. I have based my considerations on the layout shown in those proposed plans.

Main Issue

4. The main issue is whether the basement flat would provide satisfactory living conditions for its occupants, with particular regard to light, outlook, ventilation and private amenity space.

Reasons

5. The basement studio flat is fully enclosed apart from the southern elevation which comprises one large window with an opening at the top, and a half glass paned door which leads out onto a relatively small outdoor area that contain concrete stairs for access/egress.

6. The Council's Environmental Protection Officer (EPO) raised concerns regarding ventilation. During my visit, the window was open, and even though the fenestration arrangement is not dual aspect, the flat felt well ventilated.
7. The EPO also suggested that the flat may suffer from a lack of natural light. However, the internal space, including the northern section of the flat where the bed would be situated, felt well-lit due to the natural and direct sunlight entering the property through the south facing window. Natural light was not unacceptably restricted by the neighbouring buildings to the south or the flat's positioning at basement level and in a corner formed by the deeper neighbouring building to the west.
8. Likewise, with regards to outlook, although there are buildings immediately to the east and west, the upward trajectory of the staircase provides a sense of an open view.
9. The outdoor space is relatively small. However, it is large enough to be a useable outdoor space akin to a courtyard, even with the staircase present. Indeed, the amount of useable outdoor space, is not much different to the neighbouring residential property on the upper floor whose outdoor space comprises only the landing of the black metal stairs attached to that property for access/egress.
10. In summary, the flat felt well ventilated and the amount of light, outlook and rear garden provided are considered acceptable, particularly in the dense urban context of its immediate surroundings.
11. Overall, I find no conflict with Saved Policy 3.12 and 3.13 of the Southwark Local Plan, 2007, (Local Plan) which seeks to ensure good design of development, and Saved Policy 4.2 of the Local Plan which specifically aims to ensure housing has adequate ventilation, light, outlook and amenity space. Nor does it conflict with Policy 3.5 of the London Plan, March 2016, (London Plan) which seeks to promote high quality development internally and externally in relation to its local context. It also accords with the Council's 2015 Technical Update to the Residential Design Standards (2011), which provide general guidance for the design of new dwellings.
12. Saved Policy 3.4 of the London Plan is a strategic policy relating to housing optimisation so has little relevance to the merits of this proposal.

Other Matters

13. The site is situated within the Camberwell Green Conservation Area (the Conservation Area) and is adjacent to a listed building. There are no external alterations to the host property and as such I find no harm to the Conservation Area or the setting of the listed building. As such there is no conflict with strategic policy 12 of the Southwark Council Core Strategy, 2011, which seeks to preserve or enhance the historic environment.
14. A comment from a neighbour raised concerns that access to the mains electricity switch for the building, which is located within the basement, could be restricted should permission be granted. However, this does not fall within the remits of planning and would need to be resolved as a civil matter.
15. I note the Council's and EPO's concern regarding noise and vibration from the commercial unit above. However, I consider an element of noise and vibration

would be reasonably expected in a dense mixed-use area like this, and in any event, insulation is required by other legislation.

Conditions

16. As the basement is already used as a flat, I have not attached the standard condition regulating the commencement of the development. Also, in the interests of certainty, I have framed the terms of the decision to include direct reference to the plans to which this permission relates. There is also no need for the Council's suggested condition relating to materials as no external works appear to have been necessary. Lastly, as highlighted above, I do not consider the suggested condition relating to insulation from noise and vibration to be necessary.

Recommendation and Conclusion

17. For the reasons set out above, and having regard to all other matters raised, I recommend the appeal is allowed.

Mariam Noorgat

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR