
Appeal Decision

Site visit made on 4 February 2020

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/A5840/W/19/3236582
290 Walworth Road, London SE17 2TE

- 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 SBR Properties Limited against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0442, dated 4 February 2019, was refused by notice dated 19 July 2019.
 - The development proposed is demolition of existing 2-6 Carter Place, construction of a new four-storey building on the site of 2-6 Carter Place, external alteration to and erection of addition three-storey above the existing vacant bank building at No. 290 Walworth Road to create 8 new flats (comprising 5x1-bedroom duplexes, 1x2-bedroom duplex, 1x2-bedroom flat and 1x3-bedroom flat) with associated private amenity space, cycle parking and refuse storage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's description of the development in reaching my decision as it more fully describes the details of the development than that given on the original planning application form. The appellant's appeal form also makes reference to the updated description.

Main Issues

3. The main issues are the effect of the proposed development on
 - (i) the character and appearance of the host property and the area including the Walworth Road Conservation Area; and
 - (ii) the living conditions of the future occupiers of the proposed residential units with particular regard to standard of accommodation and outdoor amenity space.

Reasons

Character and appearance

4. The appeal site comprises of a vacant single storey bank building with a two storey flat roofed building attached at the rear located on a prominent corner plot at the junction of Walworth Road and Carter Place. The single storey

building at No. 290 Walworth Road (No. 290), is constructed of alternative red brick and stone banding on the main facades with an overhanging stone cornice and slate hipped pitched roof and is situated within a major town centre location and the Walworth Road Conservation Area (CA).

5. The appeal site is bordered by a single storey commercial premises to the north, a modern four storey building with commercial use at ground floor level and residential use above to the south on the opposite side of Carter Place and a car park associated with a Morrisons supermarket to the west. Planning permission has also been granted, but not yet implemented, for a part three storey and part four storey contemporary style rear extension to provide flats at Nos. 284-286 Walworth Road¹ immediately to the north and west of the site. The surrounding area comprises of a dense mix of terraced properties of varying heights and styles set in narrow plots with ground floor commercial uses and residential uses at the upper levels.
6. The varied architectural character and palette of materials used in the immediate surroundings is acknowledged in the Council's Character Appraisal 2016 for the CA². The appraisal also specifically refers to the notable contribution of the former bank building at No. 290 to the CA. Paragraph 3.2.14 of the appraisal states that the single storey Edwardian building built in a neo-Georgian style at No. 290 has considerable townscape merit and makes a positive contribution to the character of this part of the CA³. The significance of this building to the CA can be readily appreciated within the immediate vicinity of the site. The appraisal also outlines that the early 19th Century two storey former worker cottages at the rear of the site at Nos. 2-6 Carter Place are a remnant of the earlier street pattern in the area.
7. The proposal would involve the demolition of the existing building at Nos. 2-6 Carter Place and the construction of a four storey mixed use building with 8 no. residential units above the building at No. 290 and to the rear. The contemporary style building would be set back from the front and side boundaries at the second and third floors levels with enclosed glazed terraces. The roof top living accommodation units on the fourth floor would be stepped back from the front and side elevations of the building with enclosed terraces under an undulating perforated aluminium clad roof. The external finish of the building would be predominantly constructed from blue brick, with glazed brick detailing around the windows, exposed steel beams and aluminium cladding.
8. The existing character of the site would change significantly as a result of the redevelopment of the buildings. A change in the nature of the site would be an inevitable consequence of this. The Council has not raised concerns in relation to the principle of development in this location. Rather, it considers the specifics of the scheme to be inappropriate. The proposed building would have a comparable height to the adjacent properties and the presence of taller four storey buildings are a common place feature on the corner plots at a number of the Walworth Road junctions in the area. An additional example would not necessarily be harmful in principle nor harmful to the hierarchy of the

¹ 15/AP/1607 & 18/AP/3392

² Paragraph 3.6.1 of the Council's Character Appraisal 2016 & Paragraph 4.23 of the Heritage Impact Assessment Prepared by The Environmental Dimension Partnership (edp) January 2019

³ Paragraph 3.2.14 of the Council's Character Appraisal 2016 & Paragraph 4.22 of the Heritage Impact Assessment Prepared by edp January 2019

surrounding network of streets, buildings and spaces which form part of the special character and appearance of the CA.

9. Variety does not necessarily lead to harm. Whilst the contemporary style design of the proposed building, making a clear distinction between the original building and the new addition, has some merits, the detailed design and appearance of the appeal scheme would be very much at odds with the older more traditional scale, form and appearance of the host building. As such, although it would be set back from the front and side elevations of the building, by virtue of its overall scale, form and design, it would fail to achieve an appropriate degree of subordination to the host property and would detract from the architectural integrity of the host building at No. 290.
10. These shortcomings would be exacerbated by the proposal's prominent position along Walworth Road and Carter Place. The undulating and elongated roof design, large projecting glazed terraces on the front elevation of the building and the contrasting use of materials, contribute to the overall scale of the building, giving it particular prominence in relation to its surroundings. The gap in the built frontage above the adjoining single storey building at No. 188 would augment these design features that would be unrepresentative of the character and appearance of the area. As such, I consider that the proposed development would result in an incongruous and out-of-keeping addition that would cause unacceptable harm to the host property and the area.
11. I have considered the appellant's arguments that the design and layout of the proposed building have been carefully considered in order to provide an innovative design solution to the development of the site and to minimise any impacts on adjacent properties and the area. However, whilst the retention and restoration of the main facades of the building at No. 290 and the setbacks to the upper levels would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
12. Given the location of the appeal site within the CA, special attention must be paid to the desirability of preserving or enhancing the character or appearance of the area. I consider that the demolition of the two former worker cottages at the rear of the site at Nos. 2-6 Carter Place would result in a negligible loss of significance from the CA. The appellant's Heritage Impact Assessment identifies that the contribution of the former bank building to the significance of the CA as a whole is relatively small⁴. However, I consider that the appeal scheme, taken overall, by virtue of its scale, form and design would have a negative material impact on significance of the CA and would fail to preserve or enhance the CA.
13. Given the modest scale of the development, the harm would be less than substantial but in accordance with paragraphs 196 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide a mixed use development to meet the local housing and commercial needs and secure its optimum viable use. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.

⁴ Paragraph 5.23 of the Heritage Impact Assessment Prepared by edp January 2019

14. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the host property and the CA. It would conflict with Policy 7.8 of the London Plan 2016 (LP), Strategic Policy 12 of the Southwark Core Strategy 2011 (CS) and Saved Policies 3.13, 3.15 and 3.16 of the Southwark Local Plan 2007 (SLP). These policies seek, amongst other things, to ensure that developments have regard to their local context, make a positive contribution to the character of the area, preserve or enhance the character or appearance of the Conservation Areas and conserve or enhance the significance of Southwark's heritage assets, by being sympathetic to their form, scale, materials and architectural detail. It would also be contrary to the aims of the Framework that seek to ensure that developments are of high quality that are sympathetic to the local character, including the surrounding built environment (paragraph 127) and sustain and enhance the significance of heritage assets (paragraph 192).

Living conditions of the future occupiers

15. The 2 no. studio duplexes (Units A and B) would have an open plan living/kitchen/dining area with a full height glazed window facing a small courtyard at basement level and bedroom/wc with a full height glazed window at ground floor level facing onto Carter Place along the southern edge of the development.
16. Whilst the outlook from the open plan living/kitchen/dining area over the small courtyard would be restricted by its narrowness and the high retaining wall at basement level, given the overall design and layout and the orientation of the building, the outlook via the full height glazed windows over the courtyard and public highway would be reasonably open and would allow reasonable light penetration to the front of the studio duplexes. Overall, I consider the proposal would provide a satisfactory level of outlook and light for the future occupiers from the proposed living/kitchen/dining area.
17. In term of outdoor amenity space, the SLP Policy 4.2 and the Council's 2015 Technical update to the Residential Design Standards Supplementary Planning Document 2011 (SPD) require that a high standard of outdoor space and a minimum of 10sqm of private outdoor space should be provided per flat/duplex. All flatted developments must provide some form of outdoor amenity space, including communal amenity space.
18. The proposal would not meet the SPD minimum standards in terms of private amenity space for each unit in the form of either a balcony or terrace, with the exceptions of Units D and H⁵. The proposed scheme would not include any communal outdoor amenity space and, overall, there would be a development of 8 units in total without any communal amenity space. Cumulatively, the combination of the number of units proposed and the failure to provide minimum outdoor amenity space standards would in my view result in a poor quality living environment.
19. The guidance in the SPD does contain a caveat in that proximity to public open space will be considered when assessing the adequacy of provision of private amenity space only where design and layout is of sufficient high quality. In this respect, the appellant states that the nearest public open spaces, include Faraday Gardens (350m), Pasley Park (850m), Burley Park (1.0km) and

⁵ Table under Paragraph 82 of Appellant's Planning Statement prepared by Plainview February 2019

Kennington Park (1.2km)⁶. However, the future occupants would need sufficient space within the flats to carry out leisure and household activities such as hanging out their washing if they wish, particularly during the summer months. In the absence of both adequate amenity space within the flats and communal space, the nearest public parks would not be viable alternative options in this case.

20. I have considered the appellant's arguments that the majority of the units would provide private outdoor amenity space to meet the London Plan Outdoor Space Standards, meet or exceed the internal space standards and that the proposed development on this challenging town centre site would provide a creative and innovative overall design with quality and usability spaces. However, these factors do not overcome fundamental shortcomings in the development as proposed and the adverse effects outlined above.
21. Consequently, I conclude that the proposal would result in harm to the living conditions of the future occupiers of the proposed residential units with particular regard to outdoor amenity space. The development would be contrary to the overall amenity aims of Policy 3.5 of the LP, SLP Policy 4.2, CS Strategic Policy 5 and the SPD. These policies and guidance seek, amongst other things, to ensure that new housing developments are of the highest quality internally and externally, achieving high standards of natural daylight, sunlight, outlook and adequate outdoor amenity space that should be private, usable, functional, easily accessible and of sufficient size to meet the needs generated by the development.

Other Matters

22. I have noted the other developments drawn to my attention by the appellant. However, the part three storey and part four storey rear extension to provide flats granted at Nos. 284-286 Walworth Road⁷ and the mixed use four storey building allowed on appeal at No. 292 Walworth Road⁸ are of a different scale and form to the appeal scheme. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases. I therefore accord them limited weight as precedents in this case.
23. I have noted the appellant's comments regarding the proposed redevelopment of the existing Morrisons car park to the west of the site as part of the emerging Southwark Local Plan. However, as I do not have evidence before me as to the extent of unresolved objections to the above redevelopment site in the emerging Local Plan, having regard to the advice provided in the Framework⁹, I give this matter limited weight in my decision.
24. A Grade II listed building at No. 305 Walworth Road is located to the east of the site. Given the separation distance between the properties and intervening public highway, I consider that the appeal scheme would have a neutral material impact on the setting of the listed building. The setting would therefore be preserved.

⁶ Paragraph 84 of Appellant's Planning Statement prepared by Plainview February 2019

⁷ 15/AP/1607 & 18/AP/3392

⁸ APP/A5840/A/11/2143363

⁹ Paragraph 48 of the National Planning Policy Framework (2019)

25. I have noted the issues raised by the appellant regarding the way in which the application was processed by the Council and the revised scheme produced in response to the Council's pre-application advice. Whilst I appreciate the appellant's willingness to bring forward a workable solution to deliver the redevelopment of the site, these are not a material consideration to which I can attach significant weight in making this decision.
26. I have considered the various benefits put forward by the appellant that the proposal would bring, including providing new housing and commercial uses within an identified opportunity area and making efficient use of a building and previously developed site in a highly accessible location that is currently underused and in poor condition. However, the adverse harm outlined above would, in my view, outweighs the benefits identified in this case and there are other means of tidying up the site without the need to construct such an inappropriate development. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

27. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR