



Appeal Decision

Site visit made on 9 October 2020

by S Hanson BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/A5840/W/19/3233432

25-27 Grove Vale Library, Grove Vale, London SE22 8EQ

- 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 Lightbox Five Limited against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/3956, dated 28 November 2018, was refused by notice dated 20 February 2019.
 - The development proposed is external alterations to ground floor front elevation and change of use to allow a flexible D1/A1/A2 use of existing double commercial unit; extension and conversion of existing residential units at first floor level to provide 2 x 2 bedroom flats with amenity areas; roof extension and provision of front dormers to create 2 x 1 bedroom apartments at second floor level; erection of 1x two storey 2 bedroom duplex apartment to the rear (5 dwellings in total)
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have also dealt with another appeal ref: APP/A5840/W/19/3233434 on this site. That appeal is the subject of a separate decision.
3. The appellant brought to my attention that planning permission has been granted under a separate application¹ for the change of use of the ground floor library to allow for a flexible D1/A1/A2 use. Accordingly, my decision shall exclude this element of the proposal as referred to in the description of development above.

Main Issues

4. The main issues are the effect of the proposal on the living conditions of the future occupiers with particular reference to outdoor space and outlook; and whether the proposal makes adequate provision for cycle parking.

Reasons

5. The appeal scheme proposes internal improvements and an extension to the two existing residential flats on the first floor and provision of two new residential flats within the converted and extended loft space. This would be created with a flat roof which would extend to the rear with dormer windows on the front roof slope and windows within the horizontal rear elevation. An

¹ Planning reference 19/AP/0673 granted on 23.4.2019

additional two-storey unit of accommodation would be constructed in the yard area to the rear of the appeal building (unit 5).

6. Whilst the proposed scheme would comply with the minimum internal space standards, the matters of concern relate to the under provision of outdoor space, general outlook and the effect of the design of the proposal on the amount of daylight and sunlight to the units of accommodation.

Living conditions

Outdoor space

7. Policy 4.2 of the Southwark Plan 2007 (the SP) supports residential development provided they achieve good quality living conditions in terms of, for example, outlook, daylight and space including suitable outdoor/green space
8. The Council's Supplementary Planning Document 2015 Technical Update to the Residential Design Standards (2011) (the SPD) sets out the general principles which apply to all residential development and the standards to ensure that living conditions are acceptable to future occupants of new or converted buildings. The SPD recognises that the space above commercial areas offers opportunities for residential development and increasing the vitality of an area, especially outside of normal business hours.
9. The SPD also specifies that all new residential development must provide an adequate amount of useable outdoor amenity space, the nature and scale of which should be appropriate to the location of the development, its function and the character of the area within which it is situated. For instance, it suggests that for one-bed flats, balconies and more generic communal areas may be more appropriate.
10. The minimum standard set by the SPD is that for units containing two or fewer bedrooms, 50 square metres (sqm) of communal amenity space and 10 sqm of private amenity space should ideally be provided. The SPD continues that where it is not possible to provide 10 sqm of private amenity space, as much space as possible should be provided as private amenity space, with the remaining amount added towards the communal amenity space requirement.
11. The two existing first floor residential flats currently do not have any external amenity space. However, the proposed works offer a balcony area to the rear of each flat which would be accessed via a bedroom. This is not considered appropriate as it could restrict access to some occupants of the flats. The conversion and extension to the loft space would create two new one-bedroom flats with only one unit being provided with outdoor space in the form of a private balcony. This area, similar to the flats on the lower floor, would be accessed via a bedroom. However, as this is a one bedroom unit, this would be less likely to restrict access to future occupants. Overall, it is considered that the proposed balcony areas would provide inadequate private outdoor space which would not achieve good quality living conditions.
12. The proposed 'duplex' apartment within the rear yard area would provide limited outdoor space around the entrance to the property. The area would provide for an area to store refuse and a small area of landscaping along the brick boundary wall. The SPD provides that where there is a shortfall in the provision of private/communal outdoor space, developments that are within

immediate proximity of a substantial area of public open space, accessibility to the open space, combined with better outlook, may justify less amenity space as part of the development. The appellant refers to St Francis Park, which is within 150 metres of the appeal site. The park may be relatively close, but access to it is via a busy main road which one would need to cross. It is not considered that this alone could justify less outdoor space for the development.

13. The Mayor of London Supplementary Planning Guidance 2016 expects minimum private open space standards to be practical and offer good amenity. Only in exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, may additional internal living space be provided instead of an outdoor area. I am not convinced that there are exceptional circumstances in this case and consequently there is a technical conflict with the requirements of the Council's SPD. This, in turn, leads to a failure to comply with the essence of Policy 4.2 of the SP which aims to ensure proposals provide good quality living conditions for all future occupants.

Outlook

14. The Council refer only to the poor levels of outlook from unit 5 to the rear of the flatted development. The design of the proposed apartment, due to its position immediately to the rear of the existing building, would have limited opportunities for windows. The plans show openings restricted to the entrance to the unit, looking west towards the tall brick neighbouring party wall and north along the long narrow passage way that would provide access to the new unit. This arrangement would be mimicked on the first floor. Although the outlook from the window arrangement on the first floor, due to the elevated position, would be less restricted, the outlook from this property would be extremely disadvantaged and would result in a poor standard of accommodation that would lead to poor quality living conditions for future occupiers.
15. Overall, I have found that the proposal would give rise to unacceptable living standards for future occupiers of the proposed development, with particular reference to outlook and outdoor space as detailed above. The proposal would conflict with the standards for acceptable living conditions set out in the SPD and Strategic Policy 12 of the Core Strategy 2011 (the CS) which aims to achieve the highest possible standards of design to create attractive and distinctive places. It would also conflict with the overall amenity protection aims of Policies 3.4 and 3.5 of the London Plan 2016 (the LP); Policies 3.12 and 4.2 of the SP which require high quality of design and good quality living conditions; and with advice contained within the National Planning Policy Framework (the Framework) which, amongst other things, states that planning decisions should ensure that developments create places with a high standard of amenity for future users.

Provision of cycle storage

16. Cycle parking would be provided in the form of one space accommodated on the balconies for the flats on the first floor and one space in unit 5. The Council considers the provision of the storage units within the first floor flats to be unacceptable and I would concur that carrying a cycle upstairs and through a bedroom would not be practical. Although cycle storage for unit 5 would be acceptable, overall, I consider the proposal conflicts with Strategic Policy 2 of the CS, Policy 6.9 of the LP and saved Policy 5.3 of the SP which seek to

ensure that developments provide convenient and accessible parking facilities to aid the promotion of cycling and encourage sustainable options of transport.

17. It is not considered that Policy 5.2 of the SP is particularly relevant as the Council did not consider the proposal would have a negative impact on the transport network.

Overall Balance and Conclusion

18. There is no dispute that the site is within a well-populated accessible urban location. The proposal would generate temporary economic benefits from the construction works associated with the scheme and further economic benefits from its occupation and use. The provision of additional dwellings adding to the supply of housing would be a social benefit and one which is recognised in the Framework. However, given the identified deficiencies in the quality of accommodation I attribute this benefit limited weight. Furthermore, the proposal is inconsistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Other matters

19. In support of the appeal, I have been referred to other developments on land in similar situations within the locality. However, I do not have full details of these schemes and so I cannot be certain of the circumstances or judge whether they are comparable or what led to these proposals being accepted. In any case, I have determined the appeal on its own merits.

Conclusion

20. The proposal would result in poor quality accommodation and harm to the living conditions of the future occupiers of the proposed development with regards to poor levels of outlook and inadequate outdoor space provision.
21. For the reasons given above, and taking into account other matters raised, I conclude that the appeal should be dismissed.

S Hanson

INSPECTOR