



Appeal Decision

Site visit made on 9 October 2019

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/19/3233434

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 19/AP/1075, dated 5 April 2019, was refused by notice dated 17 June 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 of existing residential units at first floor level to provide 2x 2 bedroom flats, conversion & extension of roof space to create 2x 1-bedroom apartments at second floor level (4 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/19/3233432 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, outlook and light; and whether the proposal makes adequate provision for refuse storage and for the provision of 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 roof lights on the front roof slope and windows within the horizontal rear elevation.

¹ Planning reference 19/AP/0673 granted on 23.4.2019

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 flatted development.

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 to say 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. The proposed works would reconfigure the internal arrangements and improve the quality and size of the accommodation for the existing and future occupiers. These units exist as residential accommodation and, in my opinion, the requirement to provide outdoor space where there was previously none, should not be mandatory in light of the modest alterations to the first floor.
12. The conversion and extension to the loft space would create two new one-bedroom flats providing floor areas a little above the minimum space standards. However, neither would be provided with outdoor space, private or communal. Section 2.6 of the SPD states that where it is not possible to provide an adequate amount of outdoor amenity space in accordance with section 3 of the SPD and saved Policy 4.2 of the SP, this must be justified why this cannot be achieved. Furthermore, 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.

13. The SPD also 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.

Outlook

14. The SPD states that principal living rooms and bedrooms should not be served only by roof lights and should have vertical windows for outlook. The outlook for the existing flats on the first floor would in the whole remain unchanged and would be acceptable. However, the flats within the roof extension would be contrary to this requirement as the windows to the main living areas would be roof lights only. In this respect there would be a conflict with the SPD and the outlook from the main living areas of the proposed second floor flats would compromise the quality of accommodation for future residents.

Daylight and sunlight

15. The Building Research Establishment (BRE) guide recommends that, where possible, each dwelling should have at least one main living room that faces within 90 degrees of due south. Although this is not always achievable with flats, the main living areas for each of the proposed units within the building face due south. The results of the daylight and sunlight study, provided by the appellant, demonstrate that all rooms meet or surpass the BRE Average Daylight Factor targets and have good access to daylight over a significant part of the working plane. Furthermore, each unit is dual aspect, which allows more light into a dwelling and allows cross ventilation. In this respect, I find no reason that the proposal would give rise to unacceptable living standards for future occupiers in terms of the amount of daylight and sunlight available to the flats.
16. Overall, I have found that the proposal would give rise to unacceptable living standards for future occupiers of the proposed second floor flats, with particular reference to outlook and outdoor space. 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 refuse and cycle storage

17. The plans show designated areas within each flat for the storage of refuse which would be left on the street on collection days. The appellant refers me to Policy 3.7² of the SP which provides that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities. Guidance contained within the SPD requires refuse storage within kitchen cupboards to have a minimum capacity of 30 litres. The proposal would comply with these requirements as demonstrated by the appellant and thus the provision of refuse storage complies with the Policy 3.7 of the SP.
18. Cycle parking would be provided in the form of two spaces in the narrow walkway from the rear of the building to Vale End. The Council considers the provision of these to be at an unreasonable distance for the occupiers of the flats who would access the building at the front. I agree that the placement of this storage facility would not be particularly practical and that alternative arrangements would be preferable. However, the distance is not so significant that it would be discouraging. Accordingly, the proposal complies 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 secure, convenient and accessible parking facilities to aid the promotion of cycling and encourage sustainable options of transport.
19. 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

20. 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

21. 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

22. 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.

² Noted as Policy 3.8 in the Council's reason for refusal 2

23. For the reasons given above, and taking into account other matters raised, I conclude that the appeal should be dismissed.

S Hanson

INSPECTOR