
Appeal Decision

Site visit made on 9 March 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/A5840/W/19/3242633
80 Half Moon Lane, London SE24 9JE

- 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 Mrs Tessa Corr against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/4884, dated 2 September 2019, was refused by notice dated 28 October 2019.
 - The development proposed is new-build three bedroom house on the land adjacent to 80 Half Moon Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development from the planning application form although I note it is expressed differently on other documents.

Main Issues

3. The main issues raised in the case are the effect of the proposed development upon: -
 - (a) the living conditions of the occupiers of 80 Half Moon Lane; and
 - (b) the character and appearance of the area.

Reasons

Living conditions

4. No 80 Half Moon Lane has 2 windows serving bedrooms at first floor in the flank elevation. These windows would have outlook directed toward the side elevation of the proposed dwelling. The proposed dwelling would be clearly visible in close proximity in terms of outlook from these rooms. Whilst the separation would, in my opinion, retain daylight to these rooms, the proposed dwelling by reason of its height, mass and close proximity would dominate the outlook from these rooms. Bedrooms are rooms in which the occupiers of No 80 are likely to spend a reasonable amount of their time and the proposed dwelling would harm the living environment of the existing adjoining occupiers.

5. I acknowledge that these rooms also have windows to the front and rear of the property and that the existing side windows could be obscured using translucent film that would reduce the visibility of the proposed dwelling in the outlook from the bedrooms. However, as these rooms are likely to be a spaces where residents would spend much time, either placing substantial built development in close proximity to these rooms that would be dominant in outlook and/or obscuring the glazing would fail to provide a satisfactory outlook. This would not achieve a high standard of amenity for the occupiers as required by the National Planning Policy Framework (the Framework). This would be so even if the rooms have outlook from other windows.
6. I note that planning permission is in place for a development that would be in close proximity to the side boundary of the appeal site. Whilst that development would be visible in the outlook from the first-floor bedrooms of No 80 the separation between developments would ensure that that development would not appear dominant in the outlook from the bedrooms. I, therefore, do not consider that adjoining development would offer support in favour of this appealed proposal.
7. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the occupiers of 80 Half Moon Lane. The proposal would, therefore, conflict with Policy 3.2 of the Southwark Plan 2007 which seeks, amongst other matters, development to protect the amenity of an area and the quality of life for people living in the borough.

Character and appearance

8. There is a sense of space between and around the developments along this part of Half Moon Lane, albeit there are some developments that are positioned relatively close to one another. I observed that the existing development in the area, both in terms of its street pattern and design, is varied.
9. The appellant has provided details of the recently approved scheme relating to the land adjacent the appeal site noted above at paragraph 6. The site plan for that scheme, provided by the appellant, illustrates a terrace and semi-detached development positioned close to one another, as well as the development being built close to the site boundaries, including the boundary that abuts this appeal site. It appears to me that the Council has accepted other new development in the immediate environs of the appeal site with limited separation space between and around developments.
10. I acknowledge that the approved scheme at the adjacent site has yet to be built out. Nonetheless, from my observations there is no regular conformity in terms of layout and separation between the developments within the area that would serve to set a prescribed pattern of development for the area. I consider the proposal would not create a development in such close proximity to No 80, or to the boundaries of the site, that would be substantially out of context within the mixed character of the existing development. Therefore, I do not consider the proposal would have a substantially harmful appearance in the proposed location.
11. For these reasons, I conclude that the proposed development would not harm the character and appearance of the area. As such, the proposal would not materially conflict with Policies 3.5, 7.4 and 7.6 of the London Plan 2016, Policies 12 and 13 of the Core Strategy 2011, Policies 3.11, 3.12 and 3.13 of

the Southwark Plan 2007 and the provisions of the Framework. These policies seek, amongst other matters, development to have regard to the pattern of existing spaces and local context.

Other matters

12. I acknowledge the appellant's aim to ensure the development would achieve a good standing of living accommodation in regard to habitable accommodation standards, design quality, outdoor space for the existing dwelling, parking and noise disturbance. I also note that the site is near parks and other facilities that could be enjoyed by future occupiers. Whilst these are merits of the scheme, they do not overcome my concerns in respect of the living conditions of the occupiers of No 80 Half Moon Lane or justify the proposed development.

Conclusion

13. Whilst I have found in favour of the appellant in terms of the effect on the character and appearance of the area, this does not overcome the identified harm in relation to the living conditions of the occupiers of 80 Half Moon Lane. For the reasons given above, and having taken consideration of all matters raised, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR