
Appeal Decision

Site visit made on 25 February 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2020

Appeal Ref: APP/A5840/W/19/3241993

110 Asylum Road, London SE15 2LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Simnat PLC against the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0499, is dated 14 February 2019.
 - The development proposed has been described as the "Conversion and Extension of existing C3 3 Story property consisting 3 separate 1 bedroom flats. 3 storey rear extension, balcony, new rear doors, new pitch roof to match existing, part flat roof infills, windows to side and rear elevation, part glazed and brick entrance lobby at 3 storeys to accommodate stair case and single storey side extension. Internal alterations to add additional 2 No 1 bed units and conversion of ground floor to 4 bedroom unit. Exterior works to include bin storage and bicycle storage."
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for costs

2. An application for costs was made by Simnat PLC against the Council of the London Borough of Southwark. That application is the subject of a separate Decision.

Procedural Matter

3. The description of the development and the submissions of the appellant identify that the proposed ground floor flat would be a 4 bedroom flat but the submitted plans only show the provision of 3 bedrooms. Whilst I have had regard to this inconsistency, it does not alter the manner in which I have assessed the proposed development.

Main Issues

4. The main issues are the effect of the development on:
 - The character and appearance of the existing building and the surrounding area.
 - The living conditions of the occupiers of the neighbouring buildings with particular regard to sunlight, daylight and outlook.

Reasons

Character and Appearance

5. The appeal site is located within a mostly residential area, with one side of Asylum Road featuring a string of detached and attached buildings that vary in scale and

appearance but are consistently set back from the road and have gardens of good size given the urban context of the area. To the other side of Asylum Road is an area of housing that appears more recent, with the enclosed rear gardens of those properties facing the public domain.

6. Within the string of buildings referred to above are the pair of detached buildings at the appeal site and the neighbouring property of 108 Asylum Road. Although the buildings are not identical and feature contrasting projections at the rear, the main 3 storey parts of the buildings that front the road are similar in terms of their scale, plan form, proportions and appearance. These features cause the pair of buildings to have a distinctive appearance within the street and leads to them being visually significant within the locality. The space at the side of the buildings enables their shallow form and the trees at the rear of the site to be seen from the public domain. These gaps also create a sense of spaciousness at the site and a setting for the buildings which enables them to contribute positively to the character and appearance of the locality. The proposal would involve the alteration of the existing building and its extension to the side and rear to enable the creation of 2 additional flats within the building.
7. The proposed glazed side extension would extend up to the neighbouring building of 108 Asylum Road. The infilling of the gap between the pair of similar buildings would erode the sense of spaciousness that exists at the site and reduce the contribution that the gaps around the buildings make to the overall character of the street. Furthermore, as the extension would cause the buildings to appear attached, the contribution that they make to the street as a pair of detached buildings would be diminished. In this context, the extension would cause a harmful change to the character and appearance of the street. Whilst the side extension would be of a scale that would be subordinate to the existing building and would feature materials that would give the extension a subservient and lightweight appearance, these factors would not mitigate the harmful effect of the side extension.
8. The width, depth and roof form of the main part of the rear extension would be comparable to the main part of the existing building, to which it would be connected by a flat-roofed link. A single storey projection would also be provided to the side. As a result, the rear extensions would combine to represent a large and disproportionate addition to the existing building. Although the rear extension would be partially masked from the street, as the side elevation would be visible through the gap at the side of the building, the depth of the resultant building would be able to be seen from within the public domain as well as from within surrounding properties. From where it would be seen, the rear extension would not appear as a subordinate addition and would disrupt the plan form of the existing building.
9. For these reasons, when considered alone and cumulatively, the extensions would be dominating of the character and appearance of the existing building and would reduce the contribution that it makes to the street and the surrounding area.
10. For these reasons, the proposal would have a harmful effect on the character and appearance of the existing building and the surrounding area. Therefore, the development would be contrary to policy 12 of the Southwark Core Strategy (SCS), adopted 2011, and policies 3.11, 3.12 and 3.13 of the saved Southwark Plan (SP), adopted 2007, which combine to require that development achieves the highest possible standards of design and ensures that development is appropriate to its context. The development would also be contrary to policies 3.5, 7.4 and 7.6 of the London Plan (LP), adopted 2016, which require that development is of high quality design, is appropriate in its context, makes a positive contribution to the

streetscape and ensures that buildings are of a proportion, composition and scale that enhances the public realm.

11. Bicycle storage is shown at the frontage of the site and the visual effect of this has not been commented on by either main party. In this case, given the conclusion that I have reached in respect of this issue, I do not consider it necessary to consider this matter further or invite comments from the main parties in relation to this aspect of the proposal.

Living conditions of the Residents of Neighbouring Buildings

12. The buildings at each side of the appeal site, 108 and 112 Asylum Road, are 3 and 4 storey buildings that appear to host flats. The appellant has submitted a Daylight and Sunlight Assessment, but the content of that document appears to pre-date the proposal that is the subject of this appeal and relates to a different development. Furthermore, as the submissions of the Council appear to relate to a different proposal, the content appears to be of minimal relevance. This has not, however, prevented me from assessing the effect of the development in respect of this matter. I have also had regard to a previous appeal decision¹ at this site, but the evidence before me indicates that the proposals are very different and, as such, the effect of the development would be different.
13. The building at 112 Asylum Road features windows and doors in the side elevation which appear to serve non-habitable rooms, with the main living accommodation being served by windows in the front and rear elevations that are not orientated directly towards the proposed development. The proposed rear extension would only project beyond the neighbouring building by a small amount, a substantial gap between buildings would be retained and the closest part of the extension would be single storey. As such, the relationship between buildings and the form of the proposal ensures that the extensions would not cause the residents of 112 Asylum Road to experience an undue sense of enclosure. These factors also combine to ensure that the extension would not cause a reduction of daylight or sunlight within the neighbouring building to an extent that would materially detract from the living conditions of the occupiers of the neighbouring building.
14. As a result of the depth and height of the proposed rear extension, it would be more visible from within the flats at 108 Asylum Road. However, the substantial separation distance between the extension and the closest windows would ensure that the effect on the light and outlook within the neighbouring building is limited. Moreover, as the closest rear facing windows appear to serve a galley kitchen, a bathroom and a room that has a further window to the front elevation, any effects on the light and outlook within that neighbouring building would not cause the living conditions of occupiers to be unduly harmed.
15. Although the Council has referred to 106 Asylum Road within their submissions, as that building is located on the opposite side of 108 Asylum Road, the effect of the development would be less than that which would occur at the neighbouring property. As such, the proposal would not detract from the living conditions of the residents of 106 Asylum Road. All other properties are a sufficient distance from the appeal site to ensure that the development would not cause any harm in these respects.
16. For these reasons, the proposal would have an acceptable effect on the living conditions of the occupiers of the neighbouring buildings with particular regard to sunlight, daylight and outlook. Therefore, the proposal would accord with those

¹ APP/A5840/W/17/3180859

parts of policies 3.2, 3.11 and 3.12 of the SSP which combine to require that developments provide high amenity environments to live in and protect the amenity of neighbouring occupiers or users. The proposal also accords with the part of policy 7.6 of the LP which states that development should not cause harm to the amenity of surrounding land and residential buildings.

Other Matters

17. The appellant has identified that the proposal would bring about the refurbishment of the existing building and provide accommodation that exceeds the requirements of the LP, whilst also providing a larger unit at ground floor that would be of sufficient size to accommodate a family. The proposal would also represent a boost to housing supply. Whilst I have had regard to these positive aspects of the proposal, as paragraph 124 of the National Planning Policy Framework identifies that good design is a key aspect of sustainable development, I do not find that the suggested benefits would outweigh the harm that would be caused by the proposal.

Conclusion

18. Overall, whilst I have found the development acceptable in some respects and have had regard to the benefits that the appellant has indicated would arise from the proposal, those factors do not outweigh the harm that would be caused as a result of the effect of the development on the character and appearance of the existing building and the surrounding area.
19. For the reasons given above, I conclude that the appeal should be dismissed and planning permission should be refused.

Ian Harrison

INSPECTOR