



Appeal Decision

Site visit made on 19 May 2020

by Rory MacLeod BA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 June 2020

Appeal Ref: APP/A5840/W/19/3242451

Admiral Court, Lomond Grove, Camberwell, London SE5 7GY

- 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 Woodgate against the Council of the London Borough of Southwark.
 - The application Ref 19/AP/1276, is dated 3 April 2019.
 - The development proposed is erection of 3 storey roof extension to provide 5 residential units, upgrading of façade, minor reconfiguration of existing flats Nos. 3, 8, and 9, and replacement of existing windows.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3 storey roof extension to provide 5 residential units, upgrading of façade, minor reconfiguration of existing flats Nos. 3, 8, and 9, and replacement of existing windows at Admiral Court, Lomond Grove, Camberwell, London SE5 7GY in accordance with the terms of the application Ref 19/AP/1276, dated 3 April 2019, subject to the conditions in the attached schedule.

Preliminary Matter

2. Whilst the appeal is against non-determination of the planning application, the Council has submitted a decision notice and officer report subsequent to the appeal. The decision notice specifies a single refusal reason relating to the height and massing of the proposal. The Council's Statement of Case, however, indicates amenity issues for neighbouring occupiers as a second reason for contesting the appeal. Some residents have also objected to the proposal in relation to the suggested second reason.

Main Issues

3. The main issues therefore are the effect of the development on (a) the character and appearance of the area in relation to its height and massing and (b) the living conditions of occupiers of the existing and nearby buildings.

Reasons

Character and appearance

4. Admiral Court comprises a residential block 6 storeys in height accommodating nine flats with a mix of unit sizes. The building is located on the eastern side of the junction of Lomond Grove with New Church Road. It has an elongated

shape displaying a range of materials with timber cladding dominating the western frontage and red brick to the eastern flank facing a small green. Burgess Park is on the opposite northern side of New Church Road and has several mature trees along its frontage. The surrounding area is otherwise predominantly residential in nature but mixed in form. Masterman House, on the western corner of Lomond Grove is a tower block rising to 17 storeys. Buildings to the south of these corner plots vary in form but frequently have 4 floors. There is variation in the massing and height to buildings to the east along the southern side of New Church Road and to the west along Bowyer Place, but the majority are lower than Admiral Court.

5. The proposal is to increase the height of Admiral Court by 3 floors to 9 storeys. There would be an additional 5 units involving some reconfiguration of existing units. The exterior of the building would be refurbished with brick cladding; this would also be used on the new floors with zinc cladding to the inset top floor. Replacement external balconies would be provided to most floors.
6. The existing building is of relatively recent construction having gained planning permission in 2001, but some materials have not weathered well. The building is prominently sited on a corner plot with long views of it along the east-west carriageway of Wyndham Road, Bowyer Place and New Church Road. But it has a curious and varying appearance, depending on the viewpoint taken, due to the contrasting materials used in its construction. The proposal would result in a more cohesive design approach to the whole building. The external alterations would result in a better articulated and consistent appearance to all elevations. There would be a particular enhancement to the exposed eastern flank wall which currently has a bland and weak appearance.
7. The Council's concerns relate to the additional height and massing in the context of the site. Admiral Court is already higher than the majority of neighbouring buildings and the proposal would accentuate this contrast. Due to the gentle bend in the east-west road network and its prominent corner siting, the existing building is already a conspicuous feature in the street scene in both directions. Yet in all views of the site, the building is perceived in the close context of the 17 storeys to Masterman House on the facing corner to Lomond Grove. Even at 9 storeys, Admiral Court would be dwarfed by the height and mass of Masterman House and would not appear out of keeping in this context. It would maintain present separation distances to neighbouring buildings, the nearest being the block at 1-47 Caspian Street to the south-east and would not crowd the space around them. The enlarged building would have a significantly greater height and mass but would retain its slender profile in end views and have a well-proportioned square shaped profile in side views.
8. There are buildings of greater height and mass in the wider area. The 17 storeys to Castlemead House on Camberwell Road can clearly be seen in the backdrop in views along New Church Road, and the building on the corner of Wyndham Road and Camberwell Road ranges in height between 4 to 9 storeys. These larger sites are set in a more urban part of Camberwell, but nonetheless form part of the character of the area surrounding the appeal site. The appellant has also referred to high buildings to the northern side of Burgess Park; whilst not located far away, these sites are not so readily perceived in the context of the appeal site. Moreover, these sites are considerably larger, and their development sometimes involves planned groupings of high buildings.

9. The appeal site by comparison involves independent development on a small site. But the building would be seen alongside Masterman House, another high building on a site with a constrained site area. The enlarged Admiral Court would have relatively high density as a consequence of the limited site area, but this is also the case for Masterman House. The appearance of the building would not be overly dominant or incongruous in the immediate setting of the appeal site, nor would it be harmful to the character and visual amenity of the surrounding area.
10. The proposal would thereby be compatible with Policies 7.4 and 7.6 of the London Plan (2016) in that it would have high architectural quality that respects the form, function and structure of the local area. There would not be conflict with strategic policy 12 of the Southwark Core Strategy (2011) or with Saved Policies 3.12 and 3.13 of the Southwark Plan (2007) which collectively promote high quality design and architecture that enhances the quality of the built environment and relates well to the local context, including in respect of the height, scale and massing of buildings.
11. The proposal would also be in accordance with Paragraph 118(e) of the National Planning Policy Framework (the Framework) that supports opportunities to use the airspace above existing residential and commercial premises for new homes where the proposal would be well-designed and consistent with the overall street scene. There would not be conflict with the provisions of Chapter 12 of the Framework in achieving well-designed places.

Living conditions

12. Balconies in the present southern end elevation to Admiral Court would be removed. There would be an improved relationship with the block at 1-47 Caspian Street in relation to the garden areas and no overlooking of the front or rear windows to the dwellings here. There would be inter-visibility between the new balconies and windows to the western elevation and those at Masterman House. However, this would not be significantly different from the present relationship, there would be a minimum separation of about 18m and the angle of overlooking would be oblique given the siting of the buildings. The proposal would not result in undue loss of privacy for neighbouring occupiers. As Admiral Court is to the north of and separated from the nearest adjacent dwellings, the proposal would not result in any significant loss of daylight or sunlight.
13. There would be some noise and disturbance during construction activities, especially for remaining occupiers of Admiral Court, but any problems would be temporary in nature. A planning condition requiring approval of a construction method statement would also help in provision of appropriate mitigation during construction. The appellant has prepared an air quality assessment¹ relating to the construction and operational phases of the development; this confirms that following proper implementation of the mitigation measures recommended, the impact of emissions during demolition and construction is likely to be 'Not Significant'. Replacement of balconies from the southern end of the building to the western side and northern end would reduce levels of sunlight received, and the new balconies would be more vulnerable to the impacts of traffic on New Church Road. Nonetheless, I am satisfied that all units would receive adequate daylight and sunlight. A planning condition could ensure appropriate

¹ Air Quality Assessment by NRG Consulting dated March 2019

sound insulation and glazing to secure a satisfactory internal acoustic environment.

14. The proposal would be compliant with the requirements of Saved Policy 3.2 of the Southwark Plan which seeks to protect the amenities of existing occupiers in relation to new development.

Other considerations

15. Paragraph 59 of the Framework sets out the Government's objective of significantly boosting the supply of homes and Paragraph 117 promotes "*an effective use of land in meeting the need for homes and other uses while safeguarding and improving the environment*". The Housing Delivery Test result for Southwark in 2019 equates to 93% of the homes required being delivered. The proposal would make a small contribution to helping the Council meet the local need for additional housing. This is a material consideration that weighs in favour of the appeal proposal. The appellant has also referred to recent correspondence on updates to the London Plan² that confirms that housing need is a London wide issue.
16. The site is in a sustainable location reasonably close to services and to public transport options. The Council comments that streets surrounding the site are subject to parking pressures and that it would be appropriate for the proposal to be a car free development. The appellant has submitted a Unilateral Undertaking whereby the owner would ensure prior to occupation of any of the residential units that new occupiers of the development would be informed that they shall not be entitled to be granted an on-street parking permit, unless the occupier is or becomes a holder of a Disabled Person's Badge (Blue Badge).
17. I consider that the planning obligation is appropriately phrased in relation to the provisions of S.106 of the Town and Country Planning Act on obligations and that it is complete. The obligation would help to mitigate impacts on transport networks, reduce congestion and emissions, whilst addressing the needs of people with disabilities. It would satisfy the tests for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (2010).

Conclusion

18. For the reasons given and having regard to all other matters raised, the appeal is allowed subject to planning conditions. I have considered the conditions suggested by the Council in the event of the appeal being allowed and note that the appellant has agreed to these, including pre-commencement conditions. I have made changes to these in the light of guidance on conditions in Planning Practice Guidance.
19. In addition to the statutory condition on the time period for commencement of development, I have included conditions listing the plan numbers for the avoidance of doubt (and to enable the approval of minor material amendments should this be expedient) and requiring submission and approval of detailed drawings for critical elements on the elevations. Pre-commencement conditions are necessary in relation to approval of a construction method statement, to safeguard the living conditions of nearby residents, and to approve materials to

² Letter from Rt Hon Robert Jenrick, Secretary of State for Housing, Communities and Local Government to the Mayor of London on updates to the London Plan dated 13 March 2020.

be used on the extension and external refurbishment, to ensure a satisfactory appearance to the development.

20. Provision and retention of the cycle storage facilities and refuse storage arrangements needs to be secured by condition to ensure the proper operation of the site. A condition is necessary in relation to sound insulation to ensure that occupiers of the development do not suffer from excess external noise sources. Given that all works are above ground level to a recently constructed building, it is unlikely that contamination not previously identified would be discovered; but as a precautionary measure a condition has been included to manage this scenario. However, the Council's suggested condition on parking permits is not necessary, nor relevant. It deals with the subsequent behaviour of occupants rather than the development of land. Moreover, this matter is covered by the planning obligation.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 294 P 1-01, 294 P 1-02, 294 P 1-03, 294 P 1-04, 294 P 1-05, 294 P 1-06, 294 P 1-10, 294 P 1-11, 294 P 1-12, 294 P 1-13 and 294 P 1-14.
- 3) Notwithstanding condition 2 no development shall take place until 1:5/10 section detail-drawings through the building showing the facades, parapets, roof edges, junctions with the existing building and heads, cills and jambs of all openings to be used in the carrying out of this permission have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) A detailed specification of demolition and construction works at each phase of development including consideration of all environmental impacts and the identified remedial measures;
 - ii) measures to eliminate or mitigate identified environmental impacts e.g. acoustic screening, sound insulation, dust control and emission reduction;
 - iii) arrangements for direct responsive contact for nearby occupiers with the site management during construction including signage on hoardings, newsletters, resident's liaison meetings;
 - iv) commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme;

- v) a scheme for site traffic: the routing of in-bound and outbound site traffic, one way site traffic, lay off areas for deliveries; and,
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre for each material and shall show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall be made available on site for inspection.
- 6) The development hereby permitted shall not be occupied until the cycle storage facilities and refuse storage arrangements shall have been provided in accordance with details shown on submitted plan 294 P 1-02. The facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.
- 7) (a) All residential premises shall be designed in accordance with BS8233:2014 'Sound insulation and noise reduction for buildings- Code of Practice' to attain the following internal noise levels:
Bedrooms- 30dB LAeq,T* and 45dB LAfmax
Living rooms- 35dB LAeq, D*
*T- Night-time 8 hours between 23:00-07:00
*D- Daytime 16 hours between 07:00-23:00.
(b) After completion of works but prior to occupation or use, a test shall be carried out to show the above criterion has been met and the results shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.
- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.