



Appeal Decision

Site Visit made on 11 November 2020

By Chris Baxter BA (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2020

Appeal Ref: APP/A5840/W/19/3244066
110-112 Rye Lane, London SE15 4RZ

- 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 Mr K Muhammad of K & K Property Investments Ltd. against London Borough of Southwark.
 - The application Ref 18/AP/3398, is dated 11 October 2018.
 - The development proposed is conversion of residential upper floors above retained ground floor commercial premises into two flats, plus additional storey creating a third flat, together with three storey rear extension creating four houses and two flats on vacant land to the rear of the existing property.
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Decision

1. The appeal is dismissed and planning permission for conversion of residential upper floors above retained ground floor commercial premises into two flats, plus additional storey creating a third flat, together with three storey rear extension creating four houses and two flats on vacant land to the rear of the existing property is refused.

Main Issues

2. The main issues are whether the proposal would provide satisfactory living conditions for future occupiers of the proposed scheme and adjacent development schemes with regards to light, outlook and amenity areas.

Reasons

3. The appellant has detailed the amount of outdoor amenity space each residential unit would have in response to paragraph 3.7 of the Council's statement of case. Outdoor space is important to meet the demands of everyday life for occupants, providing an area for relaxation as well as essential activities.
4. The Southwark Council Technical Update to the Residential Design Standards 2011 (RDS) states that new housing and all flatted development must provide some form of outdoor amenity space. The RDS states that developments must provide a minimum of 50 square metres (sqm) and a garden depth of 10 metres for houses; and a minimum of 50 sqm communal amenity space and 10 sqm of private amenity space per flat¹. The proposal would not provide the

¹ For units containing two or less bedrooms. 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. For example, if a private balcony of 3 sqm can be provided, 7 sqm should be added onto the communal amenity space

required communal amenity space or sufficient outdoor private space for the majority of the proposed units. The outside area allowing access to the bike racks would not be an useable amenity space to provide an area for relaxation. The front garden areas for flats 6, 7 and 8 would not be private areas given they would be directly adjacent to the walkway leading to the bike rack area. The lack of suitable outdoor amenity space would give the properties an oppressive feel that would have a detrimental effect on the living conditions of future occupants.

5. Accordingly, I find that the proposal would have a harmful effect on the living conditions of future occupiers of the properties with regards to amenity space. The proposal would be contrary to Policy 7.4 of the London Plan 2016, Policies 3.12 and 3.13 of The Southwark Plan 2007 and the RDS which seeks development to achieve high quality design, high amenity environments and do not have a negative impact on amenity.
6. A Daylight and Sunlight Report has been submitted by the appellant which aims to demonstrate that the proposal would not compromise the surrounding area in terms of light. Due to the proximity and orientation of the proposal with the public realm to the south, there would be no adverse effects created on the public realm area in terms of light and outlook. My attention has been drawn to a number of schemes² however, insufficient details have been submitted with regards to these including position of windows and scale of the developments. I am therefore unable to come to a conclusion on whether the living conditions of future occupiers of these schemes² would be adversely affected by the proposal in terms of light and outlook. Nevertheless, these matters do not outweigh the harm I have identified above.

Other Matters

7. I note other applications have been validated and approved including application ref: 19/AP/1797 for shop front alteration and corridor which the work has been carried out. The appellant also considers some of the Council's statement of case to be misleading. These matters do not alter my findings above.

Conclusion

8. For the reasons given above I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR

² Local Planning Authority Reference: 18/AP/3398 and 19/AP/2290