
Appeal Decision

Site visit made on 27 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020.

Appeal Ref: APP/A5840/D/20/3259213

294 Commercial Way, London SE15 1QN

- 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 Ms Anum Shahab against the decision of the council of the London Borough of Southwark.
 - The application Ref 20/AP/1106, dated 16 April 2020, was refused by notice dated 26 June 2020.
 - The development proposed is construction of a second floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the determination of the application, the council modified the description of development to ensure that only the development requiring planning permission was included. I have used this description of development as a result.
3. The appellants and council both make reference to an appeal for a similar development on another property within the same street (Ref APP/A5840/D/17/3177100), I have therefore taken this into consideration in my reasoning.

Main Issues

4. The main issues are
 - the effect on the character and appearance of the host dwelling, and
 - the effect on the setting of neighbouring listed buildings and that of the Caroline Gardens Conservation Area.

Reasons

The effect on character and appearance

5. Commercial Way is a residential street with a mixed character of terraced Georgian houses, detached dwellings, and modern apartment buildings. The appeal site at No.294 is a largely detached, two storey house with a front garden and generous rear garden.
6. The principal elevation is plain and similar to the historic terraces within the street. It has a distinctive parapet wall covering the roof to the front which

echoes the line which begins in a nearby terrace and is, in my opinion, of historic and visual significance.

7. Saved Policy 3.12 (Quality in Design) of the Southwark Local Plan (2004) (LP) seeks development that is of a high quality both architecturally and in urban design terms and saved Policy 3.13 (Urban Design) of the LP states that in designing new developments, consideration must be given to key factors such as local context and character.
8. Strategic Policy 12 'Design and Conservation' of the Core Strategy (2011) (CS) seeks development that preserves or enhances Southwark's historic environment.
9. To the rear are multiple projecting elements of the dwelling, one butterfly roof (two mono pitch projections that meet in the middle of the rear elevation), together with a further mono pitch projection and ground floor flat roof which is part of a contemporary extension.
10. The proposed second floor roof extension would result in a new bedroom and 'green roof terrace', which would sit behind the existing parapet wall to the front of the dwelling. It would be visible from the front elevation, albeit this would be limited.
11. At the rear, the extension would consist of a flat roofed box structure with metal coping and timber cladding, with timber-framed windows. This would sit above the butterfly roof. The further mono pitch projection at first floor level and single storey ground floor extension would remain.
12. At the site visit, it appeared that the rear of the dwelling had largely retained its original character. Whilst I am aware that such roof extensions and roof terraces can be successfully integrated into historic buildings and their surroundings, I consider the proposed changes to the rear elevation would appear excessively dominant and would detract from the character of the host dwelling. The addition to the front elevation would be less bulky and as a result less harmful. Overall, however, I consider the proposed development would offend saved policies 3.12 and 3.13 of the LP and Strategic Policy 12 of the CS.

The effect on heritage assets

13. In turning to the effect on neighbouring designated heritage assets, the neighbouring boundary for the Caroline Gardens Conservation Area (CA) runs along the boundary to the rear garden of No.294. I note from the council's submissions that the appeal site is also within the setting of 'a number of Grade II listed buildings to the south', although it is not clear from the council's submissions where these are located.
14. Paragraphs 193 and 194 of the National Planning Policy Framework (Framework) require that any harm to the significance of a heritage asset (through development of the asset itself or its harm resulting from development within its setting) requires that great weight should be given to its conservation, as well as a convincing justification for such development. Further, at paragraph 196, development that leads to less than substantial harm to the significance of a designated heritage asset, should be weighed against the public benefits of the proposal.

15. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. Further, paragraph 196 of the Framework, states that where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.
16. Saved Policy 3.18 (Setting of Listed Buildings, Conservation Areas and World Heritage Sites Setting of Listed Buildings, Conservation Areas and World Heritage Sites) of the LP states that permission will not be granted for developments that would not preserve or enhance the immediate or wider setting of a listed building; important views of a listed building; the setting of a Conservation Area; Views into or out of a Conservation Area or important views of or from a World Heritage Site.
17. The CA envelopes the Licensed Victuallers' Almshouses (c.1827) and, according to the Caroline Gardens Conservation Area Appraisal (undated), was one of the first local examples of planned development. The terraced rows of dwellings within the CA are attractive, uniform and distinctive and they frame areas of green space between. The significance of the CA is clearly complemented by the neighbouring Georgian dwellings, including that of the appeal site. I therefore consider the appeal site makes a positive contribution to the setting of the CA and the proposals would therefore undermine this by changing the rear elevation (which addresses the CA) to the degree that it would introduce a significant and incongruous extension that would be visible, albeit on a limited basis. I therefore find there would be harm to the setting of the CA, contrary to Saved Policy 3.18 of the LP and the relevant parts of the Framework.

Conclusions

18. For the reasons given, and having regard to all other material considerations, the appeal is dismissed.

Sian Griffiths

INSPECTOR