



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: 18 December 2020

Appeal Ref: APP/A5840/W/20/3246260

55A Sutherland Square, London SE17 3EL

- 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 Ms Keeley Van Dyke against London Borough of Southwark.
 - The application Ref 19/AP/5589, is dated 26 September 2019.
 - The development proposed is construction of a single-storey mansard roof extension.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a single-storey mansard roof extension at 55a Sutherland Square, London SE17 3EL in accordance with the terms of the application, Ref 19/AP/5589, dated 26 September 2019, subject to the following 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: 125.01C; 125.02C; 125.03C.
 - 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.

Preliminary Matters

2. Some interested parties may not have received notification of the application or the appeal. In the interests of natural justice and in line with the "Procedural Guide – Planning Appeals – England", interested parties were offered a final opportunity to provide comments on the proposal.
3. In accordance with Section 100ZA(5) of the Town and Country Planning Act 1990 and Regulation 2(1)(b) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the appellant was offered an opportunity to comment on the pre-commencement condition relating to this case. No objections to the condition were received and I have dealt with the appeal accordingly.

Main Issues

4. The main issues are whether the proposal preserves or enhances the character or appearance of the Sutherland Square Conservation Area and the setting of nearby listed buildings; and the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regards to light and outlook.

Reasons

Conservation Area and Listed Buildings

5. The appeal property is an end of terrace property situated within the Sutherland Square Conservation Area (SSCA). The terraced buildings either side of the appeal site are grade II listed.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the duty imposed by Section 72(1) of the Act I am required to pay special attention to the desirability of preserving or enhancing the character of the conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The SSCA, within the immediate setting of the appeal site, is characterised predominantly by large residential properties with traditional detailing and materials. In my view the significance of the CCA is derived from the architectural character, design and styles of the buildings collectively. The grade II listed buildings of Nos 51-54 and 55-60 Sutherland Square, either side of the appeal site were built around 1810 to 1835. The buildings range from 2 to 3 storey over basement being constructed from brick in Flemish bond with stucco dressing. These listed buildings collectively have historical and architectural significance within the area.
8. The proposal would introduce a single-storey mansard roof extension and increase the parapet which would be of sensitive massing and height. The appeal building is subservient to the adjacent buildings and is not listed, being built much later than the surrounding properties. The extension would be visible from public viewpoints and neighbouring properties however, due to its size and style it would not appear visually prominent and the appeal property would remain subservient to the adjacent buildings.
9. The proposed materials and design of the extension, including the form of the dormer windows, mansards slopes and roof pitch, would not detract from the style and proportions of the appeal property or compromise the architectural character of the adjacent listed buildings and appearance of the SSCA.
10. Accordingly, the proposal would not be a dominant or incongruous feature and the character and appearance of the SSCA and the nearby listed buildings would be preserved. The proposal would be in accordance with Policies 3.12, 3.13, 3.16, 3.17 and 3.18 of The Southwark Plan 2007 (SP), Policy 12 of the Southwark Council Core Strategy 2011 (CS) and the Southwark Council Technical Update to the Residential Design Standards 2011 (RDS) which seeks

development achieve high quality architectural and urban design, and to preserve or enhance the character and appearance of Conservation Areas, listed buildings and their settings.

Living conditions

11. The proposal would be visible from habitable windows of neighbouring properties including 54 and 55 Sutherland Square. The proposal would not be large in height and massing, and would integrate subtlety into the existing appeal property. Due to the scale, positioning and design of the proposal, it would not appear as an intrusive or overbearing feature from the windows of Nos 54 and 55, and these neighbouring properties would not be adversely compromised in terms of outlook. A sense of enclosure would not be created by the proposal and the occupiers of Nos 54 and 55 would retain a sense of openness from their windows.
12. The neighbouring properties to the west of the appeal site have habitable windows that are set approximately 8 metres away from the appeal building. The Council consider that using a 25 degree line from windows of these neighbouring properties, it is evident that the existing appeal building already limits daylight and sunlight. Whilst there may be some reduction in light to the rear windows of the properties to the west, during the early hours of the morning, by mid to late morning there would be no overshadowing effects that would be to the detriment of the living conditions of the occupiers of these neighbouring properties.
13. The proposal would be a relatively small addition and its design would have angled elevations sloping away from other properties. Given the sensitive design of the proposal and the orientation of the buildings, the proposed extension would not have an adverse effect on the living conditions currently enjoyed by the occupiers of the properties to the west with regards to daylight and sunlight.
14. The proposal would not have a harmful effect on the living conditions of the occupiers of neighbouring properties with regards to light and outlook. The proposal would be in accordance with Policy 3.2 of the SP and the RDS which seeks development to not cause loss of amenity to present and future occupiers in the surrounding area.
15. I have had regard to the guidance in the RDS including the daylight and sunlight tests and the Building Research Establishment Site Layout for Daylight and Sunlight – A Guide to Good Practice 1991. From the evidence submitted, I am satisfied that the proposal would not compromise the living conditions of neighbouring occupiers regarding light and that the purpose of the RDS to ensure development does not have a negative impact on amenity is met.

Other matters

16. My attention has been brought to a previous refusal¹ for a contemporary style mansard extension. From the information provided I do not consider that this scheme represents a direct parallel to the appeal scheme particularly with regards to scale and design. In any case, I have determined the appeal on its own merits.

¹ Local Planning Authority Reference: 18/AP/1749

17. I have had regard to all representations from local residents, including comments on the submitted drawings, notification of the proposal, privacy, flue egress and rainwater drainage. I have given careful consideration to these matters however, they do not lead me to a different overall conclusion on the main issues nor do I find that they would result in the scheme having any harmful effects that would be contrary to the relevant development plan policies.

Conditions

18. Conditions relating to timeliness and the identification of plans are necessary in the interests of proper planning and to provide certainty. In the interests of the character and appearance of the SSCA and nearby listed buildings, a condition is imposed in relation to materials.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Chris Baxter

INSPECTOR