
Appeal Decision

Site visit made on 24 November 2020

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 08 January 2021.

Appeal Ref: APP/A5840/W/20/3251311
17 Ropemaker Road, London SE16 6QG

- 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 Mr D Van Den Heever against the decision of the Council of the London Borough of Southwark.
 - The application Ref 19/AP/3604, dated 25 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is described as the erection of a new one bedroom, 2 person, dwelling house.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of its surroundings, and (b) the living conditions of neighbouring and proposed residents with particular reference to privacy, visual impact and amenity space provision.

Reasons

Character and appearance

3. The appeal site comprises a small area of fenced vacant land. I understand, however, that it was originally associated with the dwelling known as 17 Ropemaker Road, but is now in separate ownership. The development is described as a one bedroom dwelling house. Two floors of accommodation are proposed, and the proposal would be more appropriately described as a chalet bungalow.
4. The site is situated next a footway linking Ropemaker Road and Shipwright Road. These two roads form part of a relatively modern housing estate of medium density comprised predominantly of brick-built two storey dwellings.
5. The proposed dwelling would have a completely different design to the units on the remainder of the estate, jarring with the prevailing built forms. It would display disproportionately large dormers on either side of the ridge, so that the dwelling would look disharmoniously out of place in its visual context. Its footprint would take up most of the plot so that the finished product would be perceived as a cramped and overdeveloped site, particularly given its close physical relationship to the dwellings at 16 & 17 Ropemaker Road.

6. The appellant suggests that since the site sits on the periphery of the estate in 'a *discreet location*' the development would have limited impact on the character and appearance of the locality. I disagree. The development would be clearly seen by several surrounding local residents, some at very close quarters. The development would also be eminently visible to users of the adjacent footway. The appellant suggests that the footway is not regularly used. However, during my relatively short stay at the site, I saw pedestrian and cycling activity on the footway.
7. I therefore conclude that the proposed development would harm the character and appearance of its surroundings. Accordingly, a clear conflict arises with the general thrust of policies 7.4 & 7.6 of the London Plan (LP), and those aspects of Policies 12 & 13 of Southwark's Core Strategy (CS) or Policies 3.12 & 3.13 of the Southwark Plan (SP) which seek to ensure that new development is well designed and sits acceptably in its context.

Living conditions

8. The proposed dwelling's amenity or garden area would be sited to the front of the dwelling in full view of passers-by and nearby residents. It would lack privacy, contrary to the guidance provided in the Council's 2015 Technical Update to the Residential Design Standards (SPD).
9. The appellant however makes the point that the Council's standards in this regard are directed largely to family housing, and different standards are applied to smaller units of accommodation, such as proposed. The appellant also considers that access to amenity space is not problematical given the site's proximity to a large area of Public Open Space. However, I note that the Council's concern is directed not to the amount of amenity space to be provided, but its lack of privacy.
10. It strikes me that the dwelling could not realistically be re-sited to provide a private area to the rear because of the shape of the plot. The inability to provide privacy to a garden on this basis strikes me as another symptom of overdevelopment, rendering the proposal deficient, for another reason.
11. Added to this is that the proposed dwelling's bedroom window would look directly into neighbouring gardens, particularly that of 15 Ropewalk Road at very close quarters, harming residents' privacy. Moreover, I agree with the Council and the local residents most affected that the dwelling's closeness to 16 & 17 Ropemaker Road means that the structure would be perceived as dominant and oppressive when viewed from the front of those properties.
12. I therefore conclude that the proposed development would harm the living conditions of the occupants of the closest local residents on the grounds of its unacceptable and harmful visual impact upon them, and by reason of loss of privacy. Additionally, future residents of the dwelling would not enjoy an acceptable level of privacy in their garden. Accordingly, a clear conflict arises with those provisions of SP policies 3.2 and 4.2, which seek to ensure that new development should not cause an unacceptable loss of amenity to neighbouring occupiers, and should provide good quality accommodation to future residents.

Other matters

13. The Council raised issues relating to the insufficiency of information provided by the appellant in respect of certain ecological aspects, and the absence of a buffer to separate the dwelling from the adjacent Russia Dock Local Nature Reserve. However, no clear explanation was provided either as to whether the 2m buffer represented a policy requirement or constituted standard practice, as recommended by the Council's ecologist, or how harm would ensue, as asserted.
14. For the reasons provided previously in dealing with the main issues, I find the proposal unacceptable. Accordingly, in the absence of sufficient evidence or information on the matter I do not intend to dwell unduly on ecological issues.
15. All other matters raised in the representations have been taken into account, and I have already dealt with the main planning-related matters raised by local residents. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.
16. Accordingly, for the reasons provided, the appeal is dismissed.

G Powys Jones

INSPECTOR