



Appeal Decision

Site visit made on 20 November 2020

by Rebecca McAndrew BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021.

Appeal Ref: APP/A5840/W/20/3249239

83 New Church Road, London, SE5 7JR

- 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 Westminster Assets UK Ltd against the decision of Southwark Council.
 - The application Ref 19/AP/0857 dated 19 March 2019, was refused by notice dated 7 October 2019.
 - The development proposed is the demolition of the existing three storey building and erection of a part four, part three storey building and basement comprising seven self-contained flats (1 x 3b5p, 2 x 2b4p and 2 x 1b2p units) with associated bicycle storage, refuse storage, amenity space and landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - Whether the proposed development would be inappropriate development in the Metropolitan Open Land (MOL) having regard to the development plan and the National Planning Policy Framework the Framework);
 - The effect on the openness of the MOL;
 - The effect on the character and appearance of the area, including the setting of the nearby Addington Square Conservation Area (ASCA), and
 - Would harm by inappropriateness, and any other harm, be clearly outweighed by other considerations such that very special circumstances exist to justify the proposal.

Procedural Matters

3. The Council has confirmed that there are two errors in the second reason for refusal included on their Decision Notice, as follows;
 - The second reason for refusal refers to Paragraph 89 of the Framework in respect of development within MOL. However, this is incorrect and it should instead refer to NPPF Paragraph 145. I have therefore considered the appeal on the basis of Paragraph 145.

- This reason for refusal also refers to Policy 6 of Core Strategy, which relates to homes for people on different incomes, rather than MOL. I have not taken this policy into account when determining the appeal.

Reasons

Inappropriateness

4. The Southwark Plan (2007) (SP) states that there is a presumption against inappropriate development on Metropolitan Open Land (Saved Policy 3.25). The Framework advises that new buildings in MOL are inappropriate development unless they fall in one or more of the identified exceptions. One such exemption is the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building (Paragraph 145c).
5. The proposed building would have a larger footprint than the existing building, projecting further forward than the existing property on both ends. I recognise that small areas of the proposed building would be lower than the existing property, as well as the fact that the highest part of the proposed building would only be marginally higher than the highest part of the existing property. However, the overall mass of the proposed building would result in a property which would be materially larger than the one it would replace. Given that the new building would be disproportionately larger than the original building, the appeal proposal would not meet the requirements of Paragraph 145c of the Framework and would therefore represent inappropriate development in MOL. The appeal proposals would therefore conflict with the Framework and Policy 7.17 of the London Plan (2016) which seek to safeguard MOL.

Openness

6. The existing property sits alone within MOL in an open position on New Church Road, surrounded on 3 sides by Burgess Park. It is noted that the northern part of the replacement building would be tiered in order to retain the openness of the MOL in this part of the appeal site. However, the front part of the proposed building would be higher and sit further forward on New Church Road than the existing property. Overall, the proposed four storey building would be materially larger and significantly bulkier than the three storey property it would replace. In comparison to the existing building, the appeal proposal would dominate the space in which it sits.
7. In view of the above, the appeal proposal would adversely affect the openness of MOL and would conflict with the Framework in this respect.

Character and Appearance

8. The existing three storey property is an attractive Victorian building which sits alone on one side of New Church Road. As I have described, whilst the proposed four storey building would be set back from the site boundary onto New Church Road, it would sit further forward than the existing property. The appeal building would also be higher and significantly bulkier than the existing property in this area of the site. Whilst it is noted that there is no set building line on this part of New Church Road, in view of its position and mass, the

proposed building would dominate the space when viewed from New Church Road. By comparison, the existing building sits comfortably within its environs.

9. It is acknowledged that the appeal proposal responds to the context of the properties on the opposite side of New Church Road - Ayres Court and Evelina Mansions – as well as Hambling Court, which sits around the corner from the appeal site. These properties are higher than the proposed building. However, given its lone position within the setting of Burgess Park, the appeal site and its locality have a different character to the opposite side of the road. The existing building relates more to the nearby Addington Square Conservation Area (ASCA) and Burgess Park, than the opposite side of New Church Road. Given its bulk and mass, the proposed building would be at odds with this existing character.
10. The appeal site forms an entrance to both Burgess Park and the ASCA. Whilst the backs of properties on Addington Square face towards the appeal site, there are clear views from the Square to the property. The proposed redevelopment offers an opportunity to reinforce the importance of the appeal site as a gateway. Whilst the front corner of the property would include curved terraces and the building would be set slightly back within the plot, these design features would have limited benefits in this respect. Similarly, whilst it is recognised that the northern part of the building would be tiered in an attempt to retain the openness of the Park, the resultant elevation would be perceived as a rear elevation. This would miss the opportunity to secure a building which could be read on all sides which, given its lone position as a gateway building, is important.
11. I acknowledge that the current appeal building has been subject to some unsympathetic alterations in the past. Nonetheless, as I have described, overall it is an attractive building with historic merit, which sits comfortably within its setting in terms of scale and mass when viewed within the context of the CA and parkland. Therefore, I attach limited weight to this fact in support of allowing the appeal.
12. Whilst the introduction of contemporary architecture to the streetscene would be acceptable in principle, as outlined, in this case the detailed design of the proposed scheme would be unacceptable.
13. Taking all these matters into consideration, I conclude overall that the scheme would unacceptably harm the character and appearance of the appeal site and the streetscene and would fail to preserve the setting of the Conservation Area. The proposal would therefore be contrary to Saved Policies 3.12, 3.13 and 3.15 of the Southwark Plan (2007), Policy 12 of the Core Strategy (2011), Policies 7.4 and 7.6 of the London Plan (2016) and the design objectives of the National Planning Policy Framework (2019).

Conclusion

14. The Framework indicates that inappropriate development is, by definition, harmful to MOL and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the MOL. Very special circumstances will not exist unless the harm to the MOL and any other harm are clearly outweighed by other considerations.

15. I have found that the proposal would be inappropriate development in the MOL, would harm the openness of the MOL and the character and appearance of the area, including the setting of the conservation area. As such, the scheme would conflict with the fundamental aim of MOL policy. On this basis, I attribute significant weight to these harms.
16. I find that the other considerations in this case, including the provision of high quality residential accommodation, do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
17. For the reasons given above, I conclude that the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR