



Appeal Decision

Site visit made on 8 December 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/A5840/D/20/3258208

6 Canning Cross, London SE5 8BH

- 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 Charles & Mrs E Hearder against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/1170, dated 22 April 2020, was refused by notice dated 12 June 2020.
 - The development proposed is refurbishment and rear extension at basement, ground and first floor levels to the rear (East).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by D. Charles and E. Hearder against the London Borough of Southwark Council. This application is the subject of a separate decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
4. During the course of the appeal a new London Plan was published and so policies 7.4, 7.6 and 7.8 of The London Plan (2016) referred to in the decision letter are, the Council advise, now superseded by policies D1, D4 and HC1 of the new London Plan (2021). The appeal has therefore been considered against these policies from the newly published London Plan.

Main Issues

5. The main issues are:
 - the effect of the development on the living conditions of the neighbouring occupiers at 140, 142 & 142A Camberwell Grove with regards to privacy and outlook;
 - whether the development would provide satisfactory living conditions for its future occupants with regards to the provision of outdoor amenity space; and
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- the effect of the development on the character and appearance of the Camberwell Grove Conservation Area.

Reasons for the Recommendation

6. The appeal site accommodates a modest two-storey detached mews property with a small rear garden. It is currently vacant and overgrown with vegetation and features a small ground floor rear lean-to which served as a toilet and store. The neighbouring properties at Nos. 140, 142 and 142A Camberwell Grove lie in close proximity behind the appeal site. No. 140, in particular, features a number of windows which directly face the rear elevation of the appeal dwelling including ground and lower ground floor double bay windows serving habitable rooms.

Living conditions of neighbouring occupiers

7. The proposed extension would increase the building's depth at the rear. The appellants' own calculations contained within a table provided within their appeal statement show the proposal would increase the depth of the building by 3.150m at ground floor level. This would leave 2.8m between the rear elevation of the resultant dwelling and the rear boundary with No. 140.
8. The proposal would introduce almost full width and full height glazing at ground and basement level. Whilst I accept that no overlooking of neighbouring properties could arise from the basement level windows, and the first floor windows could be obscurely glazed, the proposed ground floor glazing would be directly oriented towards the rear elevation of No. 140 and its numerous windows serving habitable rooms. Due to the very limited separation distance, it is considered that harmful overlooking would occur which would lead to a loss of privacy and significantly impact the living conditions of the occupiers of 140 Camberwell Grove.
9. Because of its greater depth in this sensitive location, the development would also appear dominant and overbearing when seen from the rear of No.140. The additional built form in close proximity would markedly alter their outlook and the amount of glazing would introduce disruptive glare from lighting during night-time as well as during the day in winter months. Light-absorbent coloured walls or foliage would not alleviate this effect on the neighbours.
10. The appellants state that the proposal is not dissimilar to what was previously approved in 2017 under ref 17/AP/1918 and that the extension's greater depth of 0.3m does not justify a different judgement in this instance. However, whilst the magnitude of change is not substantial, the site's context is sensitive in light of the minimal separation distances. Therefore, even a marginal difference in depth can unacceptably impact privacy and outlook.
11. The appellants also signalled their intention to erect a 2m wall or fence across the rear boundary through the permitted development process. They opine this would prevent any harmful overlooking and this was supported by officers during the 2017 and 2018 applications. Notwithstanding this, due to the fact that the appeal dwelling lies at a slightly elevated level as compared to the rear boundary of the site, much of such a fence would be below the ground floor level of the extension. Therefore, I am not satisfied a 2m fence or wall would fully mitigate the effects of the development as future occupants of the appeal

dwelling would easily be able to see over the fence from the large ground floor windows into the windows at the rear of No 140.

12. The rear elevation of 142 and 142A Camberwell Grove is not directly oriented towards the appeal site. Because of the oblique angle, I find that the living conditions of these neighbouring occupants would not be unacceptably affected with regards to overlooking and loss of privacy.
13. The development would thus adversely impact the living conditions of the neighbouring occupiers at 140 Camberwell Grove in respect of a loss of privacy and outlook. Given this, the development would conflict with Saved policy 3.2 of the Southwark Plan 2007 (the 'local plan'), the National Planning Policy Framework (the 'NPPF'), and emerging policies P12, P13 and P14 of the New Southwark Plan which together seek to ensure proposals respect their context and protect the amenity of neighbouring residents. I have also had regard to the 2015 Technical Update to the Residential Design Standards Supplemental Planning Document (the 'RDS SPD') which seeks to ensure extensions do not adversely affect the privacy or amenity of neighbours and adjoining occupiers. However I do not find that policy 13 of Southwark Council's Core Strategy document (the 'Core Strategy') is directly relevant in this instance as it is a strategic policy that relates more specifically to the environmental performance of new development.

Living conditions of future occupants

14. The proposal would reduce the size of the existing garden by approximately 13.5sqm and by 2m in terms of depth. Whilst the resultant outside amenity space would be small, it would be sunken at lower ground level affording a discreet and private space in what is already a constrained site in a dense urban location.
15. Although the garden depth would be less than the 10m recommended by the RDS SPD and its area less than the 50sqm also recommended, it would nevertheless provide an adequate amount of space appropriate for a 1-bed dwelling. As highlighted by the appellants, the RDS SPD also states that the nature and scale of the amenity space should be appropriate to the location of the development, its function and the character of the area within which it is situated.
16. The development would thus provide satisfactory living conditions for its future occupants in respect of the provision of outdoor amenity space. In this respect therefore, it would not conflict with saved policy 3.2 of the local plan, the NPPF, the RDS SPD, and emerging policies P12, P13 and P14 of the New Southwark Plan which together seek to ensure all proposals are well-designed, protect the amenity of future occupants, and provide an adequate amount of amenity space.

Character and appearance

17. The appeal site lies within the Camberwell Grove Conservation Area (CGCA) which covers a large area in Camberwell based on the two long residential streets of Camberwell Grove and Grove Lane built between the 1770s and 1840s. Its significance derives from its classical and revivalist architectural styles. The character of the area is established by the combination of classical architectural detailing and later Edwardian detailing, and the use of London

brick and stucco white render to facades. The CGCA character appraisal also refers to the area's 'Regency' townscape defined by stucco terraces, avenue trees, generous street width, basement area railings and flagstone pavement. Camberwell Grove, to the east of the appeal site, illustrates these elements vividly.

18. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the NPPF. At paragraph 192, it sets out matters which should be taken into account including sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness.
19. The appeal property is located within sub-area 2: Upper Camberwell Grove which does not specifically refer to the significance of Canning Cross or Stories Mews except to mention that glimpses into narrow turnings off the main streets are a feature of this sub-area. It also refers to glimpses of converted carriage/stable blocks behind the George Canning pub. To the south east of the site stand a group of Grade II Listed Buildings, at 144 -156 Camberwell Grove. The Council also highlight that the two buildings to the rear of the site at 140 and 142 Camberwell Grove are key unlisted buildings as are 4 and 5 Canning Cross.
20. The appraisal classifies the area around the appeal site as a neutral area, where development neither adds nor detracts from the distinctiveness. I observed new-builds and a multitude of contemporary additions to buildings within the direct vicinity of the site, including on the rear elevations of nos. 140 and 142. It is evident to me that the CGCA appraisal pays particular attention and seeks to preserve the character and setting to the front of nos. 140 & 142 rather than their rear context altered by modern additions. In my view, the proposed design would tie in with its surroundings considering the strikingly contemporary new ground floor extension at no. 142A, the modern rear bay windows at no. 140 as well as its spiralling metallic fire escape stairs. The development would generally maintain the scale and features of the original house combining original materials with modern architectural elements such as wide glazed bi-folding doors, front lightwells and a sunken basement which would remain visually discreet.
21. Furthermore, the sunken basement garden would mimic the lower ground amenity space at no. 140 directly to the rear of the appeal site. Due to the existence of this existing sunken basement, coupled with other examples of modern built form in the direct vicinity, the proposed development would not harm the character of the sub-area which has already been eroded to some degree and, in this area, is considered to be of neutral value from a heritage perspective.
22. Given the above, I conclude the development would not harm the setting of the nearby heritage assets and would preserve the character and appearance of the Camberwell Grove Conservation Area. It would therefore not conflict with saved policies 3.12, 3.16 and 3.18 of the local plan, policy 12 of the Core Strategy, and policies D1, D4 and HC1 of the new London Plan which together seek to ensure proposals take account of the character, appearance and

townscape of the surrounding area, are well designed and conserve heritage assets. It would also adhere to the Camberwell Grove Conservation Area Appraisal and guidance in the NPPF which together seek to ensure heritage assets are preserved and enhanced.

Other Matters

23. The appellant suggests the development granted permission in 2017 would be harmful to the character and appearance of the conservation area, and therefore this scheme would encourage the appellant not to implement that permission. Notwithstanding the fact that that permission would now appear to have expired, the Council clearly consider the 2017 scheme would not have been harmful to the conservation area. I have no reason to disagree and therefore the current proposal is not advantageous in this regard.
24. I also recognise the proposal would represent an efficient use of land. Nonetheless, that should not justify harm to the living conditions of neighbouring occupiers. In any case, it is apparent that an efficient use of the site can be achieved without adversely affecting neighbouring residents as evidenced by the 2017 planning permission.

Planning Balance and Recommendation

25. Although I find the development would preserve the character and appearance of the conservation area and would provide satisfactory living conditions for the future occupiers with regards to the provision of adequate external amenity space, this does not outweigh the adverse impact the development would cause to the living conditions of the occupants of the neighbouring property at 140 Camberwell Grove with regards to a loss of privacy and outlook. The proposal would therefore conflict with the development plan as a whole and there are no material considerations that indicate the application should be determined other than in accordance with the development plan.
26. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

27. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR