



Appeal Decision

Site Visit made on 4 May 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2021

Appeal Ref: APP/A5840/W/20/3261514

290 Walworth Road, Southwark, London SE17 2TE

- 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 SBR Properties Ltd against the decision of London Borough of Southwark.
 - The application Ref 20/AP/1169, dated 22 April 2020, was refused by notice dated 12 August 2020.
 - The development proposed is described as the “redevelopment of 290 Walworth Road and 2-6 Carter Place to create 6 x residential units and 1 x basement and ground floor commercial unit together with cycle parking and refuse storage (Resubmission of application ref – 19/AP/0442)”.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by SBR Properties against the London Borough of Southwark. This application is the subject of a separate Decision

Preliminary Matters

3. The appeal site has been the subject of a previous appeal decision¹ (the previous appeal) which I have had regard to insofar as it is relevant to the proposal before me.
4. Since the Council made its decision, the London Plan 2021 (LP) has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to within the refusal reasons are no longer in force. The Government also issued a revised National Planning Policy Framework (the Framework) in July 2021, which replaced the Framework published in February 2019. In light of these changes, I sought the views of the main parties in writing and have taken any subsequent responses into account in reaching my decision.
5. The Council has referred me to the emerging New Southwark Plan (NSP) which when adopted would replace the saved policies of the London Borough of Southwark Plan 2007 (SP) and the London Borough of Southwark Core Strategy 2011 (CS). Although at an advanced stage, I am mindful that there could be further changes and additions to emerging policies and accompanying text. Based upon this, I afford the NSP limited weight in this appeal decision.

¹ APP/A5840/W/19/3236582 dated 17 February 2020

Main Issues

6. The Council's decision notice has three reasons for refusal, two of which relate to the effect of the development on the host property and on the Walworth Road Conservation Area (the CA). Consequently, the main issues are:
- whether the development would preserve or enhance the character or appearance of the CA including the host property, and
 - the effect of the development on the living conditions of future occupiers of the proposed residential units with particular regard to outdoor amenity space.

Reasons

Character and Appearance

7. The site lies within the CA and as such, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.
8. The appeal site forms a single storey building at 290 Walworth Road (No. 290) which was formerly used as a bank, and a two storey building to its rear at 2-6 Carter Place. The WRCAA² places the appeal site within sub-area 1, which is described as the Walworth Historic Village Centre and contains a variety of style and size of property from various time periods.
9. The area is architecturally diverse and distinctly urban which reflects the growth and history of Walworth Road, with features one would expect to see such as shops, stores, public transport links as well as restaurants, fast food outlets and other amenities and facilities. Examples of contemporary buildings have been erected in the area and on corner plots similar to the appeal site, for example the residential development above the neighbouring property at 292 Walworth Road.
10. The proposal seeks the demolition of 2-6 Carter Place and the conversion of No. 290 Walworth Road to provide six apartments and a commercial unit. Four of the apartments would be largely to the rear of the site, replacing 2-6 Carter Place, with a further two apartments provided over No. 290, with its ground floor and basement converted into a commercial unit. The proposal over No. 290 would be a contemporary building and set back from its front elevation, linked to the rear where a three storey building would replace 2-6 Carter Place.
11. The development would result in the total loss of 2-6 Carter Place which the WRCAA identifies as early 19th Century cottages that are remnant of the early street pattern. The development at Carter Place proposes complementary materials to No. 290 which would then be separated by an area of glazed curtain walling, the corollary of which gives the appearance of a degree of separation from No. 290. In this instance, I concur with the Inspector

² Walworth Road Conservation Area Appraisal 2016

considering the previous appeal that the demolition of 2-6 Carter Place would have a negligible loss of significance from the CA. Moreover, the proposed form and scale of the replacement buildings at 2-6 Carter Place would be an appropriate development and of a satisfactory design that would ultimately preserve this part of the CA.

12. The single storey building at No. 290 sits on the corner of Walworth Road and Carter Place and is constructed of red brick and slate with stone detailing and an overhanging stone cornice. Although I acknowledge that the CA is the designated heritage asset, No. 290, nonetheless has "*considerable townscape merit*³" and one which is a "*positive contributor to the character of the conservation area*⁴". The significance of the Edwardian building is evident and one that can be appreciated from within the vicinity of the building and from the other side of Walworth Road. The building is defined by its strong cornice, parapet and notable roof form, and through its proportions which are appropriate for its setting.
13. I accept that the appellant has sought to amend the scheme in light of the previous decision at the site. Nevertheless, the proposal would result in the loss of part of the significance of the CA, through the erosion of its existing character which is a consequence of development. Whilst the proposed development over No. 290 would be set back from the front of the building, it would nonetheless be visible in views from the street and in particular those looking northwards along, and from the opposite side of, Walworth Road.
14. In some instances, a contrast in design and materials can assist in interpreting the evolution of a building by providing a clear indication of historic and contemporary development and is an approach that need not be harmful. The design of the development, when taken in isolation, could also be a comfortable addition within a diverse urban environment such as Walworth Road and one that, in principle, would not harm the hierarchy of the surrounding network of streets, buildings as spaces which form an integral part of the special character and appearance of the CA.
15. However, notwithstanding that the proposal takes into consideration the adjoining properties and the developments permitted by the Council on similar corner plots along Walworth Road, the height of the development over No. 290 would unacceptably change the building's proportions and dominate the building below. In particular, as a consequence of the proposed scale and mass of the additions and the use of contrasting materials, it would cause the building to appear as being disproportionately and unacceptably top heavy and unbalanced. Moreover, the loss of its roof form would irrevocably harm the historic proportions of the host building and its valuable contribution to the CA.
16. Thus, the development would fail to preserve the character and appearance of the CA. However, given the size of the CA as a whole, the proposal would result in less than substantial harm to the CA. Paragraph 202 of the Framework states that in such circumstances, the harm to the CA should be weighed against the public benefits of the proposal, including securing its optimal viable use.

³ Paragraph 3.2.14 of the WRCAA

⁴ Ibid

17. Although the harm is less than substantial, it should not be regarded as a less than substantial objection to the proposal. The development would bring forward public benefits such as employment generated during its construction together with additional housing and a commercial unit. However, given the totality of the development proposed, I am not persuaded that these matters represent any more than a limited benefit which would be insufficient to outweigh the otherwise identified harm, nor the great weight that the Framework requires at paragraph 199 to be given to the conservation of heritage assets.
18. Thus, I conclude that the development would result in harm to the character and appearance of the CA and the host property. It would conflict with Strategic Policy 12 of the CS, Policies 3.12, 3.13, 3.15 and 3.16 of the SP, Policy HC1 of the LP and paragraphs 130 and 199 of the Framework which seek, amongst other things, to ensure that developments have regard to their local context, make a positive contribution to the character of the area, preserve or enhance the character or appearance of the CA and conserve or enhance the significance of Southwark's heritage assets, by being sympathetic to their form, scale, materials and architectural detail.

Living Conditions

19. The development would provide some 40m² of private amenity space in the form of either a courtyard area for units A and B and a terrace for units C, D, E and F. The appellant argues that the individual units are generously proportioned and would be provided with sufficient private amenity space. Furthermore, there are public open spaces in proximity of the appeal site, which should also be taken into account as a material consideration.
20. Although private amenity spaces have been provided which could be used for personal activities such as hanging out washing, there is nonetheless a lack of outdoor space for the development. The Council's 2015 Technical update to the Residential Design Standards (2011) Supplementary Planning Document (the SPD) states that all developments must be provided with some form of outdoor amenity space to include communal amenity space, and where possible private amenity space. The Council calculate that the development would require 50m² of communal space and 60m² of private space based upon 10 m² per unit, totalling 110 m² of amenity space overall. The failure to provide any outdoor amenity space would be in conflict with the SPD.
21. I acknowledge that there are outdoor spaces in the area. However, there is nothing before me to demonstrate that these areas are within immediate proximity of the site and that they are substantial as required by the SPD. Moreover, I have nothing substantive before me to suggest that such a requirement is not reasonable for a scheme of this nature. Consequently, although the development would provide private amenity space, it would fail to provide any communal open space, resulting in a poor quality living environment for future occupiers of the development.
22. Thus, the development would result in harm to the living conditions of future occupiers of the proposed residential units with particular regard to outdoor amenity space. It would be in conflict with Strategic Policies 5 and 7 of the CS, Policy 4.2 of the SP and Policy D5 of the LP and the SPD. These policies and guidance seek, amongst other things, to ensure that new housing developments are of the highest quality achieving adequate outdoor amenity

space that should be private, usable, functional, easily accessible and of sufficient size to meet the needs generated by the development.

Other Matters

23. The appellant refers to the appeal decision⁵ at 292 Walworth Road which allowed the development of the site with a four storey building. Although I have had regard to this site, the decision was made some time ago and before the publication of the Framework. Moreover, this site, and indeed other schemes approved by the Council in the vicinity of the appeal site, do not include the alteration of a building that has considerable townscape merit within the CA. Thus, I do not find that the developments referred to by the appellant represent an irresistible precedent to find in favour of the development before me. Furthermore, the existence of development elsewhere is not an appropriate reason to find in favour of a proposal that is otherwise harmful.
24. I acknowledge that the principle of the development is acceptable and that the site is within a highly sustainable location with access to shops, facilities and public transport links. I also recognise that the development would not harm the living conditions of surrounding occupiers. However, neither this, nor any other material consideration that has been advanced outweighs the harm that I have identified above.
25. I note that representations were made by a local resident, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Conclusion

26. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the Development Plan. Therefore, the appeal is dismissed.

Graham Wyatt

INSPECTOR

⁵ APP/A5840/A/11/2143363 dated 4 May 2011