



Appeal Decision

Site Visit made on 27 July 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2021

Appeal Ref: APP/A5840/W/20/3259604

40-42 Peckham Rye, London SE15 4JR

- 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 A Soltan against the decision of the London Borough of Southwark.
 - The application Ref 20/AP/0872, dated 20 March 2020, was refused by notice dated 12 June 2020.
 - The development proposed is first and second floor rear extension over existing ground floor to form one 2 bedroom dwelling to rear of property and change of use to existing A1 unit fronting Peckham Rye and C3 unit to proposed A3 use.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the appellant is no longer seeking the change of use of part of the property. The Council dealt with the proposal on this basis and so shall I.
4. The revised National Planning Policy Framework (the Framework) has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

6. The appeal site comprises a three-storey mid terrace property located along one side of Peckham Rye. The terrace is characterised by retail and commercial uses at ground floor with flats above. Most of the properties have been altered and extended including in the form of rear extensions and roof alterations resulting in a degree of variety and irregularity, particularly at the back of buildings.
7. Beyond the rear of the properties is a taller block of apartment set within their own spacious grounds. A number of apartments face the rear of the appeal property and the retail parade.
8. Despite the Council's contention that properties in the terrace vary considerably in terms of scale, form and design there is no uniformity or established building line along the rear of these buildings. The terrace's character is one of irregularity.
9. Notwithstanding the above, the proposed development would result in a building that would appear overly prominent and dominant within the area. This sense of visual obtrusion would be compounded by the form and design of the proposed development which offers no relationship to neighbouring buildings. Its position, height, width and window proportions would render it an incongruous and uninspiring presence in the area, notwithstanding the varying form and appearance of properties locally.
10. The appellant has made reference to a number of approved planning applications. Based on the evidence before me, I am not persuaded that they are comparable to the scheme before me. They do not lead me to reach a different conclusion in relation to this matter. In any event every appeal must be considered on its own merits, as I have done in this case.
11. I conclude that the proposed development would unacceptably harm the character and appearance of the host property and the area contrary to saved policy 3.12 of the Southwark Plan (2007) and policy 7.4 of the London Plan (2016) which, amongst other things, seek a high quality of architectural and urban design and developments to have regard to the form, function and structure of an area and the scale, mass and orientation of surrounding buildings.

Other Matters

12. The Council's decision notice does not allege harm in respect of the living conditions of existing occupiers, even though their evidence refers to harm in relation to sunlight, daylight and outlook.
13. I acknowledge that there would be a gap between the rear of properties along Peckham Rye and the proposed development. However, due to its position, height and bulk the proposal would result in an increased sense of enclosure for the occupants of neighbouring flats. It would result in a form of development which would appear oppressive and overbearing diminishing occupant's living conditions.
14. The presence of the proposed development would not only have a significant impact on the outlook from nearby flats but would also overshadow them

during the day resulting in an unacceptable loss of sunlight and daylight for the occupiers.

15. The appellant has drawn my attention to paragraphs in the Framework that promote the effective use of land in meeting the need for homes and other uses. Whilst I acknowledge there is a need for additional homes, this is not justification to allow inappropriate development.
16. The appellant has referred to new permitted development rights relating to the construction of additional storeys. However, I have seen nothing to suggest that this is a genuine option if the appeal failed or that such a scheme would be similar to what is currently proposed. As such, I give that argument limited weight in coming to my decision.

Conclusion

17. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR