



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: 15 October 2021

Appeal Ref: APP/A5840/W/20/3259976

104 Peckham High Street, London SE15 5ED

- 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 Cohen against the decision of London Borough of Southwark.
 - The application Ref 20/AP/1158, dated 15 April 2020, was refused by notice dated 19 June 2020.
 - The development proposed is redevelopment of an existing mixed use building with the addition of a third and fourth floor roof extensions containing no.4 x 2 bedroom residential units with roof terraces.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appeal form. It simply and accurately describes it instead of the much longer and detailed description given on the application form.
3. 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.
4. The planning application, in part, was refused for non-compliance with Policies 7.4, 7.6, 7.8 and 7.9 of the London Plan (2016) which has since been replaced by Policies HC1, D1, D3 and D4 of the new London Plan (2021) (LP) with broadly the same aims. I have therefore based my decision on the latter.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area including whether it would preserve or enhance the character or appearance of the Rye Lane Peckham Conservation Area (CA).

Reasons

6. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential

harm amounts to substantial harm, total loss or less than substantial harm to its significance.

7. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
8. The appeal site forms one half of a pair of two storey properties located within the bustling Peckham local centre. The property when viewed from Peckham High Street and Peckham Hill Street has a modest traditional form incorporating render, a tiled roof and chimney. Whilst it has a traditional form the property has been unsympathetically altered including through the installation of a modern retail frontage and rear extensions that cover the entire plot. Neighbouring property No 102 has a similar form but has been refurbished with traditional and historic features reinstated including a shopfront, windows and dormer window.
9. The property forms part of a surviving early group of buildings which retain the small scale of the village and reflects the early development of Peckham. Despite its condition and the presence of modern development in the area, the irregular alignment of properties on narrow plots and varying heights along this section of Peckham High Street contribute to this village character.
10. The CA largely derives its significance from its different periods of development and growth from its beginnings as a rural hamlet. The Conservation Area Appraisal (CAA) states that the host property is one that makes a positive contribution to the townscape of the CA.
11. The contents of the CAA are countered by the appellant's heritage evidence which includes a copy of the Royal Commission on the Historical Monuments of England (RCHME) Survey Report which considers a number of buildings in the area including the appeal property. The report sets out that the property and No 102 are described as being late seventeenth century thought to be constructed as one-room-plan houses. Whilst the overall shape of the building survives little remains to be certain and it appears to have been modernised and extended to the rear. This is also evidenced by the appellant's Building Survey which shows the modern interior of the property. This assessment has not been challenged by the Council and I have no reason to dispute its contents.
12. Whilst the property has been modernised it still largely retains its original form and proportions as a once modestly size dwelling. Its set back from the highway and narrow plot reflects the irregularity of the early development of Peckham. Despite their differing appearances it is evident that Nos 102 and 104 were built as a pair and when read together and alongside the wider group of buildings, within the street scene, make an important contribution to local townscape, the historic environment and the CA's significance. The proposal would unacceptably diminish the contribution the property makes to the area and the significance of the CA.
13. The proposed development would extend over the entire plot taking the form of a contemporary four-storey building fronting Peckham High Street and a two storey section at the rear, with retail accommodation at ground floor and residential units above.

14. I acknowledge that the site is located within a growth area. I also note that the proposed development would incorporate sympathetic materials and its height would be comparable to nearby buildings reflecting guidance set out in the CAA. However, its overall mass would be significantly large. The proportions and form of the top floor would result in a top-heavy building and the full height elongated form of the development would render it an unduly prominent and incongruous feature within the area. The fenestration and detailing would not, in my view, assist in disguising its bulk.
15. In light of the above I find that there would be some harm to the CA. In accordance with paragraph 202 of the Framework, it is for the decision maker, having identified harm to designated assets, to consider the scale of that harm. In this case, I conclude that the proposal would lead to less than substantial harm to the significance of the CA. This harm should be weighed against the public benefits of the proposal including, where, appropriate, securing its optimum viable use, which I now turn to.
16. The appellant contends that the proposed development would lead to a number of social, economic, environmental and public benefits. In this regard, the proposal involves the redevelopment of a brownfield site in an accessible location and would contribute to local housing supply with the delivery of new flats. The proposal would lead to jobs during the construction phase and the residential and retail accommodation would attract investment and people into the area, but the benefits would be modest given its scale.
17. The proposal would contribute towards supporting or improving local facilities and infrastructure through the New Homes Bonus, Community Infrastructure Levy and Council Tax. However, these would largely mitigate the impact of the proposed development in planning terms. As such, these are matters of neutral consequence.
18. Taking into consideration the points above I find that the harm to the CA would clearly outweigh the public benefits of the proposal. I conclude that the proposed development would cause less than substantial harm to the significance of the CA, failing to preserve its character and appearance.
19. Subsequently, it would be contrary to Policies 3.12, 3.13, 3.15, 3.16 and 3.18 of the Southwark Plan (2007) and Strategic Policy 12 of the Southwark Core Strategy (2011) which, amongst other things, seek high quality design and appropriate design solutions to local context and character and developments to preserve or enhance the special interest or character of the historic environment including conservation areas.
20. The proposed development would be contrary to LP Policies HC1, D1, D3 and D4 which, amongst other things, require developments to conserve the significance of heritage assets by being sympathetic to the assets significance and appreciation within their surroundings; the enhancement of local context by delivering buildings and spaces that positively respond to local distinctiveness including through their scale, appearance and shape; respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards local character. It would also be contrary to the Framework.

21. I note the Council have referred to Southwark Plan Policy 3.17 in the reasons for refusal, however, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.
22. The Council has referred to Policy P20 of the emerging Southwark Plan in the reasons for refusal. From the evidence before me the policy may well be subject to further consultation and modification. As such, I attach limited weight to it.

Other Matters

23. I acknowledge that the proposed development would comply with the minimum gross internal floor areas for new dwellings contained within The Technical housing standards – nationally described space standard. I am also satisfied that it would provide adequate living conditions for future occupiers, include adequate refuse and recycling, cycle storage, be car free and energy efficient. However, these matters individually or cumulatively do not justify a different overall conclusion that the appeal should be dismissed.

Conclusion

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

B Thandi

INSPECTOR