



Appeal Decision

Site Visit made on 21 September 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal Ref: APP/A5840/W/21/3271773

199-201 Rye Lane, London, SE15 4TT

- 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 C Shapira (Allview Estates Ltd) against the decision of London Borough of Southwark.
 - The application Ref 20/AP/3282, dated 10 November 2020, was refused by notice dated 7 January 2021.
 - The development proposed is a third-floor extension creating 1 x 1 bed flat.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. 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.

Preliminary Matters

3. Whilst the appellant and Council have agreed consistently on the form of the description of the proposed development as being a third storey extension, it is clear from the submitted evidence and plans that this description is inaccurate and does not reflect the development as proposed. The annotation on the submitted plans indicates the development as occurring at third floor level which I am satisfied is a more accurate reflection of the proposed development, and I have amended the description of the development for this reason.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issue

5. The main issue in the appeal is the effect of the proposed development on the character and appearance of the host building, the surrounding area and

whether it would preserve or enhance the character or appearance of the Rye Lane Conservation Area.

Reasons for the Recommendation

6. The appeal site is occupied by mid terrace building with a retail unit on the ground floor and residential accommodation above. It sits within a row of other commercial units in a busy and urban 'high street' location, with the surrounding buildings varied in scale and appearance. It is also located within the Rye Lane Conservation Area which is a designated heritage asset.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. The significance of the Conservation Area relates to its designation as the commercial core of Peckham with buildings which reflect the characteristics of the different periods of the area's growth. The buildings have eclectic architectural styles and materials with the upper floor facades of many properties remaining unaltered. The appeal property has a brick built 1950's shop frontage and its traditional design and largely unaltered façade make a positive contribution to the significance of the Conservation Area.
9. The building has recently been extended upwards, with the addition of a third storey set back slightly from the main frontage. The proposed development would extend the property further, introducing a fourth storey to provide an additional one-bedroom dwelling.
10. Although the proposal would also be set back from the front elevation of the building and the previous extension, its resultant height and overall bulk would result in a large and dominant addition to the host building which would be highly visible within the public realm and much larger than the previous third storey extension. Its modern detailing and use of grey cladding would wholly and unacceptably contrast with the existing building and the design approach of the previous extension which, rather than a subtle variation, would subsume its host, resulting in a piecemeal appearance and an incongruous addition to the streetscene. This would result in harm to the traditional decorative façade of the building to the detriment of the character and appearance of the surrounding area and the Conservation Area.
11. It is noted that the proposal would broadly match the height of the neighbouring property at No.195-197, which has been previously extended. However, it was observed that surrounding buildings are varied in height and that there is not a consensus or overall consistency of height in the area. Furthermore, although the proposal would obscure the blank party wall of the extension at No.195-197, the extension would be equally imposing and would not improve the current appearance of the buildings within the streetscene.
12. Consequently, the proposed extension would harm the character and appearance of the host building, surrounding area and would fail to preserve or enhance the character and appearance of the Rye Lane Conservation Area. Therefore, the proposal would conflict with Policies 3.12, 3.13 and 3.18 of the Southwark Plan (2007). These policies collectively seek to achieve high quality

architectural and urban design which is appropriate to the local context and preserves or enhances the setting of a Conservation Area.

13. As an existing extension above the original roof level has already been constructed, the harm found from the proposal is relatively limited. Nevertheless, and having regard to the Framework, the harm to the significance of the Rye Lane Conservation Area would be less than substantial. The Framework requires, where there would be less than substantial harm, for it to be balanced against the public benefits of the scheme.
14. The proposal would provide an additional dwelling. However, the benefit of one additional dwelling to the supply of housing would be limited and no additional public benefits have been outlined by the appellant. I therefore conclude that this would not outweigh the less than substantial harm to the heritage asset previously identified.

Other Matters

15. The appellant has highlighted a similar development at 160-162 Rye Lane. However, this roof addition is set much further back from the road and has less of an impact on the overall streetscene than the proposal before me. Therefore, I am satisfied it is not directly comparable and does not set a precedent for the appeal proposal.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal should be dismissed

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR