
Appeal Decision

Site visit made on 9 November 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2021

Appeal Ref: APP/A5840/W/20/3247787

3 Alleyn Park, London SE21 8AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Patel against the Council of the London Borough of Southwark.
 - The application Ref 19/AP/0894, is dated 21 March 2019.
 - The development proposed is described as 'new house on the land adjoining 3 Alleyn Park'.
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Decision

1. The appeal is dismissed and planning permission refused for a new house on land adjoining 3 Alleyn Park, London SE21 8AU.

Preliminary Matters

2. Since the appeal was submitted, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties had the opportunity to comment on any implications for the appeal of this change, and I am satisfied that no prejudice would be caused by my consideration of the appeal in light of the revised Framework.
3. The drawings submitted by the appellant at appeal are materially different to the plans referred to by the Council, in respect of the design and appearance of the proposed dwelling. The information before me shows that only the drawings provided by the Council and dated 04.12.2018 have been subject to public consultation (drawing Nos: GLA-03L (proposed floor plans); GLA-04L (1:100 and 1:500 scale block plans); GLA-04L (location and block plan); GLA-04L (proposed elevations) and GLA-05L (proposed front elevation)). Furthermore, the Council's appeal statement relates to the above referenced original planning application drawings rather than the revised drawings submitted by the appellant.
4. Within this context, I am very conscious of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982) which are further explained in the Procedural Guide: Planning Appeals – England. It is my firm view, in the interests of fairness, that this appeal must be determined on the original plans on which interested people's views were sought, and not the revised plans. To do otherwise could prejudice unacceptably the interests of interested people and/or consultees who would not have been consulted on revised proposals and who may have observations to make.

5. The appellant states that they would accept a decision in outline form with all matters reserved apart from access. However, the planning application applied for full planning permission and consultation was carried out on that basis. It would not be reasonable for the type of application to be changed at this stage of the process, and I have therefore determined the appeal on the basis of an application for full planning permission.

Background and Main Issue

6. The Council did not make a decision on the planning application within the statutory period and this has taken the jurisdiction to determine the application away from the Council. The Council has provided an appeal statement which indicates that had it been in a position to determine the application, it would have refused planning permission.
7. Having regard to the Council's appeal statement, I consider that the main issue is:
- The effect of the proposed development on the character and appearance of the area.

Reasons

8. Alleyn Park predominantly comprises detached 2 storey dwellings of varied architectural design that are set back from the road behind generous front gardens, which include trees and soft landscaping. The area has a spacious, suburban feel due to the large size of the plots and the gaps between the dwellings, which enables views in the street scene of trees and greenery. The appeal site consists of part of the garden of No 3 Alleyn Park, which is located close to the junction of Alleyn Park, Alleyn Road and South Croxted Road. The openness provided by the gardens of No 3 Alleyn Park and the adjoining property at No 89 Alleyn Road contributes positively to the spacious feel of the area. The layout of No 3 Alleyn Park and No 89 Alleyn Road is such that the southern elevation of the buildings provides articulation and habitable windows that appropriately addresses the public realm in this corner location.
9. The proposed dwelling would face Alleyn Park and would be served by a vehicular access from this road. The size of the proposed dwelling would appear overly large relative to the modest size of the plot. Because of the location of the proposed dwelling close to the site boundaries and the uncharacteristic proportion of site coverage compared to the surrounding housing, it would be cramped on the site and harm the spacious character of the area. Furthermore, the siting of the proposed dwelling near to the south-western boundary would not respect the prevailing set-backs of buildings in Alleyn Road, which would result in an unduly prominent appearance in the street scene. The chamfering of the south-western corner of the dwelling is indicative of the cramped nature of the proposal, and this would have an odd appearance that would be out of keeping with the regularity of the other external walls.
10. The design of the front elevation includes a large gable that would be finished with cedar cladding and stone quoins. The other external walls would be finished in render with stone quoins. The front elevation would comprise an excessive amount of glazing that would extend above the eaves line and thus accentuate the scale of the proposal. Furthermore, the proposed external

materials would contrast markedly with neighbouring buildings. The overall composition would appear unduly grand and would not respect the more modest domestic appearance and scale of buildings in Alleyn Park, where external elevations predominantly comprise brick walls with proportionate window openings.

11. Furthermore, the southern side elevation would consist of a largely blank gable wall, resulting in an inactive frontage that would therefore fail to adequately address the site's corner position in the public realm. The western rear elevation would also be bland, providing few architectural details. The positioning of the rear windows would be incoherent and there would be poor vertical alignment. Given that this elevation would be clearly visible in the street scene, it would not provide an acceptable appearance. Consequently, I find that the design of the proposed dwelling would not represent high quality and it would fail to respect the site's context. This would exacerbate the prominence and incongruous appearance of the proposal in the surrounding area.
12. For the above reasons, I conclude that the proposed development would cause significant harm to the character and appearance of the area. It would therefore be contrary to Saved Policies 3.12 and 3.13 of the Southwark Plan 2007, Strategic Policy 12 of the Southwark Core Strategy 2011 and Policy D4 of the London Plan 2021, which amongst other things, state that developments should achieve a high quality of both architectural and urban design; and should be designed with regard to their local context, making a positive contribution to the character of the area and providing active frontages.

Planning balance and conclusion

13. The appellant indicates that the Council is unable to demonstrate a deliverable 5 year housing land supply. No evidence has been provided to support this, and details of the extent of any shortfall are not before me. Nevertheless, the Housing Delivery Test results published 19 January 2021 show that the Council has a measurement of just 72% of homes delivered against its requirement over the previous 3 years, which represents a substantial shortfall. In these circumstances, the most important policies for determining the application are out-of-date in accordance with footnote 8 of the Framework. Paragraph 11(d) ii of the Framework is therefore engaged.
14. Paragraph 60 of the Framework sets out the Government's objective of significantly boosting the supply of housing. The proposed development would provide one dwelling in an accessible location close to various modes of transport, services and facilities, which would make a small contribution towards the supply of housing in the area. Small sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 69 of the Framework. The proposal would also create some employment at the construction stage, although this would be relatively short lived and so a limited benefit. The occupiers of the proposed dwelling would help to support local facilities and services, although the economic contribution arising therefrom would be limited again by the scale of the proposal. Taking the benefits together, and for the reasons I have given, I would afford them limited weight.

15. Paragraph 124 of the Framework states that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting, amongst other matters. In this case, whilst the proposal would make a contribution of one dwelling towards housing supply, it would cause significant harm to the character and appearance of the area and so the environmental role of sustainable development would not be achieved. The Framework sets out the importance of achieving well-designed and attractive places, and to ensure that developments are sympathetic to local character. Consequently, I afford significant weight to the harm to the character and appearance of the area and the associated conflict with the development plan.
16. I conclude that the identified adverse effects of the proposal would significantly and demonstrably outweigh the benefits outlined above, when assessed against the policies in the Framework taken as a whole.
17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Osgathorp

INSPECTOR