



Appeal Decision

Site visit made on 10 November 2021

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2022

Appeal Ref: APP/A5840/W/21/3274416

Flat 5, 46 Sudrey Street, London SE1 1PF

- 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 Nick Chadd of RI Works Ltd against the decision of the London Borough of Southwark.
 - The application Ref 20/AP/2531, dated 2 September 2020, was refused by notice dated 18 November 2020.
 - The development proposed is construction of a single-storey extension to create a fourth floor level to enlarge the existing third floor flat (Flat 5).
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Decision

1. The appeal is allowed, and planning permission is granted for construction of a single-storey extension to create a fourth floor level to enlarge the existing third floor flat (Flat 5) at 46 Sudrey Street, London SE1 1PF in accordance with the terms of the application, Ref 20/AP/2531, dated 8 September 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal application follows a pre-application submission which provided positive feedback on the proposal.
3. The London Plan 2021 has been adopted since the application was determined with policies superseding those referenced in the decision notice.

Main Issue

4. The main issue is the development's impact on designated heritage assets.

Reasons

5. The appeal relates to the top floor of a 4 storey building comprising a ground floor commercial unit with 3 storeys of residential accommodation above. Flat 5 occupies the 3rd floor and is set back from Southwark Bridge Road to the west by about 2m and from Sudrey Street to the east by about 1m. The proposal involves an upward extension to provide a new kitchen and living area with an external terrace to the northern end and rearranged bedrooms below.
6. The surrounding area has a mixture of commercial and residential uses contained within buildings of varying height and design. The appeal site is located within a terrace. To the north is 175 Southwark Bridge Road, a similar 4 storey building with a recessed top floor. To the south is a 3 storey terrace with a central ridged roof; beyond this the buildings step up in height to 5 storeys at 199 Southwark Bridge Road on the corner with Great Suffolk Street.

7. The site is not within a conservation area. The Liberty of the Mint Conservation Area includes buildings on the eastern side of Sudrey Street and extends over several streets to the east and north-east. Directly opposite the appeal site is 4-7 Sudrey Street, a recently constructed building of similar massing to the appeal building with 3 floors presenting to the street and a recessed top floor. To the southern end of Sudrey Street are Grade II Listed Buildings, Gable Cottages, 2 storey dwellings arranged around 3 sides of a square.
8. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires in relation to any buildings or other land in a conservation area, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 requires in relation to a listed building or its setting, special regard to be paid to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
9. The Liberty of the Mint Conservation Area Appraisal (2018) notes the area's historic background through the establishment of a royal mint and describes its character as *"a tightly knit urban realm, with high quality examples of historic and modern social housing, former warehouses, 19th century townhouses, some with commercial premises at ground floor, public houses and a large Victorian board school"*. The Conservation Area's significance lies in a collection of buildings, streets and spaces forming a small, yet distinct community character with a tight, well-defined townscape, which contrasts with the more extensively developed streets and areas beyond. The Appraisal notes that scale and height vary within the conservation area and suggests proposed development *"should follow cues taken from the adjacent buildings"*. It continues that *"most development should not exceed the general maximum storey height of 4 to 5 residential storeys"*.
10. The proposal would be outside the Conservation Area but would respect the guidelines for scale of development within it. The extension would be set back from the main front wall to Sudrey Street and constructed in materials to match those of the existing upper floor thereby helping to maintain a subservient appearance. Sudrey Street has a narrow carriageway which constrains street level views of the roofs to the buildings to both sides. It is the eaves to the pitched roof buildings and 'shoulder' to other buildings that are most prominent in the street scene to both sides of Sudrey Street, and this would not change as a result of the proposal.
11. The extension would be most visible in private views from the upper floors of higher buildings on the western side of Southwark Bridge Road. But even here it would be seen as part of a terrace of varying height and mixed character that largely screens the conservation area beyond. The extension would not be a conspicuous feature in street level views of the conservation area from outside it. Nor would it be particularly visible from street level views from within the conservation area. The proposal would not detract from the conservation area's setting nor from factors that contribute to its significance.
12. There would not be conflict with Policy SP12 of the Southwark Core Strategy (2011) or with Saved Policies 3.12, 3.13 and 3.18 of the Southwark Plan (2007) which promote quality in design and well-designed places, and which seek to preserve or enhance views into or out of conservation areas. Nor would

there be conflict with Policies D4 and HC1 of the London Plan (2021) on delivering good design or in relation to heritage concerns.

13. The 16 dwellings comprising Gable Cottages have a distinctive appearance including red brickwork with half-timbering and tall chimneys that contrast with other development in Sudrey Street. The outer cottages, either side of the square, have frontages on to Sudrey Street. From positions outside these cottages there would be only glimpsed views of the proposal as a result of the tight streetscape of Sudrey Street and the recessed angled slope to the extension's facing elevation.
14. The proposal would not therefore be readily perceived in the context of the listed cottages and would not adversely affect their setting. Its perception would be as part of the envelope of mixed character and mixed height buildings surrounding the conservation area. The two storey upwards extension to 199 Southwark Bridge Road approved in 2008 is closer to Gable Cottages and forms part of that envelope. There would not be conflict with Saved Policy 3.18 of the Southwark Plan or with Policy HC1 of the London Plan in relation to safeguarding the setting of listed buildings.
15. As the proposal would not lead to "*less than substantial harm to the significance of a heritage asset*", either in relation to the conservation area or to the listed buildings, paragraph 202 of the National Planning Policy Framework is not engaged and there is no need to weigh harm against any public benefits.
16. The proposal would satisfy the statutory requirements of the 1990 Act to preserve or enhance the character or appearance of the Liberty of the Mint Conservation Area and to preserve the setting of the Gable Cottages Listed Buildings.
17. The Council point out that the proposal would have greater prominence when viewed from Southwark Bridge Road to the west. Here there is a much wider carriageway enabling direct and oblique views of roofs from the opposite side of the road. The extension would be most conspicuous in views from the south where the step up in scale from the ridged roof to 181-185 Southwark Bridge Road would be noticeable. But the impact on the character and appearance of the surrounding area away from Sudrey Street and the heritage assets did not form part of the Council's refusal reason. Moreover, the extension would be set well back from the 'shoulder' on Southwark Bridge Road and be sympathetically designed in relation to the existing structure. The rise in height of buildings along Southwark Bridge Road tends to be greatest on prominent corner sites but there is nonetheless variation in the height of buildings away from corners.
18. The proposal would not necessarily set a precedent for roof extensions in the surrounding area. The Council can consider applications for planning permission on their individual planning merits and proposals for upward extensions under permitted development allowances in relation to legislative constraints.

Other Matters

19. The privacy of the adjoining occupiers of the flat to the north of the site can be secured through a planning condition relating to screening. Any disturbance during building works would be temporary and a party wall agreement under other legislation should cover any damage to neighbouring property.

Conditions

20. In addition to the condition relating to the statutory time period to commence development, conditions are necessary to list the approved plans in the interests of certainty and to approve external materials to ensure a satisfactory appearance. Conditions are also necessary to secure provision of the specified terrace screen to safeguard privacy on the adjacent site and to specify internal noise levels to ensure satisfactory living conditions for future occupiers.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed.

Rory MacLeod

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Design and Access Statement – 2006-R-002 P1
 - Site Location Plan – 2006-001 P1
 - Proposed Block Plan – 2006-003 P2
 - Proposed ground floor plan 2006-110 P1
 - Proposed first floor plan – 2006-111 P1
 - Proposed second floor plan 2006-112 P1
 - Proposed third floor plan 2006-113 P2
 - Proposed fourth floor plan 2006-114 P2
 - Proposed roof plan 2006-115 P2
 - Proposed north-west elevation 2006-120 P2
 - Proposed north-east elevation 2006-121 P2
 - Proposed south-east elevation 2006-122 P2
 - Proposed south-west elevation 2006-123 P1
 - Proposed section AA+BB 2006-130 P2
- 3) Prior to above grade works commencing, details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) The privacy screening hereby approved shall be installed in full prior to first use of the terrace and retained as such in perpetuity.
- 5) The additional storey hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:
 - Bedrooms - 30dB LAeq, T* and 45dB LAFmax
 - Living rooms - 30dB LAeq, T**
 - * - Night-time 8 hours between 23:00-07:00
 - ** - Daytime 16 hours between 07:00-23:00