



Appeal Decision

Site visit made on 27 April 2022

by Rory MacLeod BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/A5840/W/21/3281157

68 East Dulwich Grove, London, SE22 8PS

- 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 Altan Ramadan against the decision of London Borough of Southwark.
 - The application Ref 21/AP/1116, dated 31 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is subdivision of the residential curtilage and construction of a two storey detached dwelling (3B 4P) plus basement, at land adjacent to 68 East Dulwich Grove, with associated off-street parking, landscaping and cross-over providing access onto Melbourne Grove.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the proposal is described as a 3-bedroom dwelling, it includes a study that would be large enough to be used as a bedroom by future occupiers. I have therefore regarded the proposal as a 4-bedroom dwelling.
3. Planning permission has previously been refused for a 4-bedroom dwelling at the site but there is an extant unimplemented permission for a two storey 2-bedroom dwelling here (ref. 20/AP/1319). The principle of a new dwelling on this site has therefore been accepted.

Main Issues

4. The main issues are the effect of the proposal on (a) the living conditions of future occupiers in relation to outdoor amenity space provision, natural light and outlook, (b) the character and appearance of the area and (c) highway and pedestrian safety in relation to visibility from the proposed access.

Reasons

Living conditions

5. The appeal relates to land formerly part of the back garden to 68 East Dulwich Grove, but which has now been fenced off and is overgrown. The proposal is for a detached dwelling with accommodation arranged over three floors, including at basement level with a front patio. There would be a vehicle access to the southern side closest to the retained land at no.68 with a bike store alongside. The largest area of garden would be a narrow strip to the rear of the dwelling against the boundary with 70 East Dulwich Grove.

6. Section 3.1 to the Southwark Residential Design Standards SPD (2015 update) states that new housing should provide a minimum of 50 sqm private garden space. This should ideally be at least 10m in length and extend across the entire width of the dwelling. The Council has calculated the total outdoor amenity space to equate to approximately 45 sqm. The appellant does not dispute this but contends the proximity of a public park would compensate for this as allowed by paragraph 2.6 of the SPD. St. Francis Park is some 0.3 miles from the site, about 6 minutes' walk.
7. The SPD states, "*Where developments are within immediate proximity of a substantial area of public open space, accessibility to the open space, combined with better outlook, may justify less amenity space as part of the development*". In my judgement, St. Francis Park is not in the immediate proximity of the site and its availability does not compensate for the shortage of amenity space proposed which would be wholly inadequate for a large family sized dwelling. The floor plans show one parking space, but the Design and Access Statement refers to two spaces. A second parking space would further reduce the garden area available. The proposal would conflict with Saved Policy 4.2 of the Southwark Plan (2007) which requires new dwellings to provide high standards of space including suitable outdoor/green space.
8. The 3 bedrooms at basement level would all have full depth windows opening on to a sunken patio a few metres wide and deep. The size of the patio and windows would be sufficient to ensure receipt of adequate natural lighting to the bedrooms. Outlook from the bedrooms would necessarily be restricted by reason of the basement location but would nonetheless be satisfactory for the bedrooms with views beyond the patio to the sky above street level enclosures.
9. At ground floor level the kitchen and dining area would have sliding doors in the rear wall facing towards the end parts of the gardens to 70 and 72 East Dulwich Grove. There would not be any loss of privacy for occupiers of these dwellings bearing in mind the separation distances to the dwellings and a screen provided by a boundary fence. A flank window to the ground floor hall would face towards windows in the rear wall to the host dwelling. A boundary fence would be sufficient to preclude overlooking between facing ground floor windows. A planning condition could be used in respect of glazing to ensure privacy is maintained in the hall from facing upper floor windows.
10. The proposal would result in satisfactory provision of natural lighting, outlook and privacy for future occupiers. There would not be conflict with the provisions of Saved Policies 3.2 and 4.2 of the Southwark Plan requiring protection of amenity to present and future occupiers, just conflict with the open space requirements as outlined above.

Character and appearance

11. The context for the site is period buildings over 2 or 3 floors with pitched roofs and articulated frontage features such as bay windows to both East Dulwich Grove and to the return frontage along Melbourne Grove. The proposal by contrast would present a lower, rectangular form with a flat roof to the street. There would be symmetry to the window and door openings to the front elevation but there is no indication on how the fenestration, materials or massing would relate to 46 Melbourne Grove alongside or to the street scene in general. The proposal would be subordinate in scale to neighbouring buildings but would appear as an incongruous and discordant element.

12. As such, the proposal would not provide a high standard of design and would not be compatible with Policies D3 and D4 of the London Plan (2021) and Saved Policies 3.12 and 3.13 of the Southwark Plan. These require a high quality design and place-making using a design-led approach to optimising site capacity that is appropriate to the local context. The quantum of development proposed is such as to exclude provision of adequate amenity space for future occupiers and the proposal contains minimal contextual information.
13. Reference is made to a two-bedroom detached house with accommodation at basement level erected on the site of former garages opposite the appeal site on land to the rear of 66 East Dulwich Grove. This has a modern design with slatted timber to the front elevation. Its flat roof and massing would not be dissimilar to the appeal proposal. It is a material consideration and now forms part of the street scene to Melbourne Grove. I have not been provided with the circumstances leading to the dwelling's permission but note that the Council do not object to the principle of a dwelling on the appeal site. The existence of this modern infill development on the facing side of Melbourne Grove is not sufficient reason to grant permission for the appeal proposal. It does not overcome the conflicts with the development plan that I have identified.
14. Reference has also been made to other sites nearby as a precedent for the proposal. There are significant differences in site circumstances between the appeal proposal and these other sites. The two sites referred to in Melbourne Grove, no.3 and adjacent to no. 91, are much narrower sites where infill housing between frontage development is proposed. A description has been provided for an approved dwelling replacing a garage at 48 East Dulwich Grove, a corner site with Derwent Grove, but no details to indicate how the development would be comparable to the appeal proposal.

Highway safety

15. There would not be enough space for a vehicle to turn on site. A car would have to be reversed either on to or off the site. The vehicle access is shown to be tight to the boundary with the retained land for 68 East Dulwich Grove. Any boundary enclosures would restrict visibility across this adjacent land which would not be in control of future occupiers of the proposed dwelling. The block plan for the extant permission included in the appellant's submissions shows two parking spaces set away from the side boundary, thereby enabling satisfactory visibility to be provided.
16. The proposal would not provide adequate visibility for drivers to exit the site safely thereby presenting an unnecessary risk to pedestrian and highway safety. It would conflict with Saved Policy 5.2, Policy 2 of the Core Strategy (2011) and Paragraph 112(c) of the National Planning Policy Framework which seeks to minimise conflict between pedestrians and vehicles.

Conclusion

17. The proposal would have the benefit of providing one additional dwelling but so would the extant consent. For the reasons set out above and in relation to conflicts with the development plan the appeal should be dismissed.

Rory MacLeod

INSPECTOR