



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/21/3286708

Upper Floor and Roof Space, 116 Lordship Lane, London, SE22 8HD

- 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 The Parkhill Group against the decision of London Borough of Southwark.
 - The application Ref 21/AP/2284, dated 30 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is construction of an additional two storeys facing Bassano Street and Lordship Lane facades at second and third floor level to create additional residential units at second and third floors (to have a total of 7 x two bedroom apartments) with associated refuse storage and secure bicycle storage.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. The applicant has made an application for an award of costs. This is the subject of a separate Decision.

Preliminary Matters

3. Planning permission has previously been granted for one additional storey to be added to each existing level, converting the host building into a part three, part four storey building to provide a total of 5 residential units on site, most recently under ref. 19/AP/0387.
4. The application form and decision notice describe the development as consisting of 4 x two bedroom and 3 x one bedroom apartments. But it is clear from the plans and appeal documents that the proposal is for 7 x two bedroom units. I have described the proposal as such in the banner heading above.
5. The proposal follows receipt of advice from the Council on a pre-application submission of a similar proposal.

Main Issues

6. The main issues are the effect of the development on:
 - (a) the character and appearance of the host building and street scene, and
 - (b) living conditions of future occupiers in relation to the adequacy of external amenity space.

Reasons

Character and appearance

7. The appeal relates to a building on a prominent corner site that is mainly two storeys high to both road frontages but with a three storey element at the far end along Bassano Street. The building is in use as a gym at ground floor and part of the first floor and also includes a residential unit on the upper floor.
8. Bassano Street comprises mainly Edwardian two-storey terraced housing with an Edwardian Mission Church opposite the site. The building abuts the former school on Lordship Lane that has been refurbished for use as a cinema; this has a decorative front gable and a two storey section next to the appeal site. Lordship Lane is mainly commercial in nature and comprises a mixture of building types and sizes, frequently three-storey in height but with some single storey, two-storey and four-storey. The crossroads of which the appeal site forms part is of two and three storey buildings.
9. The proposed additional storeys in zinc cladding would contrast with the brickwork on the existing building. The cladding would be set at an angle punctuated by vertical dormers that would align with the rhythm of windows on the floors below. The additional height would not exceed that of the gable top to the nearby cinema, but the overall massing would result in a dominating effect for the corner site, particularly with the long return frontage to Bassano Street and the low-rise nature of other corner sites to this crossroads. The scale of the resultant building would be overwhelming for the immediate context and would detract from the appearance of the street scene.
10. I note the addition of third floors in the form of recessed and subservient mansard-style roofs nearby and the erection of some four-storey buildings on other parts of Lordship Lane. The existence of these examples does not dissuade me on the effect of the proposal's massing on its context.
11. The southern flank wall over the extended staircase would not be as well articulated as the frontages and would rise above the adjacent roofline. But the front gable to the cinema would conceal this wall from several positions along Lordship Lane to the south.
12. The scale and massing of the proposal would relate poorly to the immediate context to both road frontages. The proposal would thereby conflict with Policy D4 (Delivering good design) of the London Plan 2021, Strategic Policy 12 (Design and conservation) of the Core Strategy 2011 and Saved Policies 3.12 and 3.13 of the Southwark Plan 2007 relating to design and context.

External amenity space

13. Section 3.2 to the Southwark Residential Design Standards SPD (2015 update) states that all flatted developments must provide some form of outdoor amenity space; this should include communal amenity space and where possible private amenity space. Standards set include 50 sqm communal amenity space per development and for units containing two or less bedrooms, 10 sqm of private amenity space should ideally be provided. Paragraph 2.6 of the SPD states, the nature and scale of the amenity space should be appropriate to the location of the development, its function and the character of the area within which it is situated and that in most developments there should be a mixture of both private and communal amenity space.

14. The proposal would provide a mixture of private and communal space, but these would generally be smaller than advocated by the SPD. The communal amenity space would be in the form of a rooftop garden overlooked by most units but at 30 sqm would be significantly short of the 50 sqm standard. Unit 1 would not have access to private amenity space; the SPD indicates that private amenity space should be provided 'where possible' but as this unit would be located at the front adjacent to the gym this would be less practicable. Other units would have private areas, though access to some would be across communal corridors. These areas would be smaller than specified in the SPD but nonetheless would provide useful outdoor space.
15. Overall, in my judgement, external amenity space provision would be poorer than might reasonably be expected for new built residential units, particularly in relation to the size of the communal space, even allowing for constraints to the shape of the development set by access points and staircases. The proposal would not be compatible with the SPD and 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.
16. The appellant has pointed out that adjustments could be made to the size of some private amenity areas through amendments to the plans. Also, as several flats would be well over the minimum space standards set out in the nationally described space standards, that 'excess' internal space could be traded off to compensate for the shortfall in external space. These factors would not address the shortfall in communal amenity space provision.

Other Matters

17. Residents and local business owners have raised other issues not covered in the main issues above. There is uncertainty in the plans on how the refuse and recycling bins would be stored separate from those relating to the gym, and on the impact that no on-site parking provision would have on on-street parking congestion. Local roads appeared to be heavily parked at the time of my visit. There is no parking stress information before me to confirm that there would not be a problem. If the appeal were to be allowed, I would have given these matters greater attention.
18. Some residents have expressed concern about the proposal's effect on light to and privacy at neighbouring properties; and also about noise nuisance arising from the use of the external amenity space. Having regard to separation distances to the nearest properties I concur with the Council's findings that there would not be any material adverse effect in relation to these issues.

Conclusion

19. The proposal would have a detrimental effect on the character and appearance of the host building and street scene and on living conditions for future occupiers in relation to the adequacy of external amenity space. It would conflict with development plan policies relating to these issues. For the reasons given above I conclude that the appeal should be dismissed.

Rory MacLeod

INSPECTOR