



Appeal Decision

Site visit made on 31 May 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 27TH June 2022

Appeal Ref: APP/A5840/D/21/3287549

6 Onega Gate, London SE16 7PF

- 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 Plamen Vassilev against the decision of the Council of the London Borough of Southwark.
 - The application Ref: 21/AP/1873 dated 30 May 2021, was refused by notice dated 26 October 2021.
 - The development proposed is: Add additional space to the south side of the property. Extend the half floor wall above to form a fourth floor and finish with flat roof terrace on both the main house and extension. Construct a suspended garden structure with lattice cover over it and erect walls around some parking spaces converging them into bicycle storage and a shed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was determined and the appeal submitted, the Council has adopted the Southwark Plan 2022 (SP 2022), which replaced the Core Strategy 2011 and Southwark Plan 2007 policies referenced in the decision notice. I am required to determine the appeal in accordance with the development plan policies in place at the time of my decision. The Council has therefore, at my request, provided me with the replacement policies from the SP 2022 and an opportunity has been provided to both the Appellant and the Council to comment on these policies. The Council has advised that its stands by its decision in the light of the new policies in the SP 2022 and no further comments have been received from the Appellant. I shall refer only to the policies in the SP 2022 and not to the now superseded Core Strategy 2011 and Southwark Plan 2007.

Main Issues

3. The main issues in this appeal are:
 - a) The effect of the proposals on the character and appearance of the local area;
 - b) The effect of the proposals on the amenities of surrounding neighbours; with particular regard to outlook, overlooking and loss of privacy;

- c) The effect of the proposals on the living conditions of the host building, with particular regard to outlook, overlooking and loss of privacy and flood risk, and
- d) The effect of the proposed garage and garden structure on the availability of parking.

Reasons

Issue a) Character and Appearance

- 4. The appeal building is a three storey, end of terrace residential dwelling on the west side of Onega Gate, with access from the west side of the building where there is a surface level car parking courtyard serving the development. The proposal in respect of the residential dwelling would extend the existing property upwards with another storey and roof terrace above together with a four storey extension to the side and extended roof terrace. The new side elevation would include windows, including full length windows at the third floor with a projecting balcony.
- 5. The proposed extension would bring built development significantly closer to the adjoining block of development to the south at Russell Place; it would remove the existing central belt of soft landscaping separating the appeal property from the adjoining development block, leaving a narrow strip of hard landscaping between the two building blocks. I have noted that the other end of the Onega Gate development block, containing the appeal dwelling, is four storeys high, but in terms of width, the current block is currently symmetrical in appearance and the fourth storey at the northern end adjoins a much larger open area of land. The proposed additional width to the overall building, the additional height taken together with the very significant reduction in the open space to the adjoining block of development would result in a visually overbearing and intrusive development that would be harmful to the existing composition of development and to the street scene. It would also significantly reduce the quality of the public realm separating the two blocks of development and would not provide a positive pedestrian experience.
- 6. The scheme proposals also include for a rearrangement of the car parking within the courtyard to introduce secure and covered bicycle storage with a suspended garden over, under an open, lattice frame. The proposed garage and garden block would introduce a new bulky structure into the parking courtyard. Whilst the objective to provide more amenity space for the surrounding local residents is understood and welcomed, the form and scale of the proposal with its very substantial frame at first floor level would introduce a very sizeable built structure, extending to up to 8.5m in height, into the open courtyard area. This would be visually oppressive and detract from the existing composition of built elements and overall relationship of built form to open spaces.
- 7. I therefore conclude that individually both elements would be visually intrusive and would have an unacceptable impact on the character and appearance of the local area and that the two elements taken together would further exacerbate the harmful impact on the character and appearance of the local area. The proposals would therefore conflict with the National Planning Policy Framework (Framework), and in particular Section 12; Policies D4, D8 and D11 of the London Plan 2021 (LP 2021) and Policies P13, P14, P15 of the SP 2022,

all of which, amongst other things, seek a high quality of design which respects the local context.

Issue b) Living Conditions of Neighbours

8. The proposed extension would bring built development very close to the adjoining development at Russell Place and the extension would include windows at all levels, a balcony at third floor level and the roof terrace above. Although the proposed use of the rooms with these windows and the balcony are not indicated, given their size, they would appear to serve habitable rooms.
9. It is also not entirely clear what rooms the windows on the Russell Place development serve as existing; there appears to be commercial uses on the ground floor with residential above although the window directly facing the appeal building appears to serve a landing and common parts, but there are further windows at first floor, in close proximity, which appear to serve habitable rooms. The proximity of the proposed extended Onega Gate development, including the balcony at third floor, would be unacceptably close to existing windows in Russell Place on its rear elevation and would lead to harmful impact to the neighbours in Russell Place, in terms of overlooking and loss of privacy, and impact on outlook. These concerns would all result in an unacceptable harm to the living conditions of the residential neighbours in Russell Place.
10. The Council has also raised a concern on loss of light to the windows in Russell Place, but no technical information has been provided and given the orientation of the development blocks, I am not persuaded that there would be material harm in this respect, but this finding does not override the harm I have already concluded.
11. The proposed first floor garden and its lattice structure, given its scale, form and proximity to windows in Russell Place would enable views directly towards windows in the rear of Russell Place leading to an unacceptable impact on the neighbours' living conditions through overlooking and loss of privacy as well as loss of outlook. I also agree with the Council that given the proximity to windows in Onega Gate, particularly at first floor, there would be a harmful impact on the living conditions of these neighbours, including in terms of outlook and overlooking and loss of privacy.
12. I therefore consider that the proposals would unacceptably harm the living conditions of the immediate neighbours, with particular regard to overlooking and loss of privacy as well as loss of outlook. This would conflict with the Framework and in particular Section 12 and paragraph 130 f), Policies P14, P15, P56 of the SP 2022 and the 2015 Technical Update to the Residential Design Standards SPD 2011 (SPD), all of which amongst other things seek to protect the amenities of existing and future occupiers.

Issue c) Living Conditions of the Occupiers of the Host Building

13. I have already found that the proposed changes to the parking arrangements and the structure over the garden above would be harmful to the living conditions of the neighbours at Onega Gate, and this would include the future residents of the host building.
14. The Council has also raised a concern regarding the poor living environment for future residents of the appeal building, because of the proximity of windows

and the balcony to the neighbouring block of existing development. Whilst I agree that there would be the opportunity for views from windows in Russell Place over the side windows and balcony of the property to be extended, the proposed rooms would all benefit from front and / or rear windows which would provide appropriate light and outlook for the proposed rooms. This does not override the harm I have already concluded under this issue.

15. I therefore consider that the living conditions of future residents of the extended host building would be unacceptably harmed by the proposed changes to the parking arrangements and the covered garden above. This would conflict with the Framework and in particular Section 12 and paragraph 130, Policy P14, P15 of the SP 2022 and the 2015 Technical Update to the Residential Design Standards SPD 2011 (SPD), all of which amongst other things seek to protect the amenities of existing and future occupiers.
16. There is no information before me in respect of flood risk. The appeal building lies within Flood Risk Zone 3 but would form an extension to an existing building. Were no other matters of concern and planning permission were to be granted, I consider that conditions could be imposed to ensure that the development would meet the criteria set out under Policy P68 of the SP 2022 to reduce flood risk.

Issue d) Availability of Car Parking

17. There would appear to be the loss of one parking space from the existing situation, although the information recorded on the application forms does not appear to accord with the situation on site. The proposed arrangement would however introduce dedicated and secure cycle storage and general storage which would be welcomed.
18. I have taken into account the concerns of the Council given the PTAL rating of the site and acknowledge that no parking survey was provided. However, were no other matters of concern and planning permission were to be granted, I am not persuaded that the loss of one parking space would justify withholding permission, particularly given the proposals to provide secure cycle storage. I am therefore satisfied that there would be no material conflict with the Framework and in particular Section 9, Policy T4 of the LP 2021, and Policy P50 of the SP 2022, all of which amongst other things, seek to protect the local transport network and encourage sustainable forms of transport.

Other Considerations

19. I have taken into account the Appellant's concerns regarding safety and security at the site, but these do not outweigh the conclusions I have drawn.
20. Any concerns that the Appellant may wish to raise regarding the processing of the application would need to be directed to the Council; my consideration is based solely on the planning merits of the proposal.

Conclusion

21. I have found that there would be no material harm to the availability of parking from the proposed loss of one parking space, but this does not outweigh the harm I have concluded under each of the other main issues, including on the character and appearance of the local area, and unacceptable impact on the

living conditions of surrounding residents as well as the future residents of the host property.

22. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR