
Appeal Decision

Site visit made on 30 August 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2022

Appeal Ref: APP/A5840/W/22/3296007

43 Formerly 1a Madron Street, London SE17 2LE

- 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 Sol Khan against the decision of the Council of the London Borough of Southwark.
 - The application Ref 21/AP/3133, dated 3 September 2021, was refused by notice dated 4 February 2022.
 - The development proposed is a 2 bed 3 person house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has altered from the application form to the decision notice. That on the application form however is adequate to describe the proposal and I have considered the appeal on that basis. The date of the application has been taken from the appeal form.
3. The evidence indicates that The Southwark Plan (2022) (SP) was adopted on 23 February 2022, in relation to this appeal replacing the Core Strategy and Southwark Plan 2007. I am required to make my decision based on the policy in place at the time of the decision.
4. The appellant has submitted amended plans which amongst other things show revisions to the window arrangement on the dwelling. These changes involve material alterations to the scheme subject to this appeal.
5. The appellant also suggests that revised plans aimed at overcoming the concerns of the Council were submitted to them and overlooked within the application process. Such concerns could be directed through the Councils own complaints system.
6. The Procedural Guide to Planning appeals (2021) at Annexe M states that the appeal process should not be used to evolve a scheme. With regard to the matters above, it is important that I determine this appeal based on what was considered by the Council, and on which interested people's views were sought. I have therefore determined the appeal on the basis of the plans that were before the Council and which are listed on the decision notice.

Main Issue

7. The main issue is the effect of the proposal on the living conditions of future occupiers of the house with particular regard to outlook.

Reasons

8. The proposed house would be located on the site of an existing modestly sized garage set on a narrow plot within a constrained site to the rear of the Old Kent Road.
9. In spite of the provision of a central light well and the fact that other rooms would have an acceptable outlook, the kitchen, living room and single bedroom would be served only by horizontal high-level windows which the evidence indicates would be placed above head height.
10. As a result, these rooms which would be likely to be used regularly by future occupiers would have a very limited level of outlook, a point which is acknowledged by the appellant. This would have a significant adverse impact on the living conditions of future occupiers of the house.
11. The proposal would therefore conflict with Policy P14 of the SLP and Policy D6 of the London Plan (2021) which amongst other things require well designed, good quality housing which provides adequate outlook.
12. The proposal would also run against advice within the SPD¹ which states that amongst other things principal living rooms and bedrooms should have vertical windows for outlook.

Other Matters

13. The proposal could offer some path to environmental improvement in the area, including through the removal of the garage and any associated use. The area, in some respects is of poor environmental quality, but the appeal site appears reasonably tidy and self-contained. I therefore afford these matters limited weight.
14. One dwelling would be provided which would contribute towards housing supply. However, the scheme only relates to one dwelling and benefits in this respect would be small. I therefore afford this matter limited weight.
15. I also appreciate that expected levels of outlook and living conditions in such a constrained inner-city location could be lower than in more spacious and lower density areas. However, this does not provide sufficient justification for the levels proposed and I afford this matter limited weight.
16. I was able to view the development between Ivy Church Lane and The Old Kent Road during my site visit. However, that development is of a completely different nature to that under this appeal. It is less restrained, occupying a large site with many of the properties set back from Ivy Church Lane offering an appropriate level of outlook. That development does not provide justification for the scheme before me and nor does the reference to rail-side development in Vauxhall.

¹ 2015 Technical Update to the Residential Design Standards (2011) Supplementary planning Document.

Planning Balance and Conclusion

17. Even in the event that I were to conclude there were a shortfall in the five-year housing land supply, issues around which are raised by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits in any event.
18. There is no indication that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR