



Appeal Decision

Site visit made on 16 November 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2022

Appeal Ref: APP/A5840/W/22/3295051

186 Warham Street, London SE5 0SX

- 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 Grangewalk Developments Ltd against the decision of the London Borough of Southwark Council.
 - The application Ref 21/AP/3608, dated 15 October 2021, was refused by notice dated 11 February 2022.
 - The development proposed is described as 'construction of a single storey roof extension to existing residential building to create two additional self-contained residential units.'
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey roof extension to existing residential building to create two additional self-contained residential units at 186 Warham Street, London SE5 0SX in accordance with the terms of the application, Ref 21/AP/3608, dated 15 October 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. The Southwark Plan 2019-2036 was adopted on 23 February 2022 (Southwark Plan 2022). It replaces the saved policies of the Southwark Plan (2007) and the policies within the Southwark Core Strategy (2011) referred to in the Council's reasons for refusal. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision. I have therefore assessed the appeal against the policies in the Southwark Plan 2022, which are also referred to in the Council's reasons for refusal. For reasons of clarity, where policy numbers have changed, I have also referred to the previous number set out in the Council's reasons for refusal. The main parties have been given an opportunity to comment on the relevant policies contained in the Southwark Plan 2022 and have therefore not been prejudiced by me considering the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including whether it would preserve or enhance the Camberwell New Road Conservation Area; and
 - Whether the proposal would provide satisfactory living conditions for future occupants, with particular regard to the amount of internal space provided.

Reasons

Character and Appearance

4. The appeal property is located a short distance from the entrance to Warham Street, close to its junction with Camberwell New Road and Vassall Road. It is a 5-storey residential building positioned on the inside corner of the street.
5. Although the appeal property is not within the Camberwell New Road Conservation Area (CNRCA), its immediate neighbours and several other buildings fronting Camberwell New Road are. The appeal property therefore forms an important part of the CNRCA's setting.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CNRCA. However, this is with respect to any buildings or other land within a conservation area and therefore is not applicable in this case given the appeal property lies outside the CNRCA. Nevertheless, Policy P20 (previously P19) of the Southwark Plan 2022 seeks to preserve or enhance the character and appearance of conservation areas including their settings and taking into account views into and out of them. This approach is supported by the National Planning Policy Framework (the Framework) which explains that the significance of a heritage asset derives not only from its physical presence but also from its setting.
7. The significance of the CNRCA, in so far as it relates to the appeal proposal, derives from the architecture of the adjacent historical buildings and how they and their resulting layout relate to the evolution of the area. The appeal property is of a similar scale to its neighbours and uses similar materials, although with a modern style. It integrates well with the local context and makes a positive contribution to the setting of the CNRCA.
8. The proposal comprises a single storey roof extension to provide 2 additional residential units. The additional storey would be stepped in from the existing main elevations of the appeal property that face Warham Street, which would continue the visual diminishing hierarchy of the floors already established as part of the design of the existing building and used in the design of other neighbouring buildings. It would also use external materials to match the existing building.
9. It has been brought to my attention by the Council that there is a previous appeal decision relating to the appeal site, Ref: APP/A5840/A/06/1197350. While I do not have a complete copy of the Inspector's findings before me, I understand the Inspector considered a building which was greater in height than the current appeal property would have an uneasy relationship with the 3 storey flats on Grimsel Path. Also, that a recessed storey would not be sufficient to overcome the dominance of a building in views down this part of Warham Street and therefore would have a harmful effect on the character of the area.
10. Notwithstanding this, there is an extant permission, Ref: 21/AP/1371, relating to the appeal property, which would allow a similar roof extension to be constructed. Although the appellant has expressed concerns regarding the viability of the permitted development, this does not render the permission unimplementable, and therefore it affords some weight in my decision. The

proposal would have a larger footprint than the approved scheme, which reduces the distance it would be stepped back from the main elevations. However, it would be the same height and the drawings show that in terms of character and appearance the proposal would be very similar. The increase in footprint and subsequent reduction in the set back from the main elevations is modest. Visually the proposal would comprise the final storey in a diminishing hierarchy of floors that would be no bulkier or more dominant than the approved scheme. There would therefore be little difference between the effect of the proposal and the approved scheme on the character and appearance of the area and the setting and significance of the CNRCA.

11. While I agree with the previous Inspector that the increase in height of the building would make the proposal taller than its immediate neighbours and significantly taller than the 3 storey flats on Grimsel Path, this would be moderated to a degree. Firstly, by Aberfeldy House, a significantly taller and bulkier building, which provides the backdrop to views north along this section of Warham Street and forms part of the setting to the CNRCA. Also, in views south, although to a lesser degree, by the tall street trees positioned to the front of the flats on Grimsel Path. Overall, this would limit any harm to the character and appearance of the area.
12. In terms of other neighbouring buildings in the CNRCA, the difference in height between them and the proposal would be significantly less than the difference between the proposal and the flats on Grimsel Path. Therefore, while the additional storey may be prominent it would not be overly dominant. The building would continue to integrate well with its surroundings and would have a neutral effect on the setting and significance of the CNRCA.
13. For the reasons above, the proposal would not harm the character and appearance of the area and would preserve the setting and significance of the CNRCA. It would therefore accord with Policies P13 and P14 of the Southwark Plan 2022, the 2015 Technical Update to the Residential Design Standards Supplementary Planning Document (2011) (SPD), and the aims of the Framework. These seek to ensure that development is of a high quality that responds positively to the local context and creates beautiful and sustainable buildings, and places. It would also accord with Policy P20 (previously P19) of the Southwark Plan 2022 which seeks to preserve or enhance the character and appearance of conservation areas and their settings.

Living conditions

14. The submitted plans show the proposal to comprise 1x 1 bedroom, 1 person flat, referred to as Studio 5.1 or Unit 1, and 1x 1 bedroom, 2-person flat, referred to as Flat 5.2 or Unit 2. The Council's assessment of the quality of the proposed accommodation set out in the Officer's Report shows that, on this basis, both flats would comply with the relevant minimum internal space standards for new dwellings and minimum-room areas set out in tables 1 and 2 of the SPD.
15. The Council contend that as Unit 1 would have a separate bedroom, it would not qualify as a studio or a 1 bedroom, 1 person unit and must be assessed as a 2-person unit. While Table 2 of the SPD does not provide a minimum-room area for a single bedroom in a 1 bedroom, 1 person unit, it is not expressly stated within the SPD that 1 bed, 1 person units with separate bedrooms will not be permitted. Also, the technical requirements of the technical housing

standards – nationally described space standard (2015), which are reproduced in section 2.4 of the SPD, only require a double bedroom to be provided in a dwelling with 2 or more bedspaces. The bedroom space proposed for Unit 1 at 9.37m² would meet the minimum-area of 7m² set for all the other dwelling sizes in Table 2 of the SPD. It would also meet the technical requirements of the technical housing standards – nationally described space standard (2015), which are reproduced in Policy D6 of the London Plan (2021) and require a single bedroom to have a floor area of at least 7.5m² and a width of 2.55m. Therefore, whether or not the proposal qualifies as a studio or is a dwelling form identified by the SPD, it would provide satisfactory living conditions for future occupants.

16. Unit 1 would also not meet the minimum outdoor amenity space standard set out at paragraph 3.2 of the SPD, which requires units containing two or less bedrooms to provide 10m² of private amenity space. However, the SPD recognises that this might not always be possible, and while the deficit cannot be added towards communal amenity space for the development, the proposed terrace, at 5.3m², would provide some private amenity space for future occupants. Given that Unit 1 is for single person occupancy and taking account of the proximity of Kennington Park, which provides a large multi-use public open space, the limited private amenity space would not result in unacceptable living conditions for future occupants.
17. For the reasons above, the proposal would not result in sub-standard accommodation for future occupants. It would accord with Policies P15 and P56 (previously P55) of the Southwark Plan 2022, Policy D6 of the London Plan (2021), and the SPD, which seek to ensure that homes are of an adequate size, fit for purpose and provide a pleasant environment for future occupants.

Other Matters

18. I have taken careful account of the representations of those nearby and residents currently residing within the appeal property, including the effect of the proposal on the living conditions of neighbouring residents. Also, the structural capacity and maintenance of the existing building and its facilities.
19. I understand that the increase in the height of the development may cause some concerns regarding impacts on light and/or privacy. However, given the existing relationship between the appeal property and neighbouring properties, including their positions and the distance between them, I am not of the view that unacceptable effects would result in this regard.
20. I also appreciate that a new development would cause some noise and disturbance, particularly during construction, and has the potential to inconvenience existing residents and increase pressure on parking. While construction would only take place for a limited period, I note that it is identified in the Officer's Report that a condition could be attached to the permission requiring a Construction Environmental Management Plan to be prepared to ensure best construction practices. Given the proposal is an upwards extension to a building that is already occupied, a condition of this type would be necessary in this case to protect the living conditions of the existing residents of the building as well as neighbouring properties.
21. Concerns regarding the structural capacity and maintenance of the existing building and its facilities, including the existing cladding system, do not affect

my findings on the main issues. The structural integrity of the building is a matter covered under separate legislation and the maintenance of the existing building is a private matter between the parties involved. The proposal is supported by an independent Fire Safety Strategy produced by a suitably qualified assessor. Additional cycle storage facilities and refuse and recycling storage would be provided for the proposed units and would be secured by condition.

22. Third parties have also raised concerns that the appellant has previously intentionally sought to circumvent the planning system. While intentional unauthorised development can be a material consideration, there is no substantive evidence of this with regards to the appeal before me. Therefore, this affords no weight in my decision.

Conditions

23. The Council have suggested that 6 conditions be imposed, which I conclude on below. In imposing conditions, I have had regard to the approach in the Framework and the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
24. In addition to the statutory time limit condition, a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interest of certainty. To protect the character and appearance of the area, it is also necessary to impose a condition requiring the external surfaces of the development to match the existing building. Also, for this reason, and to ensure adequate living conditions for future and neighbouring occupants, a condition is required to ensure the refuse and recycling storage is in place prior to occupation.
25. To encourage sustainable modes of transport, a condition is also necessary to require the provision of cycle parking facilities from occupation. The proposal is well-connected by public transport and therefore, in accordance with Policy T6 of the London Plan (2021), should be car-free to support the delivery of housing across the city while ensuring that existing residents can continue to park safely and efficiently. A condition is therefore required to secure this. This condition must be pre-commencement to ensure that the necessary arrangements are implemented effectively.
26. As discussed above, although not included in the Council's list of recommended conditions, to ensure best construction practices to protect the living conditions of neighbouring residents, I have also imposed a condition requiring the preparation of a Construction Method Statement. This condition must be pre-commencement so that it covers the whole development process, including preparation works such as the placement of scaffolding.

Conclusion

27. For the foregoing reasons, having considered the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Hannah Guest 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: 857-000; 857-001; 857-002; 857-003; 857-004; 857-005; 857-006; 857-007; 857-101 Rev C; 857-102 Rev C; 857-103 Rev C; 857-104 Rev C; 857-105 Rev C; 857-106 Rev C.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.
- 4) No development shall take place until arrangements have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:
 - no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
 - any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

- 5) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of scaffolding and security hoarding, where appropriate;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) Before any dwelling hereby permitted is first occupied, refuse and recycling storage shall be implemented in accordance with the approved

plans and made available for use by the occupiers of the dwellings hereby permitted. Once implemented the refuse and recycling storage shall be maintained and retained thereafter and shall not be used or the space used for any other purpose.

- 7) Before any dwelling hereby permitted is first occupied, cycle storage facilities shall be implemented in accordance with the approved plans and made available for use by the occupiers of the dwellings hereby permitted. Once implemented the cycle storage facilities shall be maintained and retained thereafter and shall not be used or the space used for any other purpose.

END OF SCHEDULE