



Appeal Decision

Site visit made on 31 October 2022

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th December 2022

Appeal Ref: APP/A5840/D/22/3302231

45A, Grosvenor Park, Southwark, London SE5 0NH

- 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 Raffe against the decision of the London Borough of Southwark.
 - The application Ref 22/AP/1331, dated 11 April 2022, was refused by notice dated 14 June 2022.
 - The development proposed is mansard roof extension to create additional ancillary floor space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The newly published BRE Guide – Site Layout Planning for Daylight and Sunlight (2022) was published after the appeal was submitted. Both main parties have been given an opportunity to comment on the changes made to this guidance and there is no dispute that the original assessment does remain compliant. I have therefore relied upon the submitted Daylight and Sunlight Report (DSR) in arriving at my decision.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupiers of 43 Grosvenor Park (No 43) with particular regard to sunlight, privacy, and outlook.

Reasons

4. Some shading is caused by the tree behind the site, particularly when in full bloom. An existing window serving a habitable room at no 43 is identified within the submitted DSR as window 10. This window faces predominantly west and does not have a southerly aspect. As a result of the existing large size/height of this window and the proposed relatively small increase in ridge height, the appellant asserts that a good level of sunlight would be retained. However, the submitted evidence clearly demonstrates that its introduction would fail to pass all aspects of the Annual Probable Sunlight Hour (APSH) test in relation to resulting retained levels of sunlight reaching window 10 at No 43.
5. In this respect, at the time of my visit which was during the early afternoon, a strong shadow across the frontage of No 43 was primarily caused by the roof of the host property rather than by the tree behind that is some distance from the site. Consequently, this shadow would be more pronounced by the additional

height of the proposal, creating a dark and gloomy effect on the habitable room served by window 10 at No 43. For these reasons, there would be an unacceptable loss of sunlight to the occupiers of No 43.

6. The proposed window nearest to No 43 would be obscured glazed and views from the unobscured proposed windows towards those of No 43 would be at an angle. However, the proposed height of the unobscured glazed windows above the first-floor windows of No 43 would allow for unobstructed views into rooms that are currently private. Additionally, very close-range views into the nearest first floor bedroom window of No 43 would be possible using its proposed top opening casement design. Consequently, the privacy of the occupiers of No 43 would be harmfully compromised.
7. The front elevation of No 43 is not directly opposite the appeal site, and whilst an appreciation of the street outlook would remain, views from its existing ground and first floor windows also look towards the bright, open and verdant gap above the roof of the proposal site. The additional height of built form in this space would diminish these views, having an enclosing effect that would harmfully erode this aspect of outlook from No 43.
8. Therefore, I conclude that the proposal would harmfully affect the living conditions of the occupiers of No 43 with particular regard to sunlight, privacy, and outlook. Consequently, the development would be contrary to Policy P56 of the Southwark Plan 2022 and the 2015 Technical Update to the Residential Design Standards Supplementary Planning Document (2011) which amongst other things seeks to avoid unacceptable loss of amenity to present occupiers. Furthermore, the proposal would be in conflict with Section 12 of the National Planning Policy Framework, which seeks to achieve a high standard of amenity for existing and future users.

Other Matters

9. The proposal would provide a larger family-sized dwelling and even if there is a particular need for this type of accommodation in the area, any such benefits would be small. Moreover, I have not been provided with any substantive evidence of this need.
10. The site is within the Grosvenor Park Conservation Area (CA) where there is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the area. The proposed design and use of materials would be similar to the host property, and consequently the scheme would have a neutral effect on the designation. Therefore, the proposal would preserve the character and appearance of the CA.

Conclusion

11. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

J Hills

INSPECTOR