



Appeal Decision

Site visit made on 18 January 2023

by L J O'Brien BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2023

Appeal Ref: APP/A5840/W/22/3297966

8 Boundary Lane, LONDON, SE17 2BH

- 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 Stephen Elliott against the decision of London Borough of Southwark.
 - The application Ref 21/AP/4081, dated 16 November 2021, was refused by notice dated 25 March 2022.
 - The development proposed is Loft conversion to terrace house currently used as HMO for up to 9 people (*sui generis*), with creation of rear dormer preserving the front slope of the roof, to accommodate 2 extra bedrooms and communal spaces, for a total of up to 11 people. Addition of 2 conservation rooflights to the front and 4 skylights to the rear. Internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans which the Council has considered and accepted during the determination of the application. The parties have also agreed and agreed an amended description of development. These amendments include a reduction in the size of the outrigger dormer and the alteration of the scheme to provide one extra bedroom rather than two. I have determined this appeal on the basis of the revised plans and the following description of development which has been taken from the appeal form:
"Creation of rear dormer over main roof and outrigger to terrace house currently used as HMO for up to 9 people (*sui generis*) including a 161mm ridge raise, to accommodate 1 extra bedroom and communal spaces, for a total of up to 11 people. Addition of 3 conservation rooflights to the front slope and 1 skylight to the rear. Internal alterations."

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area; including whether or not the development would preserve or enhance the Walworth Road Conservation Area and its setting.

Reasons

4. The appeal property is a mid-terraced house which has been split into a house in multiple occupation (HMO) for nine people. The property is located in the Walworth Road Conservation Area (CA). The area surrounding the appeal property is broadly characterised by terraces of houses with traditional

architectural details which contribute positively to the significance of the CA. The terrace of which the appeal property is part is one such terrace, and I concur with the views of the Council that the appeal property, and the wider terrace, contribute positively to the significance of the CA for these reasons.

5. The proposal is for the creation of a rear dormer over the main roof and outrigger to the house, including a ridge raise, the addition of rooflights and windows and internal alterations.
6. The proposed outrigger dormer would cover the width of the rear outrigger and would terminate around halfway up the rear roof slope, noticeably breaching the line of the eaves. Due to its size, the outrigger dormer would appear as an excessively large addition to the rear of the property which would fail to respect the proportions of the host building. The flat-roofed nature of the addition would cause it to appear box-like and would add to its perceived bulk. Furthermore, the expanse of brick work would be broken up only by one small window opening which would be significantly smaller than the windows on lower floors and would fail to reflect the architectural detailing present across the rest of the building.
7. Though it would be set-in a significant distance from the rear elevation of the outrigger, the outrigger dormer would, nevertheless, appear as a bulky, box like rear addition which would not be sympathetic to the existing features, scale, proportions or massing of the host dwelling.
8. The proposed rear dormer would increase the ridge height of the property and would extend the full width of the roof slope. Though this dormer would in itself represent a large addition to the property, due to the context of the site, this element of the proposal would not cause undue harm to the character and appearance of the area. However, taken as a whole, the two dormer windows would markedly enlarge and alter the rear roof slope of the property in two places. When considered cumulatively alongside the outrigger dormer, the harm I have identified would be exacerbated.
9. Though I note that due to the orientation and layout of the site public views of the rear of the property are limited. However, the site is indeed visible, for example in views from, and in the context of, Albany Mews and views from private land, though somewhat restricted, would also be possible.
10. I note that the current proposal has been reduced in size with the aim of overcoming some of the Council's initial concerns. However, as set out above, the alterations to the scheme would not be sufficient to mitigate the harm I have identified.
11. I therefore consider that the proposal would appear as a disproportionately large and visually jarring addition which would fail to assimilate well with the host building. Consequently, the proposal would cause harm to the character and appearance of the host property and would fail to preserve or enhance the character or appearance of the Walworth Road Conservation Area. Due to the small scale of the proposed development, the harm to the heritage asset would be less than substantial.
12. As such, the development would be contrary to Policy P14 of the Southwark Council Southwark Plan 2019 – 2036, (2022) which states that development

must provide high standards of design including building fabric, function and composition.

13. The proposal would also fail to meet the guidance set out within the Southwark Council 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document (SPD). The SPD is clear that, amongst other things, extensions should harmonise with the scale and architectural character of the original building and be subordinate to the original building. The SPD also states that dormer window extensions should not dominate the rear elevation of the property.

Other Matters and Planning Balance

14. The approach in the National Planning Policy Framework (the Framework) is that where a proposal would lead to less than substantial harm to a heritage asset, as in this case, that harm should be balanced against the public benefits of the proposal.
15. I understand that the proposal would improve the living space and living conditions for the occupiers of the appeal property and acknowledge the appellant's view that the proposal would represent sustainable development. I also note that additional accommodation would be provided. These benefits are, however, limited by the small scale of the proposal and must be considered in that context. I therefore afford these considerations moderate weight.
16. On the other side of the balance I have identified that the proposal would fail to preserve or enhance the character or appearance of the area and as such would not meet the statutory requirements set out in s72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas Act) 1990 and would cause harm to the significance of the heritage asset. The Framework indicates that great weight should be given to a heritage asset's conservation. Accordingly, the public benefits of the scheme do not outweigh the harm identified.
17. I have noted a number of other issues raised; however, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issue, it is not necessary for these to be explored further as part of this appeal.

Conclusion

18. The proposed development would fail to accord with the development plan and the adverse impacts would significantly and demonstrably outweigh the benefits. There are no other material circumstances which indicate that planning permission should be granted. Therefore, for the reasons given above I conclude that the appeal should fail.

L J O'Brien

INSPECTOR