



Appeal Decision

Site visit made on 9 June 2023

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/A5840/W/22/3312117

74 Nunhead Grove, Southwark, London SE15 3LS

- 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 Grimwood & Bowdery against the decision of London Borough of Southwark.
 - The application Ref 22/AP/1269, dated 7 April 2022, was refused by notice dated 16 June 2022.
 - The development proposed is a two-storey side infill extension with lightwell, single storey rear extension with terrace above, L-shaped dormer extension over the main roof and outrigger roof (with 3No. rooflights to the front roof slope). Rebuilding of flank wall, together with the chimney breast projections in brickwork, and repair of front facade. Provision of a bike store to the rear of the garden, with insertion of side access gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more precise.
3. The appeal property is within the Nunhead Green Conservation Area (NGCA). The appeal property therefore benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. As required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
5. Although the Council did not refuse planning permission on the matter of whether or not the proposed development would preserve or enhance the character and appearance of the NGCA, I have sought views from both parties on this matter and have considered them in my decision.

Main Issues

6. The main issues are 1) the effect of the single storey rear extension on the living conditions of the occupants of the adjacent residential property with specific regard to outlook and light, and 2) whether or not the proposed development would preserve or enhance the character and appearance of the Nunhead Green Conservation Area with specific regard to the design of the proposed development and its potential impact on trees.

Reasons

Living conditions

7. The appeal property is a two-storey end of terrace property. It has a two-storey rear outrigger which in turn has an existing single storey lean-to extension. The outrigger is replicated on the adjoining property although the single storey element is not.
8. The proposed development includes the replacement of the existing single storey lean-to extension with a larger flat roofed single storey rear extension. The submitted plans demonstrate the additional bulk and mass that the proposed extension would add. The plans also include the provision of a roof terrace with a privacy screen that would be located on the side of the extension, although the Council have not raised any objection to this element of the proposal.
9. The rear elevation of the adjoining property broadly faces a south-westerly direction. Due to the additional bulk and mass of the single storey extension there would possibly be a small amount of overshadowing and loss of light, however this would be for a small part of the day and it would not be of an unacceptable level.
10. A Daylight and Sunlight Assessment¹ has been submitted with the appeal. This concludes that there would be no undue loss of daylight or sunlight to any neighbouring properties as a result of the proposed rear ground, first and roof extensions at the appeal property. The report also sets out that the proposed development satisfies BRE and local policy requirements for both daylight and sunlight. I have had regard to the findings of the assessment in my decision.
11. Similarly, the amount of the extension that would be visible above the existing extension and the existing boundary treatment would not be substantial and for this reason there would not be an unacceptable impact on the outlook from the adjoining property. The privacy screen for the roof terrace would be set in from the boundary and be constructed of obscure glass. For these reasons, combined with its height, it would not cause an unacceptable impact on the outlook from the property.
12. I therefore find that the proposed development would not cause unacceptable levels of harm to the living conditions of the occupants of the adjoining property with regard to outlook and light. It would comply with Policy P56 of the Southwark Plan (2022) which outlines that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users, having regard to, amongst other things the outlook of occupiers, daylight and sunlight.
13. The proposed development would also comply with the Residential Design Standards Supplementary Planning Document (2011 (Updated 2015)) which outlines that extensions should not unacceptably affect the amenity of neighbouring properties. This includes outlook, daylight and sunlight.

¹ REF: 2243/LIGHT, August 2022

Character and appearance of the NGCA

14. The appeal property is located within the NGCA which is characterised as being formed of a series of streets made up of predominantly residential properties with Nunhead Green acting as a key and central feature. Although there are various forms of residential properties in the NGCA they are mainly in the form of historic terraces. The appeal property is located on one such terrace.
15. The Council have outlined how they considered that the proposed development would not harm the frontage of the property or its roofline and therefore in turn would not harm the appearance of the street-scene. To a large extent, I agree with their assessment as it relates to the frontage and the roofline.
16. The appeal property has a road to the side that leads to Belvedere Mews which is a small cluster of residential properties. The rear elevation of the appeal property is highly visible from within Belvedere Mews.
17. The existing rear elevation contains a subordinate two-storey outrigger which is a common feature of many terraced properties in the NGCA. The rear roofscape is unaltered and the existing rear elevation is relatively uncluttered and reflects the consistent, simple and unadorned nature of many of the other residential properties within the NGCA that positively contribute to the character and appearance of the conservation area.
18. The proposed development at the rear contains a number of distinct features. At the roof level an 'L' shaped dormer would span the width of the property then project upwards from the roof of the outrigger where it would be flush with the side elevation and extend notably above the existing dividing ridge line. Despite the use of tiles to match the existing roof, due to its bulk, design, elevated and prominent siting it would appear as a dominant and incongruous feature.
19. The proposed development also includes a two-storey extension that would project sideways from the existing outrigger. It would, however, be forward of the rear elevation leaving an uncomfortable and awkward looking gap in the building. This extension would drop to single storey level at the rear and wrap round the outrigger. It would be flat roofed.
20. When considered against the existing rear elevation, which I have identified as being highly visible and making a positive contribution to the NGCA, the proposed development contains several aspects that are poorly interlinked. This creates a severely disjointed and haphazard appearance with a mish-mash of styles. This is worsened by the misaligned fenestration and the further addition of the roof-terrace and balustrade.
21. I acknowledge that the Council have not raised the same concerns. However, in exercising the necessary duty under S72(1) of the act², for the reasons given above, I have formed a different view. The Council consider that whilst side views into the application site are attainable via Belvedere Mews, these views are oblique/limited, and it is not considered the two-storey side infill would be of detriment to the character/setting of the conservation area.
22. The Council have supplied a photograph showing such views from Nunhead Grove that shows such oblique and limited views. It does not, however, appear

² Planning (Listed Buildings and Conservation Areas) Act 1990

to account for the almost direct views that would be attainable from within Belvedere Mews, which I was able to observe on my site visit.

23. The Council raised concern in relation to the impact of the proposed development on trees in the rear garden of the adjoining property. This concern highlighted the lack of an arboricultural impact assessment. The appellant has subsequently submitted an Arboricultural Report, Tree Constraints Plan & Impact Assessment³.
24. The report surveyed 5 trees (1 in the appeal site and 4 in the rear garden of the adjoining property) and outlines that trees T2 and T5, both in the rear garden of the neighbouring property are required to be removed to facilitate the development. T2 is a Eucalyptus (Category C) which has a significant lean, causing significant shading and a near physical contact with the body of the house. T5 (Category C) is a self-set Ash and is deemed to be inappropriate within such a small garden as it develops and is recommended for removal. The report does not recommend removal of any of the other three trees.
25. The group of trees are visible from Belvedere Mews and their location within the NGCA results in them positively contributing to the character and appearance of the NGCA.
26. I observed that as a group, these trees dominate the rear garden of the neighbouring property and cause a significant amount of overshadowing. The appellant has also put forward the suggestion that they are causing structural damage to the property.
27. Therefore, whilst they are visible from public vantage points and do positively contribute to the character and appearance of the NGCA in a minor way, there are good reasons, in addition to facilitating the proposed development, to justify the removal of the two trees as put forward. A reasonable amount of tree cover would remain from the retained trees, which would positively contribute to the NCGA.
28. The design of the proposed development would, however, for the reasons outlined above, cause harm to the character and appearance of the NGCA and would therefore be contrary to Policy P20 of the Southwark Plan (2022) which outlines that development relating to conservation areas will only be granted where it preserves or enhances the character or appearance of conservation areas.
29. The proposed development would also be contrary to the requirement of the National Planning Policy Framework (2021) (the Framework) that heritage assets are conserved in a manner appropriate to their significance, and that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Other Matters

30. The proposed development includes works to repair the side elevation. Whilst this is a benefit of sort, the proposed development does not appear to be the sole means for this aspect to materialise. I give it limited weight in the appeal. The appellant suggests that the proposal would constitute 'enabling

³ John Crawshaw M.Arbor.A, Central London Tree Surveys – 4 August 2022

development' to facilitate the repairs, however there is no financial evidence to support this or a mechanism to secure implementation were this to be the case.

31. The appellant has referred to other developments in the area. I do not have full details of these cases to give them significant weight in the appeal which I have, in any event, determined on its own individual planning merits. Furthermore, they are not for the exact same form of development and are at different properties.

Planning Balance and Conclusion

32. Having regard to paragraph 202 of the Framework, I find that as the proposed development would affect a limited part of the conservation area, the harm to the conservation area is relatively localised, and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. I do not, however, find that this harm is outweighed by any public benefits of the proposed development including repairs being undertaken to the existing gable wall.
33. The proposed development therefore conflicts with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
34. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR