



Appeal Decision

Site visit made on 24 January 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/A5840/W/23/3322076

Rear Of 57 Ashbourne Grove, London SE22 8RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by MR B McDonnell against the decision of London Borough of Southwark.
 - The application Ref is 21/AP/3833.
 - The development proposed is construction of a two-storey, one-bedroomed detached house.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issues

3. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the area;
 - (ii) whether acceptable living conditions would be provided for occupiers of the proposal with particular regard to outlook and private outdoor space;
 - (iii) whether or not the proposal would be acceptable in terms of fire safety; and
 - (iv) whether an affordable housing contribution is required having regard to the requirements of the development plan and national policy.

Reasons

Character and appearance

4. The appeal site is located in a residential area which is predominantly characterised by semi-detached and terraced dwellings of at least two-storeys

in height. Individual plots are mainly of comparable depth and the front elevations of dwellings are more often similarly aligned with those of neighbouring dwellings on their respective streets. Many of the front facades of dwellings in the area have single storey bay windows which incorporate tiled hips as well as open porches with detailed arched stone surrounds. London stock brick is the predominant facing material along with slate roofs. Consequently, there is a high degree of order and consistency to the design, layout and scale of the dwellings in the area and this makes for a high quality built environment.

5. The footprint of the dwelling within the limited parameters of the plot would have a cramped appearance. Taken together with the position of its front elevation significantly forward of the front elevation of the neighbouring terrace on Melbourne Grove, the proposal would be at odds with the prevailing pattern of development in the area. The lower height of the dwelling would appear squat alongside the more consistent ridgelines of other dwellings on these streets. Furthermore, the fenestration to the front elevation would not respond well to the repeated architectural features that are prevalent on dwellings in the area. Consequently, the proposal would be an incongruous addition which would detract from the order and consistency of the street scene.
6. My attention has been drawn to other proposals in the wider area. With regards to the scheme at 68 East Dulwich Grove¹, the front elevation of that scheme closely aligns with that of the neighbouring dwelling at No 46 Melbourne Grove. The design in that instance also incorporates a ground floor bay with hipped roof and an arched entrance surround, thereby echoing the local vernacular. With regards to the dwelling at 61D Melbourne Grove, I am not aware of the material considerations which led to that particular scheme being approved. In any case, its contrasting contemporary design and its closer alignment to its immediate neighbour are not comparable to the appeal proposal which for the reasons set out would be unacceptable.
7. I conclude, the proposal would have a significantly harmful effect on the character and appearance of the area. In that regard, it would conflict with the design, character and context requirements of Policies P13 (Design of places) and P14 (Design quality) of The Southwark Plan (2022) (SP) and Policy D4 (Delivering good design) of The London Plan (2021) (LP).

Living conditions for occupiers of the proposal

8. Policy D6 (Housing quality and standards) of the LP confirms that '*where there are no higher local standards in the borough Development Plan Documents*' (my emphasis), a minimum of 5 square metres (sq m) should be provided for 1 – 2 person dwellings and an extra 1 sq m should be provided for each additional occupant.
9. Policy P15 (Residential Design) of the SP sets out a higher standard than the LP, stating that all new build residential development must take into consideration the quality of accommodation including the provision of private amenity space. This is quantified in the supporting 'Fact Box' to this policy which states that new houses should provide a minimum of 50 sq m private garden space and that the garden should be at least 10 metres in length. From

¹ LPA Ref 20/AP/1319

the evidence before me this also corresponds with the guidance in the Council's Residential Design Standards Supplementary Planning Document (SPD).

10. The plans before me indicate that the proposal would only provide 13.5 sq m of private garden space. This falls significantly short of the requirements of Policy P15 and the SPD. Furthermore, the shallow depth of the rear amenity area would not facilitate a comfortable external arrangement as there would be limited space to accommodate typical domestic requirements such as a table and chairs for sitting out, storage space and facilities to hang out washing.
11. The outlook from the ground floor rear windows serving a kitchen and lounge would be of a 1.8m high fence in very close proximity. The lounge would be dual aspect as it would also served by a window to the front elevation. However, the rear amenity area and the kitchen would feel very enclosed and these deficiencies in outlook further compromise the quality of the living conditions that would be provided.
12. My attention has been drawn to other developments in the area² which the appellant contends also had outdoor spaces which fell short of the requirements of the SPD. I am not aware of the detailed considerations relating to those particular developments. However, I note those applications preceded the current development plan. I have assessed the appeal proposal on its own merits, against the up-to-date policy requirements and supporting guidance.
13. I conclude, the proposal would not provide acceptable living conditions for occupiers of the proposal with particular regard to outlook and private outdoor space. In that regard, it would conflict with the requirements in Policy P15 (Residential design) of the SP and Policy D6 (Housing quality and standards) of LP to provide comfortable and functional layouts and a high quality of accommodation for living conditions. For the same reasons, it would also conflict with Paragraph 135 of the Framework which states that decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Fire safety

14. The Council's report suggests that Policy D12 (Fire safety) of the LP requires that all development must submit a fire safety strategy which addresses the criteria outlined in Policy D12 (A).
15. However, on a straightforward reading of Policy D12, this requires a Fire Statement for all major development proposals. Criteria A in fact sets out that development must achieve the highest standards of fire safety, listing the expectations in that regard. However, there is no explicit requirement for a fire safety strategy to be submitted with applications to address all these expectations.
16. As part of their appeal, the appellant has confirmed the site characteristics and measures that would be incorporated into the development to address the fire safety requirements under Policy D12 (A). These measures have not been disputed by the Council and could reasonably be secured by condition.
17. I conclude the development could reasonably meet the fire safety requirements in Policy D12 of the LP.

² LPA Refs 15/AP/4541 and 16//AP/2773

Affordable housing

18. Paragraph 65 of the Framework confirms that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. On this basis, it would not usually be expected that a proposal for one dwelling in the urban area would be required to make an affordable housing contribution.
19. However, Policy P1 (Social rented and intermediate housing) of the SP requires that development that creates 9 homes or fewer must provide the maximum amount of social rented and intermediate homes or a financial contribution towards the delivery of new council social rented and intermediate homes with a minimum of 35% subject to viability. Given its inconsistency with national policy and given that the Council has not explained why a different approach would be justifiable in the Borough, I only attach limited weight to the requirements of this policy.
20. I conclude, it has not been demonstrated why an affordable housing contribution would be justified in this instance having regard to the specific provisions at Paragraph 65 of the Framework.
21. The Council's decision also refers to Policies H2 (Small sites) and H4 (Delivering affordable housing) of the LP. A copy of Policy H4 has not been provided. There is no evidence before me to suggest either of these policies triggers a requirement for an affordable housing contribution to be made in this instance. In any case, given that I am dismissing the appeal for other reasons, it has not been necessary to consider this matter any further.

Other Matter

22. The appellant contends that the proposal would be a self-build dwelling. Policy H2 (Small sites) of the LP supports well designed new homes on small sites in order to, amongst other things, support those wishing to bring forward self-build housing. The Framework also recognises the need to provide housing for different groups including for people wishing to commission or build their own homes. However, I have found under the first main issue that the proposal is not well designed. Accordingly, the proposal is not supported by Policy H2. Furthermore, there is no planning obligation before me by which to secure the plot for self-build purposes. Therefore, the potential for the site to deliver a self-build plot carries limited weight in this instance.

Conclusion

23. The proposal would have a significantly harmful effect on the character and appearance of the area. The Framework confirms that development that is not well designed should be refused. Furthermore, the development would not provide suitable living conditions for its occupiers. In these respects, the development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR