



Appeal Decision

Site visit made on 5 March 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd May 2024

Appeal Ref: APP/A5840/W/23/3323089

Rainbow Quay, Southwark, London SE16 7UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Tom Reekie of AndArchitects against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 23/AP/0451.
 - The development proposed is prior approval notification (Schedule 2 Part 20 Class A) for construction of one storey upward extension (3.2m in height) to provide 12 x two bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's Decision Notice refers to the proposal as being under Class AA. However, the application was submitted under Class A and the Council has confirmed that it was determined on that basis. This is reflected in the heading above.

Background and Main Issues

3. The Council's second reason for refusal refers to insufficient evidence in respect of flood risk management and drainage. However, the Council has confirmed that on the basis of the submitted flood risk assessment it has agreed to withdraw that reason for refusal.
4. On that basis, the main issues are the:
 - Effect on the external appearance of the buildings;
 - Transport and highways impacts of the development; and
 - Impact on the amenity of the existing buildings and neighbouring premises.

Reasons

External Appearance

5. The appeal site consists of 2 'U' shaped blocks of flats, a larger block to the west, and a smaller block to the east. The blocks are of a pleasant if

understated design with a shallow pitched roof. The appeal site is situated between 2 docks, and is visible in medium and longer distance views across the docks and is representative of the regeneration of this area. Although there is some variety of the designs of buildings and roof forms in the area, the buildings on either side of the docks predominantly consist of blocks of a similar height with pitched roofs.

6. The proposal consists of the removal of the pitched roofs of the blocks and their replacement with 12 flats in individual flat-roofed extensions connected by service structures. The loss of the pitched roof would diminish the contribution that the buildings make to the cohesive character of buildings along the sides of the docks, and the proposed flats would appear as clumsy box-like additions which would not reflect the character of the host buildings and the wider visual context. The placement of windows and openings in the extensions would also contrast awkwardly with those on the host buildings. The use of slate facing to match the existing roof, the limited increase in height and the set-back of the flats from the edge of the buildings would do little to mitigate for the unfortunate appearance of the proposal.
7. The appellant contends that the proposal would not be visible from street level around the site. However, even if that is the case, the incongruous appearance of the development would be readily apparent in medium to longer distance views, including those across the docks.
8. The appellant refers to the roof design of nearby buildings which they consider set a context for the appeal proposal. However, Princes Court is of a much more sympathetic and cohesive design than the appeal proposal, and as a free-standing building located adjacent to an entrance to the docks from the Thames it is set in a different context. The appellant also refers to Queen of Denmark Court, however the building I saw was also of a more cohesive design and in a different context set at the head of the docks adjacent to the Thames, and which is of a character that mirrors that on the opposite side of an entrance to the docks. The examples referred to by the appellant do not therefore set a context which justifies the appeal proposal.
9. The Council refers to the Grade II Listed 'Greenland Dock' which it considers to be of significant heritage value. However, the Listing Descriptions provided to me relate to individual buildings and structures in the vicinity of the site rather than the dock or docks as a whole. Both the appellant and the Council were asked to comment on this matter, and the Council responded that this is likely to be a clerical error and that reference should be made to the docks as a whole to be affected in heritage terms.
10. However, the Council's stance is not reflected in the Listing Descriptions it has submitted. On the basis of the evidence before me, the designated heritage assets to be considered consist of the individual buildings and structures of:
 - Swedish Quays 1-95 Rope Street.
 - Surrey Docks: Greenland Lock including gates bollards and capstans.
 - Surrey Docks: Lock-keeper's cabin and storeroom on south quay of Greenland Lock.
 - South Docks (East Side): South Lock, hydraulic capstans and mooring posts.
11. The appeal site is located close to the Grade II Listed Building of Swedish Quays (1-95 Rope Street), separated from that building by a channel leading

between the docks, tree planting and hard surfaced circulation areas. As set out in the List Entry, Swedish Quays is of architectural interest due to its striking and distinctive Post-Modern composition, scale and the reflection of the industrial landscape; and of historic interest as a successful example of townscape created by Gordon Cullen, an influential planning theorist and architectural illustrator of the post-war period.

12. The buildings on the appeal site are of a more understated character than Swedish Quays. Although they contain some decorative elements such as corner details and balconies, the understated character of the buildings enables the appreciation of the distinctive character of Swedish Quays. The shallow pitched roofs of the appeal site complement the more distinctive pitched roof form of Swedish Quays, and contribute to a cohesive appearance for the group of buildings on either side of the docks, of which this Listed Building is a key element.
13. For the reasons set out above in relation to external appearance, the proposed flat roofed structures on the larger western block would jar with the roof form of Swedish Quays, adding an incongruous feature that would contrast uncomfortably with the Listed Building and would detract significantly from its setting as a designated heritage asset. The clumsy appearance of the proposal would add to the prominence of the western block within this group of buildings and would detract further from the existing subservient relationship between the appeal site and Swedish Quays.
14. The smaller eastern block is distinctly separate from Swedish Quays and is viewed within the context of a different group of buildings. The elements of the proposal on this building would therefore not harm the setting of the Listed Building, but this does not negate my conclusions in respect of the western block and the setting of Swedish Quays, or the harm arising to character and appearance from the development as a whole.
15. Other Grade II Listed Buildings referred to are Greenland Lock, a lock-keeper's cabin and storeroom, and the South Lock including hydraulic capstans and mooring posts. These features are primarily of historic interest as elements related to the past use of the docks, although the lock-keepers cabin is of some architectural interest as an attractive example of vernacular architecture. Although the appeal site would be visible in views of these Listed Buildings, it is distinctly separate from them and is viewed as a different form of development. Despite my concerns about the visual harm arising from the appeal proposal, it would not harm the appreciation of the historic and architectural significance of these Listed Buildings and would therefore not harm their setting.
16. Drawing the above together, I conclude that due to its design and location the proposal would lead to significant harm to the external appearance of the building, including significant harm to the setting of the Listed Building of Swedish Quays. The GPDO requires that I have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. The proposal would therefore conflict with the Framework with regards to achieving well-designed and beautiful places as well as conserving and enhancing the historic environment.

17. Insofar as they are relevant to this main issue, the development would conflict with the design and heritage requirements of Policies P13, P14, P15 and P19 of the Southwark Plan 2022, and Policy D4 of the London Plan 2021. Policy P21 of the Southwark Plan would not appear to be relevant as this does not include Listed Buildings in the assets to be considered.

Transport and Highways Impacts

18. The Council refers to the lack of a disabled car parking space. But this could be ensured by a condition.
19. In respect of refuse storage arrangements, evidence in the appellants Final Comments demonstrates that the cumulative refuse and recycling provision proposed would exceed that required by the Council's guidance.
20. The Council queries the number and layout of cycle parking spaces. However, the appellant has confirmed that all of the cycle parking stands on the submitted plans are newly proposed, and that the plan is scaled so that the layout can be assessed as to whether it is suitable. In any event, the number of spaces proposed exceeds that required by the Council's standards, so there is some flexibility in reducing the number of spaces to ensure a suitable arrangement, which could be addressed by a condition. The cycle parking would also be provided in the basement, which is a secured private area for residents, and on that basis individual enclosures for the cycle parking are not required.
21. I therefore conclude that the proposal would make suitable provision to address potential transport and highways impacts. On this main issue, the proposal would comply with the Framework in respect of promoting sustainable transport. Insofar as they are relevant to this issue, the development would comply with Policy P53 of the Southwark Plan and Policy T5 of the London Plan with regards to the consideration of cycling issues. I have not been provided with Policy P55 of the Southwark Plan or Policy T6.1 of the London Plan and so it has not been possible for me to consider these.

Amenity

22. The Council refers to potential impacts of noise and vibration from the flats on the accommodation below. However, the flats would be required to comply with the appropriate Building Regulations and would be tested prior to completion. Evidence on this matter has also been provided with the appeal. I therefore conclude that the proposal would be acceptable with regards to the impact on the amenity of the existing buildings, including in respect of noise and vibration. On that basis, the development would comply with the Framework which seeks to ensure a high standard of amenity for existing and future users of buildings. I have not been provided with Policy P56 of the Southwark Plan and I am therefore unable to consider it.

Conclusion

23. Notwithstanding my conclusions in respect of transport, highways and amenity impacts, I conclude that the proposal would lead to significant harm to the external appearance of the buildings, including significant harm to the setting of a Listed Building.

24. The harm to the setting of the Grade II Listed Building of Swedish Quays would be less than substantial, but nevertheless I give great weight to that harm in accordance with paragraph 205 of the Framework. I am mindful of the public benefits of the proposal, including the contribution to the mix and supply of housing and securing the optimal viable use of the site. However, the public benefits arising from 12 flats would be limited, and would not outweigh the great weight I give to the identified harm in respect of the setting of a Listed Building.
25. The proposal would therefore conflict with the Framework when read as a whole in respect of achieving well-designed and beautiful places and conserving and enhancing the historic environment.
26. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR