



Appeal Decision

Site visit made on 13 November 2024

by Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/A5840/D/24/3350324

3B Canning Cross, Southwark, London SE5 8BH

- 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 Mark Moloney against the decision of the London Borough of Southwark Council.
 - The application Ref is 24/AP/0714.
 - The development proposed is the construction of a roof terrace and ground floor extension. Roof terrace to be set back from the front elevation, and accessed via a new stair from the top floor. New glazed balustrade to be frosted for privacy.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description from the Council's decision notice, as this fully and accurately describes the appeal proposal as a whole.

Main Issues

3. The main issue is the effect on living conditions of neighbouring residential occupiers.

Reasons

4. The appeal dwelling is a three storey mid terrace house, which forms part of a wider group of mews type properties. These are located within the Camberwell Grove Conservation Area (the CA), the significance of which rests substantially in its 18th and early 19th century development as a residential area of town houses with supporting properties and uses.
5. The proposal is for a ground floor extension and a roof terrace with frosted glazed balustrade. The proposed terrace would sit atop the rear half of the existing mansard roof of the upper floor and would be accessed from a new staircase from the upper floor of the appeal dwelling. A glazed balustrade approximately 1.2 metres in height is proposed on all sides, with frosted glazing to the balustrade toward the street frontage.
6. There are existing roof terraces to neighbouring properties in the terrace at 1, 2 and 3A Canning Cross, which cover the whole of the roof area of their respective full mansard roofs, with only very minimal set back. From my site visit, it is evident that these existing roof terraces provide a significant degree

of overlooking of both the windows to living spaces and the garden of 28 Canning Cross (No.28). From my site visit it is evident that this existing overlooking from the roof terraces neighbouring properties is direct, extensive and intrusive, with a substantial detrimental effect on the privacy of the occupiers of this neighbouring property.

7. The proposal includes a roof terrace to only the rear half of the dormer roof of the appeal dwelling, which would be back further on the roof than neighbouring roof terraces, however, the proposed roof terrace would be nearer to the windows and garden of No.28. At only approximately 1.2 metres tall, the proposed obscured glazed balustrade would not screen the occupiers of No. 28 from intrusive overlooking from those standing towards the front of the proposed terrace.
8. This would add to the existing effect of the neighbouring roof terraces on the already substantially compromised privacy of occupiers of No.28. Whilst there is already existing overlooking from these neighbouring roof terraces, further adding to its detrimental effect on the privacy of neighbouring residential occupiers would be unacceptable.

Other Matters

9. Concerns have been raised with regard to noise nuisance from the proposed roof terrace. If in normal domestic use, noise generated by users of the terrace would be similar to that of the use of a garden or patio space. Any nuisance beyond this falls within other legislation and the Council's other duties.
10. Concerns have also been raised with regard to the effect of the proposal on daylight and sunlight to neighbouring dwellings. Given the distances involved and the limited height and extent of the proposal, I find that it would not result in any significant loss of daylight or sunlight to these dwellings.
11. Concerns have been raised with regard to fire safety. A fire safety strategy was submitted as part of planning submission, and I see no reason to demur from the Council's conclusion that this satisfies fire safety matters required by planning policy.
12. In line with my duties regarding the preservation or enhancement of the character and appearance of the CA, I have considered the proposal as a whole and concur with the Council's finding that the proposal would result in no significant harm to the significance of the CA and would preserve its character and appearance.
13. The appellant's submitted drawings are noted with the potential for a 1.7 metre tall obscured glazed screen to the terrace, which would screen virtually all views from the terrace towards No.28. However, this does not form part of the appeal proposal, and the appellant has not requested this be made a condition of an approval as part of their appeal submission.
14. Notwithstanding, I have considered whether this could be made the subject of a condition on an approval. However, I find that that this increase in height would be a substantial rather than a minor change to the proposal in terms of character and appearance, particularly with regard to the significance of the CA, and that interested parties would be required to be consulted.

15. For these reasons, I find that the proposal, when considered as a whole, would result in substantial harm to the living conditions of neighbouring residential occupiers. As such the proposal would be contrary to Policy P56 of the Southwark Plan 2019-2036 (2022) and Section 12 of the National Planning Policy Framework (2023). Collectively these seek development that does not cause unacceptable loss of amenity and that acceptable levels of privacy are provided.

Conclusion

16. For the reasons given above, and with consideration of all other matters raised, the appeal is dismissed.

Victor Callister

INSPECTOR