

Appeal Decision

Appendix 4

Site visit made on 19 October 2005

by **Christopher John Checkley** BA(Hons) MRTPI

an Inspector appointed by the First Secretary of State

APPENDIX 4
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

8 Nov 2005

Appeal Ref: APP/A5840/A/05/1185187

The Peckham Centre, Asylum Road, London, SE15 2RJ

- 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 Bernard Construction Ltd against the decision of the Council of the London Borough of Southwark.
- The application (LBS reg. no. 04-AP-2208 and case no. TP/2454-A), dated 29 November 2004, was refused by notice dated 10 February 2005.
- The development proposed is a change of use to create 2 no. 1-bedroom self-contained flats together with external works to create associated external amenity space.

Decision

1. For the reasons given below, I dismiss the appeal.

Procedural Matters

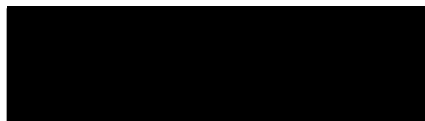
2. Drawing no. 06.02.01 was produced after the application had been refused to show possible amendments to the scheme including relocation of the staircase further south and widening of the basement terrace outside Flat 2. The appellant's agent has suggested this plan could be made the subject of a landscaping condition on any consent. However, the engineering and building works involved are significant, going beyond what could be covered by a landscaping condition, and thus representing a materially different proposal. I am therefore obliged to make my decision in this appeal purely on the basis of the drawings that were formally considered by the Council which include drawings nos. BC.02.01A, BC.02.02A and BC.02.03. I wish to make clear that my decision does not consider the amended proposals shown on drawing no. 06.02.01.

Reasons for the Decision

3. The appeal site is part of the basement of a substantial former school building that has been recently converted into residential flats known as the Grenier Apartments. This part of the basement on Leo Street is said to be redundant, having previously been used as contractor's accommodation. The existing space would be altered to provide 2 one-bedroom self-contained flats within the basement, reached by relocated stairs leading down from ground level to an external basement terrace.
 4. The proposed floor areas of each unit and individual rooms would meet the Council's relevant standards, the appearance of the amended elevation would be in keeping with the building and the proposal would appear to meet the minimum standards of the Building
-

Research Establishment guidance within *Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (1991) referred to in the Council's policies, so that adequate natural daylight would reach the proposed flats. However, a further important consideration regarding the quality of the living conditions of future residents is the matter of outlook, taking account of the single-aspect nature of the flats.

5. With regard to Flat 1, the proposed kitchen/dining area would have good levels of natural daylight from 3 skylights and the windows at upper level and a good outlook down the length of the proposed widened terrace. The living room and bedroom would have patio doors opening out onto the terrace which would be enlarged to almost 3m in depth, a quality of outlook that is not uncommon for basement flats in London. I conclude that Flat 1 would offer adequate living standards for its future residents under the submitted plans, making efficient use of underused accommodation.
6. Turning to Flat 2, drawing no. BC.02.02A indicates that the living room and bedroom windows/doors would look out onto a narrow basement level terrace only some 1.23m deep with a sloping raised planted area leading backwards and upwards to the relocated stairs. I consider the resulting truncated outlook from the main habitable rooms in Flat 2 would appear claustrophobic, offering inadequate living conditions for its future residents. This would be contrary to the objectives underlying Policies E.3.1, H.1.8 and Supplementary Guidance (SPG) Note 5 of the adopted Southwark Unitary Development Plan 1998 (UDP) and Policies 3.2, 3.10, 3.11, 4.2 and SPG Note 29 of the Revised Deposit UDP 2004. For this reason I conclude that the application formally before me must fail.
7. I have considered all the other matters in the representations, including those from a third party, but none have led me to a different conclusion.



INSPECTOR

TP(Refuse)

SOUTHWARK COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)



REFUSAL OF PLANNING PERMISSION

Applicant Bernard Construction Ltd

LBS Registered Number 04-AP-2208

Date of Issue of this decision 10/02/2005

Case Number

TP/2454-A

Planning Permission was REFUSED for the following development:

Change of use to create 2no. 1 bedroom self contained flats together with external works to create associated external amenity space

At: The Peckham Centre, Asylum Road SE15

In accordance with application received on 02/12/2004

and Applicant's Drawing Nos. BC.02.01 A, BC.02.02 A, BC.02.03 & 1 un-numbered

Reason for refusal:

The proposed basement flats would not have a satisfactory outlook from any of the habitable room windows, and therefore a reasonable level of amenity and quality of life for future residents of the development would not be provided. In this regard, the proposal is contrary to policies E.3.1 'Protection of Amenity', and H.1.8 'Standards for Conversions', and Supplementary Planning Guidance Note 5 'Standards, Controls and Guidelines for Residential Development' of the Southward Unitary Development Plan 1995, and policies 3.2 'Protection of Amenity', 3.10 'Efficient Use of Land', 3.11 'Quality in Design', and 4.2 'Quality of Residential Accommodation', and Supplementary Planning Guidance Note 29 'Residential Design Standards' of the Southward Plan 2004.

Signed



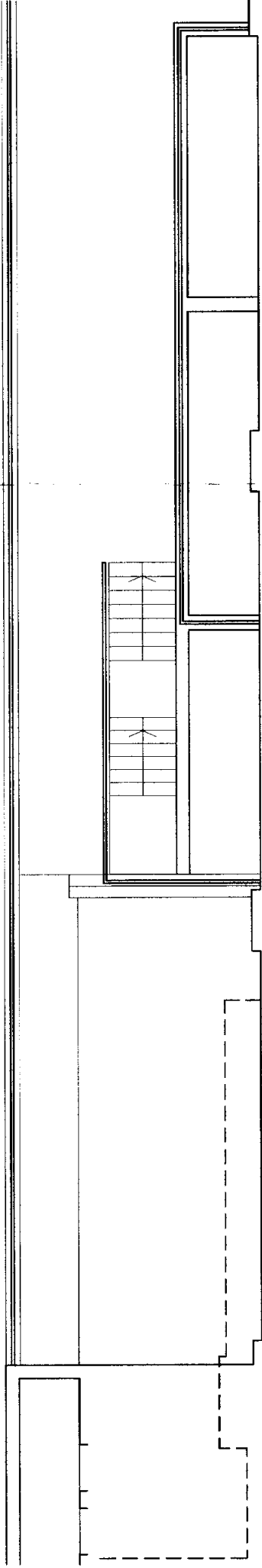
Séamus Lalor

Interim Development and Building Control Manager

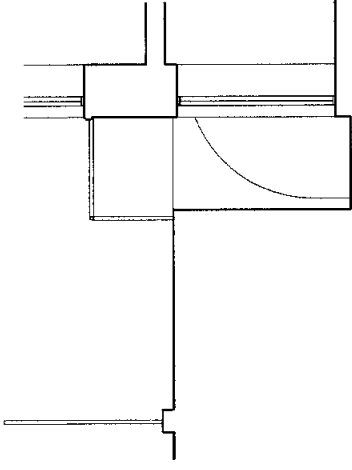
Your attention is drawn to the notes accompanying this document

Any correspondence regarding this document should quote the Case Number and LBS Registered Number and be addressed to: Head of Development and Building Control, Council Offices, Chiltern, Portland Street, London SE17 2ES. Tel. No. 020 7525 5000

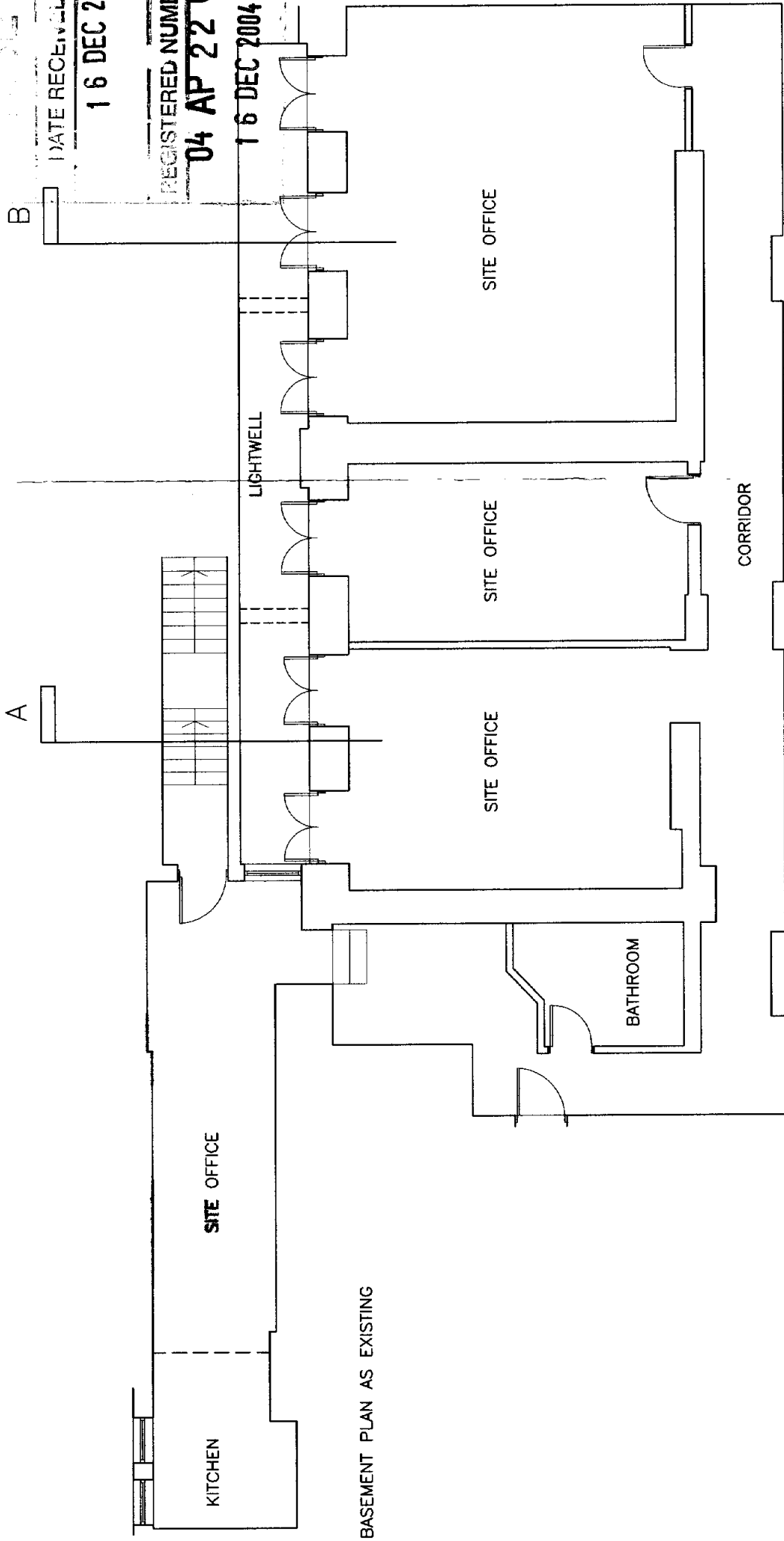
checked by lt



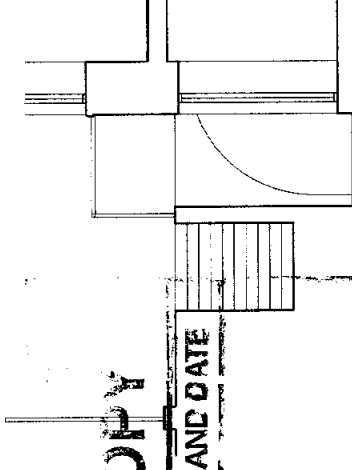
GROUND FLOOR PLAN AS EXISTING



EXTG SECTION B



BASEMENT PLAN AS EXISTING



EXTG SECTION A

FILE COPY

DATE RECEIVED
16 DEC 2004
REGISTERED NUMBER
04 AP 22 08
16 DEC 2004

DECISION AND DATE

A 13.12.04 Room names added

REV.

PROJECT

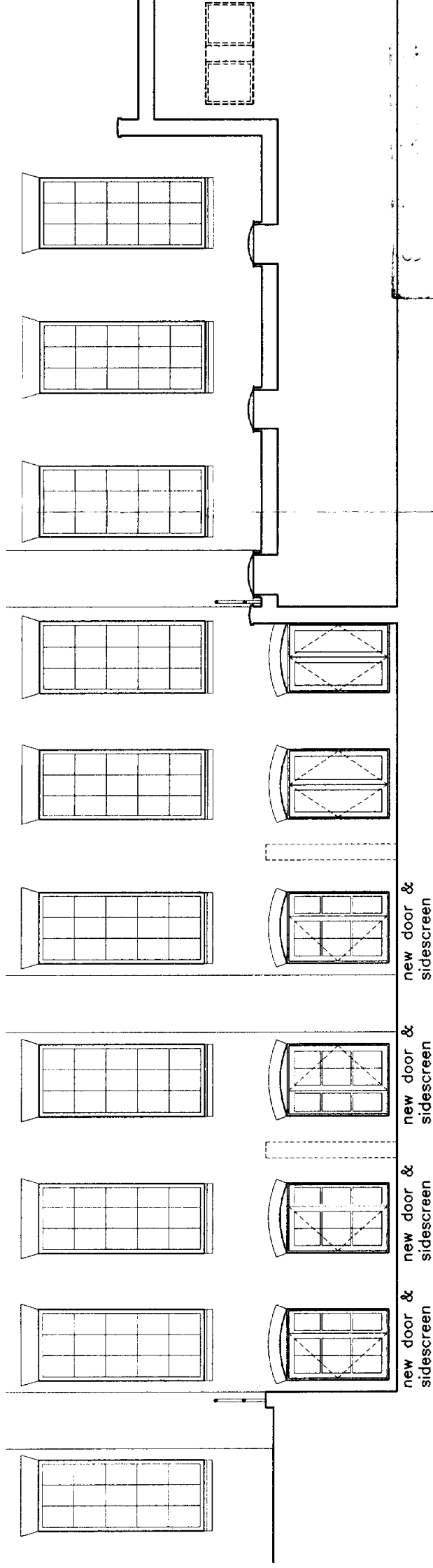
The Peckham Centre
Asylum Road
London SE15

DRAWING

Plans and sections
as existing

SCALE	PAPER SIZE	DATE	DRAWN BY
1:100	A3	10.04	

DRAWING N°	REVISION
BC.02.01	A

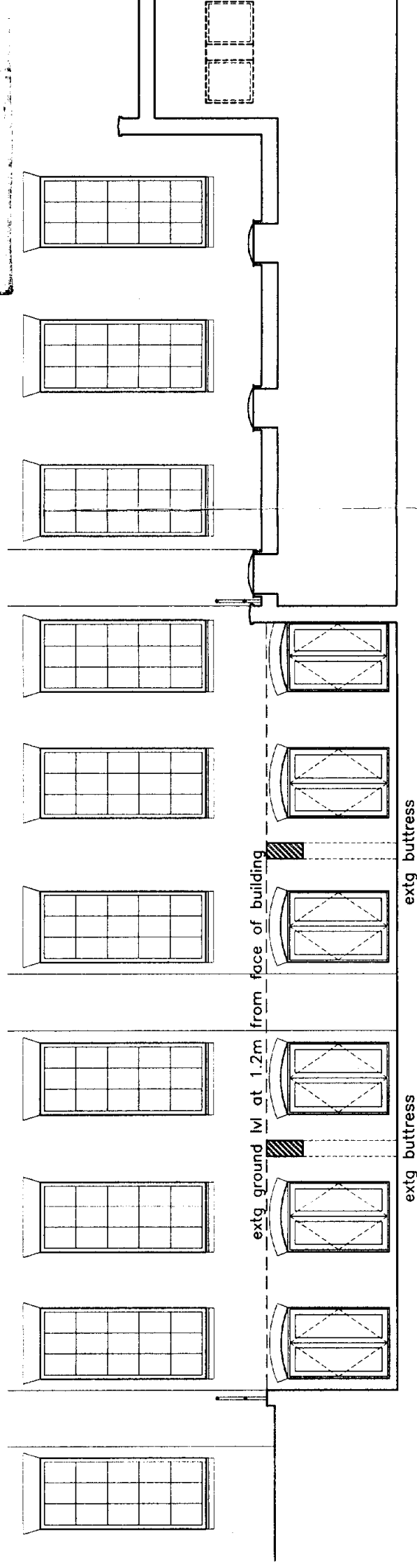


PROPOSED ELEVATION

ELEVATION TO SINGLE STOREY ELEMENT

FILE COPY

DATE RECEIVED	DECISION AND DATE
- 2 DEC 2004	
REGISTERED NUMBER	
04 AP 22 0 8	



EXISTING ELEVATION

REV.

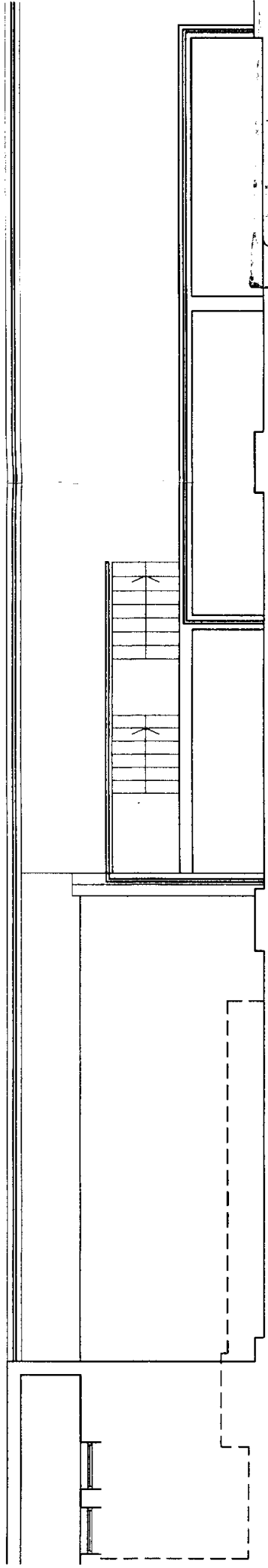
PROJECT

The Peckham Centre
Asylum Road
London SE15

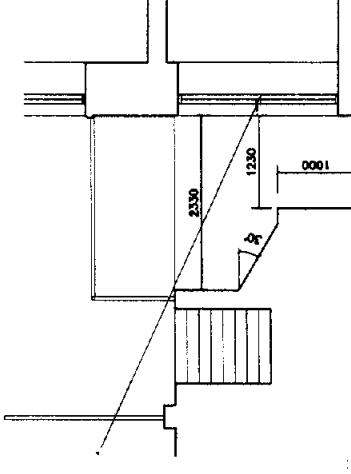
DRAWING

Existing and Proposed Elevations

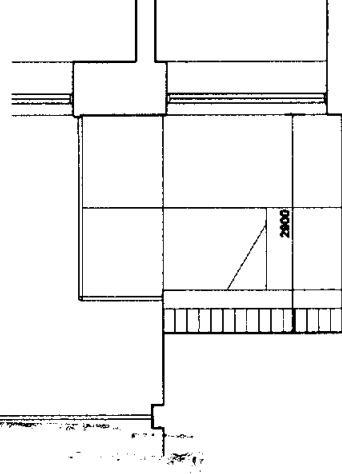
SCALE	PAPER SIZE	DATE	DRAWN BY
1:100	A3	11.04	
DRAWING N°	REVISION		
BC.02.03			



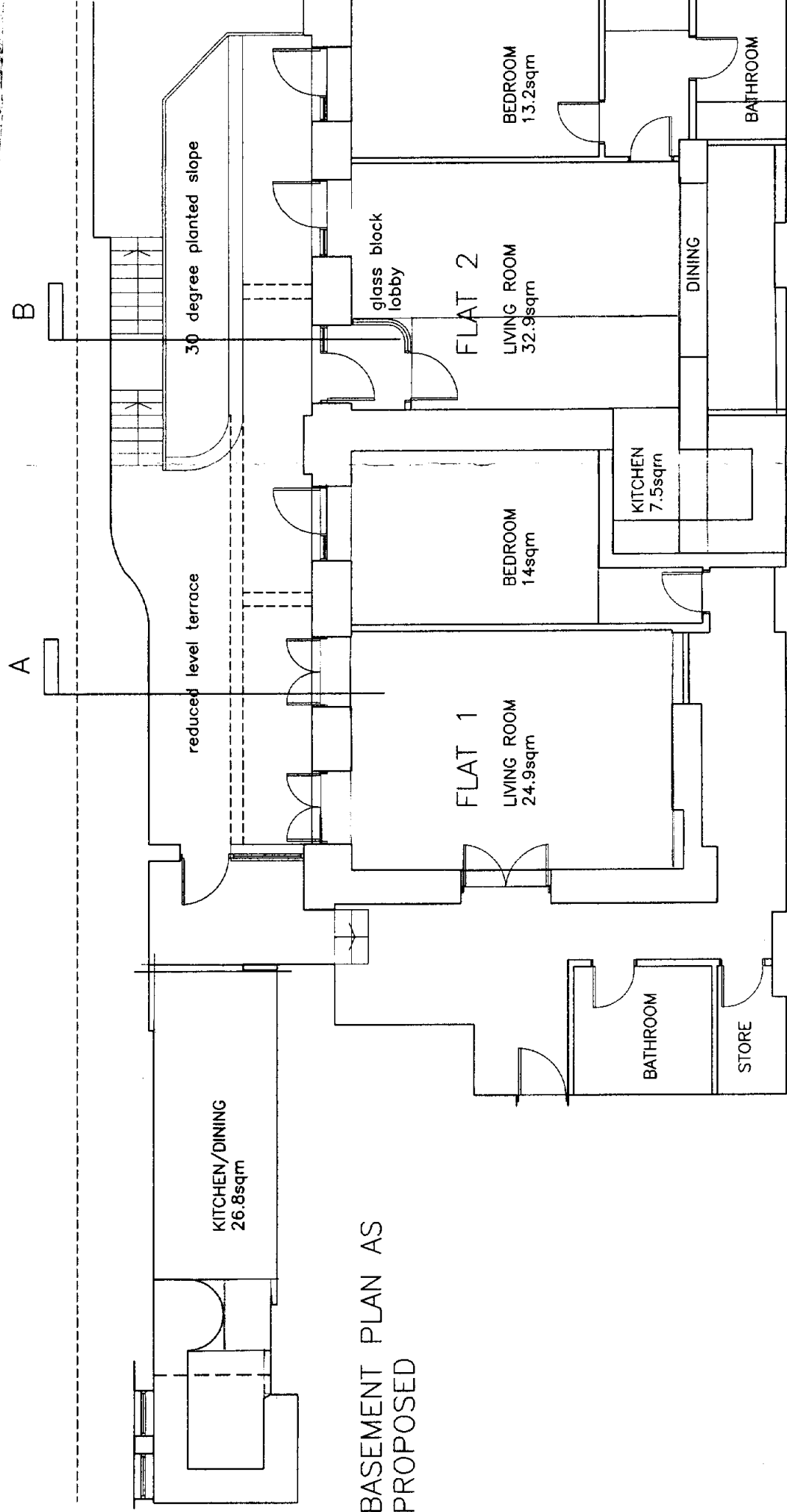
GROUND FLOOR PLAN AS
PROPOSED



PROPOSED SECTION B



PROPOSED SECTION A



BASEMENT PLAN AS
PROPOSED

DATE RECEIVED
- 2 DEC 2004
REGISTERED NUMBER
04 AP 2208

DATE RECEIVED
DECISION AND DATE

A 25.11.04 Flat doors revised

REV.

PROJECT

The Peckham Centre
Asylum Road
London SE15

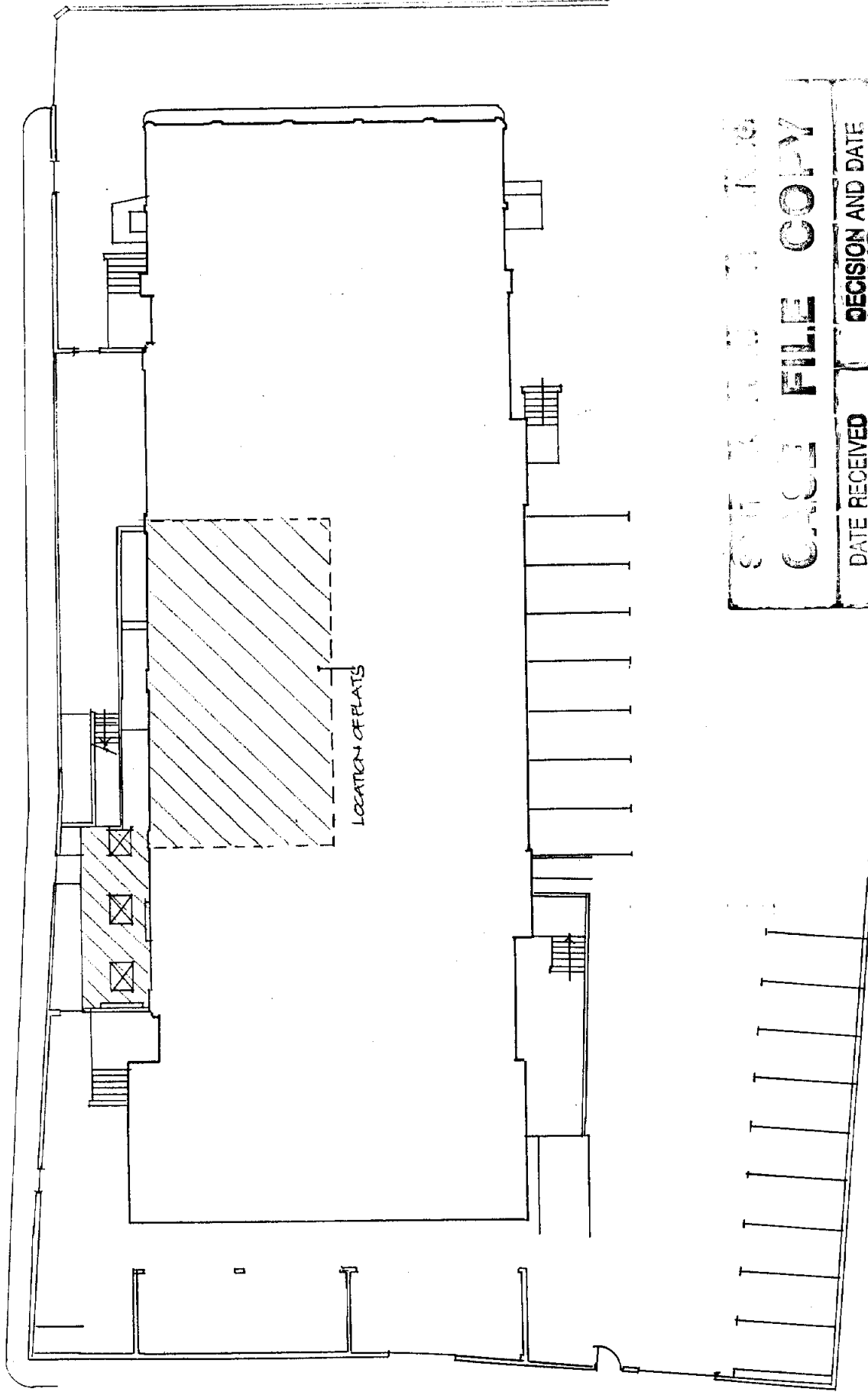
DRAWING

Plans and sections
as proposed

SCALE 1:100 PAPER SIZE A3 DATE 10.04 DRAWN BY

1:100 A3 10.04

DRAWING N° BC.02.02 REVISION A



BLOCK PLAN

THE PECKHAM CENTRE, ASYLUM ROAD, LONDON SE15

SCALE 1:200 @ A4

SECRETARY OF STATE

CACI FILE COPY

DATE RECEIVED

- 2 DEC 2004

DECISION AND DATE

REGISTERED NUMBER

04 AP 22 08