



The Planning Inspectorate

SCANNED ON

16 JAN 2017

PLANNING (IO)

## Appeal Decision

Site visit made on 4 January 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 January 2017

**Appeal Ref: APP/A5840/W/16/3158547**

**Flat 49A, 18 Grenier Apartments, Gervase Street, Southwark, London SE15 2RS**

- 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 UK LLP against the decision of the Council of the London Borough of Southwark.
- The application Ref 16/AP/1556, dated 19 April 2016, was refused by notice dated 20 July 2016.
- The development proposed is an application for one self-contained residential apartment (use class C3) at lower ground level with new internal layout.

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appeal property has already been used as a self-contained flat.

### Main Issue

3. The main issue is whether or not the occupiers of the proposed apartment would have an acceptable level of outlook.

### Reasons

4. The appeal site relates to a basement which is part of a school building which has been converted into apartments. It falls within a predominantly residential area. The appeal proposal is for the creation of a self-contained one bedroom apartment. The apartment is single aspect and all windows/doors face a retaining wall which is about 1.23 metres away. The proposal includes the scaling back of about a 5.0 metre section of the retaining wall in order to mitigate its effect upon the occupiers of the proposed apartment in respect of daylight and outlook.
5. I have no reason to disagree with the conclusions reached in respect of the daylight and sunlight report prepared by BLDA Consultancy. The proposed bedroom would receive good levels of daylight exceeding Building Research Establishment 2011 (BRE) recommendations and there would be a good distribution of light to both the bedroom and living/kitchen area. The alterations to the retaining wall would have the effect of improving daylight into the living/kitchen area (from 1.21% ADF to 1.62% ADF) but it would still fall

short of the 2.0% BRE recommendation. On balance, however, I agree with the Council that the proposal would be acceptable in respect of daylight penetration into the apartment: there would be only a minor shortfall in the amount of daylight into the living/kitchen area relative to the recommended BRE requirements and on its own this would not justify a refusal of planning permission.

6. The retaining wall would be scaled back, and in relative terms this would improve the outlook afforded to the occupiers of the apartment. However, the extent of the alteration to the retaining wall would not be significant and there would be no alteration to the part of the wall which faces the bedroom window/doors. Owing to the distance and height of the resultant retaining wall to all of the doors/windows of the single aspect apartment, I consider that it would have a dominating and enclosing impact thereby offering inadequate living conditions for future residents.
7. I have considered the outlook afforded to the occupiers of the neighbouring apartment (No 49, 18 Grenier Apartments), but this is not the same as the appeal proposal. There is a larger space between windows/doors of this apartment and the retaining wall, and there is also a window which faces down the long basement level terrace. In any event, I have considered this appeal on its individual planning merits.
8. I therefore conclude that despite the proposed alterations to part of the retaining wall, the occupiers of the proposed apartment would not have an acceptable level of outlook. Therefore, the proposal would not accord with the amenity and design aims of the National Planning Policy Framework; Policy 3.5 of the London Plan 2016; saved Policies 3.2 and 4.2 of the Southwark Plan 2007 and the Southwark Council 'Residential Design Standards' Supplementary Planning Document 2011.

#### **Other Matters**

9. I note that the change of use proposal falls within flood zone 3. However, I have no reason to depart from the conclusion reached by both the Environment Agency and the Council in respect of this matter. For the reasons outlined in the Flood Risk Assessment prepared by Peter Brett, I am satisfied that the occupiers of the proposed apartment would not be at risk of flooding. However, this does not overcome my conclusion on the main issue.

#### **Conclusion**

10. In conclusion, and for the reasons outlined above, the proposal would not accord with local and national planning policies for the area in so far that the occupiers of the proposed apartment would not be afforded an acceptable level of outlook. There are no material planning considerations which would outweigh the aforementioned conflict with local and national planning policies. Consequently, the appeal should be dismissed.

*Daniel Hartley*

INSPECTOR