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# Appeal Decision

Site visit made on 9 December 2014

**by Nick Palmer BA (Hons) BPI MRTPI**

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

**Decision date: 2 January 2015**

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**Appeal Ref: APP/A5840/A/14/2226514**  
**Block D, Hartley Jam Factory, London SE1 4BF**

- 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 Dunbar Assets PLC against the decision of the Council of the London Borough of Southwark.
  - The application Ref 14/AP/0411, dated 7 February 2014, was refused by notice dated 4 April 2014.
  - The development proposed is the erection of two additional floors to an existing building incorporating 8 duplex units.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The application form was not dated and the certificate of ownership was not completed. The appellants have however given the date of the application as 7 February 2014 on the appeal form and have completed the certificate of ownership on that form. I will deal with the appeal on this basis and have used the date of the application given by the appellants in the heading above.

## Main Issues

3. The main issues in the appeal are:
  - i) the effect of the proposal on the character and appearance of the area, including its effect on the Conservation Area;
  - ii) the effect of the proposal on the living conditions of the adjacent occupants in Block A of the Jam Factory; and
  - iii) whether or not a contribution towards affordable housing would be required.

## Reasons

### *Character and Appearance*

4. The site is within the Bermondsey High Street Conservation Area. This covers the appeal building and the adjacent former Hartley Jam Factory buildings which have been converted to flats. On three sides the site is adjacent to late 20<sup>th</sup> century housing which is not within the Conservation Area. The original Jam Factory buildings date from the early 20<sup>th</sup> century and have been extended

by the addition of two storeys above their original rooflines. The appeal building at 5 storeys provides a transition between the 8 storey former factory buildings and the adjacent 4 storey residential development.

5. The proposed extension would respect the design of the existing building by providing a lightweight structure to relieve its mass and by recessing the front and rear elevations to reduce its scale. However its overall effect would be to significantly increase the height and bulk of the building which is already of a large scale in relation to the adjacent housing on Rothsay Street, Prioress Street and the path linking those streets. It would for this reason be dominant and out of scale with those dwellings.
6. The character of this part of the Conservation Area derives from the historic former factory buildings which are of red brick and are said to be reminiscent of Lancashire textile mills. The additional floors to those buildings have been undertaken in a contrasting modern style which retains the character of the original buildings. Block D differs from those buildings in terms of its modern architecture. The proposal would result in Block D being of substantial scale and bulk and similar to the former factory buildings in these respects. As such the extended Block D would reduce the prominence of the original factory buildings and detract from their character. For these reasons the proposal would not preserve or enhance the character or appearance of the Conservation Area.
7. Because of the existing relationship of Block D to the former factory buildings and the large scale of those buildings, the harm to the Conservation Area resulting from the proposal would be less than substantial. There would be some public benefit from the provision of housing in an accessible location, from ensuring wheelchair accessibility for some of the units and building these to 'Lifetime Homes' standards. However, no evidence of an identified need for additional housing is before me and on this basis I conclude that the public benefit would be limited. This would not be sufficient to outweigh the less than substantial harm to the Conservation Area.
8. For these reasons I conclude that the proposal would unacceptably harm the character and appearance of the area. Strategic Policy 12 of the Southwark Core Strategy (CS) (2011) requires high standards of design to help create attractive places. Saved policies 3.12 and 3.13 of the Southwark Plan (SP) (2007) have similar requirements as do policies 7.4, 7.5 and 7.6 of the London Plan (2011). For the above reasons the proposal would not accord with those policies or with saved policy 3.16 of the SP or policy 7.8 of the London Plan which require the conservation of heritage assets.

#### *Living Conditions*

9. The adjacent block (known as Block A) is in close proximity to Block D. The proposed extension would be set back from the rear façade but it would reduce daylight levels to the facing flats in Block A, particularly at ground, first and second floor levels. The appellant's daylight assessment shows that the ground floor windows in that block already receive less daylight than is recommended in the Building Research Establishment (BRE) report "Site layout planning for daylight and sunlight". The assessment confirms that daylight levels to those windows would be further reduced as a result of the proposal and that the majority of the first and second floor windows would receive less than the recommended level of daylight.

10. The BRE report suggests that where daylight levels are below the recommended level, a reduction of more than 20% of the existing level will be noticeable to the occupants. Some 18 windows in Block A would be noticeably affected in this way. Although the amount of lost daylight would be small in most cases this would nonetheless be harmful.
11. The proposal would also affect the outlook from the facing windows in Block A and particularly for those at the lower levels from where the proposal would increase the sense of enclosure.
12. For these reasons the proposal would unacceptably harm the living conditions of the adjacent occupants in Block A of the Jam Factory and would not accord with saved policy 3.2 of the SP.

### *Affordable Housing*

13. The threshold for provision of affordable housing as set out in Strategic Policy 6 of the CS and saved policy 4.4 of the SP is 10 units. That threshold is consistent with the advice in the Planning Practice Guidance<sup>1</sup> that contributions for affordable housing should not be sought from small scale development. The proposal would clearly fall below that threshold and there is no policy requirement for a contribution towards affordable housing.
14. I understand that the existing building was completed some 3 years before the appeal application was submitted to the Council. This period of time indicates that the proposal would form a separate development rather than a phased part of a comprehensively planned development. On this basis I see no reasonable justification for a contribution towards affordable housing to be sought.
15. I note that there has historically been an under-provision of affordable housing within the Jam Factory development but this does not justify a contribution that would not fairly or reasonably relate to the proposed development. For these reasons a contribution towards affordable housing would not be required.

### *Other Matters*

16. I have found that the increased height of the block would be dominant in relation to its surroundings including the open space to the north-west. However it is unlikely that this would detrimentally affect the attractiveness of that open space as a facility for local residents.
17. I have taken into account all other matters raised, including the design measures to avoid overlooking, provision for bicycle storage and a 'brown roof'. Those matters do not alter my conclusions on the main issues.

### **Conclusions**

18. Although I find that an affordable housing contribution would not be required, this does not alter my conclusions on the first two main issues. For the reasons given I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR

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<sup>1</sup> ID 23b-012-20141128

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