

Appeal Decision

Site visit made on 8 September 2016

by **R J Maile BSc FRICS**

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

Decision date: 19 September 2016

Appeal Ref: APP/L5240/D/16/3153136

33 Kensington Avenue, Thornton Heath, Surrey, CR7 8BT.

- 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 Mr Maksimilian Gawlas against the decision of the Council of the London Borough of Croydon.
 - The application, ref: 16/00554/P, was refused by notice dated 1 April 2016.
 - The development proposed is erection of single/two storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single/two storey rear extension at 33 Kensington Avenue, Thornton Heath, Surrey, CR7 8BT, in accordance with the terms of the application ref: 16/00554/P, dated 26 January 2016, subject to the conditions set out in Annex A to this decision.

Main Issue

2. The main issue here is the effect of the development upon the living conditions of nearby residents by virtue of dominance and visual intrusion.

Reasons

3. The appeal property comprises a semi-detached house erected during the inter-war period. It is located within an area of similar semi-detached and terraced dwellings.
 4. Planning permission was granted at appeal (ref: APP/L5240/D/13/2206707) on 3 December 2013 for a single storey, infill type rear extension and a first floor extension above an existing rear addition. That planning permission, which has been part implemented, includes the first floor element forming a part of the scheme now before me.
 5. It is also relevant that an application for Prior Approval was submitted to the Council (ref: 16/02122/GPDO) following refusal of the application the subject of this appeal. The Prior Approval application related to the erection of a single storey rear extension projecting out 6m, with a maximum height of 3.73m. The
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decision in relation to that application reads: 'Prior Approval No Jurisdiction (GPDO).'

6. Having regard to this information, it would appear that the two elements of the current scheme have either individually received planning permission or that they do not require planning permission. It is therefore relevant to consider whether the combined effect of the small first floor extension and the addition of a ground floor extension projecting 6m outwards from the rear wall would represent an over-dominant extension to this modest semi-detached house and whether such extensions, in combination, would adversely impact upon the occupiers of the neighbouring houses on either side.
7. The Council's Development Plan policies and those of the Framework¹ seek to ensure that extensions to dwellings are well designed and subservient to the original building.
8. In the subject case the Officer's Report concludes that the extensions would not be visible in the street scene, such that the character and appearance of the surrounding area would not be compromised. However, concerns have been expressed as to the combined effect of the extensions and whether they would be subservient to the original dwelling, as required by the relevant policies of the Development Plan.
9. The property as erected is of very modest proportions, such that the further extension to the rear of the property at ground floor level would enable the provision of greatly enhanced living accommodation. Given that this element of the proposal complies with the requirements of the Planning (General Permitted Development) (England) Order 2015 and has been the subject of a formal application to the Local Planning Authority, I have concluded that the issue of subservience to the original dwelling is satisfied.
10. As part of my site visit I noted the relationship of the first floor element of the proposal to no. 31 and that of the extended ground floor extension to no. 35, which comprises the other half of this pair of semi-detached dwellings.
11. Having regard to the detailed design of the extensions, the fenestration of the adjoining properties and the intervening boundary fences, and subject also to the imposition of a condition preventing the insertion of flank windows at first floor level, I am satisfied that the totality of the scheme before me would not have any unacceptable impact upon the living conditions of nearby residents by virtue of dominance or visual intrusion.
12. I therefore find upon the main issue that development as proposed will accord with the requirements of national policy at Chapter 7 (Requiring good design) of the Framework, Policies 7.4 and 7.6 of The London Plan, Policies SP4.1 and SP4.2 of the Local Plan² and "saved" Policies UD2 (v) and UD8 (i), (ii) and (v) of The Croydon Plan³.

¹ The National Planning Policy Framework.

² Croydon Local Plan: Strategic Policies (adopted April 2013).

³ Croydon Replacement Unitary Development Plan: The Croydon Plan (adopted July 2006).

Conditions

13. The Council has put forward a total of three conditions to be imposed should I be minded to allow the appeal, which I have considered against the tests of the Framework and the advice provided by the Government's Planning Practice Guidance issued on 6 March 2014. I find all to be reasonable and necessary in the circumstances of this case. I must also impose a further condition (no. 3).
14. My reasons for the conditions are:
15. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
16. The planning permission that was granted at appeal on 3 December 2013 (ref: APP/L5240/D/13/2206707) removed certain Permitted Development rights in relation to the insertion of windows within the flank elevations of the first floor extension. It is necessary for me to impose an identical condition in this case to ensure that the privacy of adjoining residential occupiers is safeguarded (Condition 3).
17. Condition 4, which requires the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order) no windows or other openings shall be inserted at first floor level within the east and west flank elevations of the development hereby permitted without the prior written consent of the Local Planning Authority.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 1:	Existing Ground Floor Plan – scale 1:50.
Drawing no. 2:	Existing First Floor Plan – scale 1:50.
Drawing no. 3:	Existing Section 1-1 – scale 1:50.
Drawing no. 4:	Existing Front and Rear elevations – scale 1:50.
Drawing no. 5:	Existing Flank Elevation – scale 1:50.
Drawing no. 6:	Existing Roof Plan – scale 1:50.
Drawing no. 7:	Proposed Ground Floor Plan – scale 1:50.
Drawing no. 8:	Proposed First Floor Plan – scale 1:50.
Drawing no. 9:	Proposed Section 1-1 – scale 1:50.
Drawing no. 10:	Proposed Front and Rear Elevations – scale 1:50.
Drawing no. 11:	Proposed Flank Elevation – scale 1:50.
Drawing no. 12:	Proposed Roof Plan – scale 1:50.
Drawing no. 13:	Proposed Flank Elevation (2) – scale 1:50.