

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/16/3154535
153 Pollards Hill South, London, SW16 4LZ.

- 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 Miss Z Giga against the decision of the Council of the London Borough of Croydon.
 - The application, ref: 16/00963/P, was refused by notice dated 27 April 2016.
 - The development proposed is: "Erection of a detached living unit ancillary to No. 153 Pollards Hill South."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached living unit ancillary to No. 153 Pollards Hill South, London, SW16 4LZ, in accordance with the terms of the application ref: 16/00963/P, dated 10 February 2016, subject to the conditions set out in Annex A to this decision.

Main Issues

2. The main issues in this case are:
 - a) The adequacy of the proposed annexe to provide an acceptable level of living accommodation.
 - b) The impact of the proposal upon the amenities of nearby residents by reason of overlooking and loss of privacy.

Reasons

- a) *Adequacy of living accommodation.*
3. The property comprises one of a pair of modern, semi-detached houses (151 and 153 Pollards Hill South) which are occupied by sisters, both of whom are disabled.
 4. The scheme before me seeks the provision of a stand-alone annexe which is to be occupied by a live-in carer to cater for the day to day needs of the appellant and her sister. It is proposed to erect the annexe at the rear end of the garden of no. 153 where it adjoins a block of modern garages.
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5. Of relevance to my decision is the fact that planning permissions have been granted since 2008 (ref: 08/03188/P) for the erection of a single storey detached building within the rear garden of the subject property. The most recent of these (ref: 15/01827/P dated 16 June 2015) is, I understand, still extant. Although that permission relates to a slightly smaller building than is proposed here, the principle of a single storey building within the rear garden of no. 153 has been established over a period of some 8 years.
6. The Council has raised concerns as to the acceptability of the accommodation as a separate dwellinghouse. However, given the particular circumstances arising in this case and the fact that the planning application clearly refers to the proposal as a living unit ancillary to the principal dwelling, I have considered the appeal upon this basis.
7. The proposed building would have a gross internal floor area of 44.5m², which is below the standards referred to by the Council relating to a new, two person dwelling (some 50m²). Nevertheless, the scheme before me is clearly an annexe to an existing dwelling and is intended for occupation by a single carer rather than as a new, two person residence.
8. National policy at paragraph 50 of the Framework¹ requires Local Authorities to deliver a wide choice of housing based upon the needs of different groups in the community, including people with disabilities as in this case. Paragraph 59 encourages design policies that avoid unnecessary prescription or detail.
9. In the particular circumstances of this case, and having regard to the limited accommodation available within both 151 and 153 Pollards Hill South, an annexe building would appear to be an ideal solution to allow for the provision of accommodation for a full-time carer. Moreover, although the annexe is of limited internal dimensions it nevertheless provides adequate space for single person occupation. These factors have enabled me to permit the scheme, albeit that it does not strictly comply with Policy 7.6 of The London Plan and Policy SP2.6 of the Local Plan².
10. For all of these reasons I have found on the first main issue that the annexe as proposed provides an acceptable level of living accommodation as an adjunct to the principal residence at 153 Pollards Hill South.

b) Impact upon amenities of nearby residents.

11. The annexe is to be located some 20m from the principal residence. Given the topography of the site and the fact that the new structure would be set below the level of the garden, I am satisfied that there would be no unacceptable intervisibility between the annexe and the principal dwelling. Neither would the annexe be unacceptably overlooked from the houses at 151/153 Pollards Hill South.
12. As to its relationship with properties in Cranbourne Close, I have noted that there are no flank windows proposed within the annexe, which will be largely screened by existing or proposed close boarded fences some 1.8m in height.

¹ The National Planning Policy Framework.

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

13. For all of these reasons I find upon the second main issue that the amenities of nearby residents will be safeguarded and that development as proposed would accord with the requirements of "saved" Policies UD2, UD8 and H2 of The Croydon Plan³.

Conditions

14. I have considered the four conditions put forward by the Council against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2016. All are reasonable and necessary in the circumstances of this case, although I have amended their wording where required.
15. My reasons for the conditions are:
16. 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, while Condition 3 is necessary in the interests of pedestrian and highway safety.
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

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

Schedule of Conditions

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No development shall take place until full details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3) No development shall take place until details of the provision of pedestrian visibility splays to serve the proposed car parking space have been submitted to and approved in writing by the Local Planning Authority. The pedestrian visibility splays shall be provided in accordance with the approved details before the annexe hereby permitted is first occupied and shall thereafter be maintained free of obstruction above a height of 0.6m above ground level.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan: - scale 1:1250.

Block Plan: - scale 1:500.

Drawing no. 1511-1880: Floor Plan and Roof Plan – scale 1:50; Proposed Elevations – scale 1:100.