
Appeal Decision

Site visit made on 22 August 2016

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/L5240/W/16/3152441
6 Bavant Road, Norbury, London SW16 4SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Susan Flatts against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/00378/P, dated 1 December 2015, was approved on 18 May 2016 and planning permission was granted subject to conditions.
 - The development permitted is erection of single storey side/rear extension.
 - The condition in dispute is No 2 which states that: All new external work and work of making good shall be carried out in materials as specified in the email received on 26/04/2016.
 - The reason given for the condition is: To ensure that the appearance of the development is satisfactory in accordance with Policy UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies.
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Decision

1. The appeal is allowed and the planning permission Ref 16/00378/P for erection of single storey side/rear extension at 6 Bavant Road, Norbury, London SW16 4SN granted on 18 May 2016 by the Council of the London Borough of Croydon, is varied by deleting Condition 2.

Procedural Matters

2. The description of development set out above is altered slightly from that on the application form through the removal of narrative text not related to the development itself. It is a more accurate and concise description of the development. The Council based its decision on this description and so shall I.

Background and Main Issue

3. The extension shown on the approved drawings had been largely constructed at the time of my visit, although the window and door frames had not been installed. The condition in dispute requires all new external work and work of making good to be carried out in materials which have been specified in an email received on 26/04/16. The email confirmed that matching external materials would be used for the walls and roof, and in respect of the doors it stated:

"Doors.... Complete Aluminium bi-fold door with aluminium frame (with approval)

If not approved by conservation panel could I have a wooden frame enclosed in aluminium bi-fold doors?"

The appellant disagrees with the Council's requirement to use aluminium or timber window/doors for the extension and would like to use uPVC. Therefore based on the Council's reason for the condition, and having regard to the Council Officer's Report, I consider the main issue in this case to be whether Condition 2 is necessary and reasonable having regard to the effect of the proposal on the character and appearance of Norbury Estate Conservation Area.

Reasons

4. The Norbury Estate Conservation Area Appraisal and Management Plan, Supplementary Planning Document, Adopted 2014 (SPD), advises that Norbury Estate Conservation Area is an early example of London County Council's cottage housing estates and its historic significance is derived from its origin as the first such estate to be built outside its County Boundary. It is built in a distinctive Edwardian cottage style and retains a uniform residential character. Its character is derived primarily from the street layout which is a formal grid pattern of parallel and perpendicular streets within a rectangle. The street frontages are strongly defined by the consistent and almost continuous building lines of the cottages which are grouped in terraces, each of which displays a bespoke design incorporating a range of Arts and Crafts inspired features.
5. No 6 Bavant Road is a simple two-storey residential mid terraced property. The terrace displays a strong rhythm and form which is consistent with the characteristics attributed to Norbury Conservation Area in the SPD. It has a symmetrical form with a consistent building line and simple bay windows and recessed doorways to its front elevation. However, as identified in the SPD, most original timber windows frames within the conservation area have been replaced with uPVC or aluminium alternatives. There are no surviving timber frames within No 6, or indeed within this terrace as a whole.
6. The proposed development is for a single storey lean-to extension to the rear elevation. The property has a small rear private garden area which is enclosed by high fencing. It is further enclosed by the rear gardens and properties on Newlands Road and Northborough Road which run perpendicular to Bavant Road. The rear elevation of the appeal property is therefore completely screened from public views from within the conservation area; and the private views of it from neighbours would also be limited by reason of the enclosed nature of the garden.
7. The Council advise that given the location of the appeal site within Norbury Conservation Area timber frame windows are required for the proposed bi-fold doors. The SPD seeks to retain and repair surviving timber sash windows and requires any necessary replacements to be of a timber construction. Policy UD3 of the Adopted Croydon Replacement Unitary Development Plan, 2006 (UDP) requires development proposals to incorporate established materials used in the locality where appropriate. The proposal would not replace existing timber joinery but would instead introduce a new window and bi-fold doors into a property which forms part of a terrace where no timber windows currently exist.
8. The character of the conservation area is derived predominantly from its layout and form. Furthermore, given the extensive use of uPVC in the immediate

locality, and coupled with the location of the proposed window and doors on the ground floor rear elevation, I am not persuaded that the further use of uPVC as proposed would have a harmful effect on the character or appearance of Norbury Estate Conservation Area.

9. The National Planning Policy Framework (the Framework) advises that planning conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. I have found that it is not reasonable or necessary to control the external materials of the windows/doors. Furthermore Condition 2 is not precise as it is unclear exactly what materials of external construction would be required for the windows/door. It would therefore be unenforceable.
10. I agree that the part of Condition 2 that requires matching materials for the external surfaces of the walls and roof covering is necessary to preserve the character and appearance of Norbury Estate Conservation Area. However, at the time of my visit those works had already been undertaken in full accordance with that requirement and that part of the Condition is therefore no longer necessary.
11. I conclude that Condition 2 is not necessary in the interests of preserving the character and appearance of Norbury Estate Conservation Area or to comply with Policy UD3 of the UDP or policies within the Framework which seek to conserve and enhance the historic environment.

Conclusion

12. I conclude that Condition 2 is not necessary and unreasonable. I have further found that it is not precise or enforceable. It does not therefore meet the tests of paragraph 206 of the Framework and I conclude that the appeal should be allowed and Condition 2 removed.

Elizabeth Pleasant

INSPECTOR