
Appeal Decision

Site visit made on 6 September 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 4 October 2016

Appeal Ref: APP/L5240/D/16/3154254

31 Byron Road, South Croydon, Croydon CR2 8DZ

- 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 Elias Christodoulou against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/01196/P, dated 7 March 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the creation of a single storey rear extension, double storey side extension and associated alteration to modify a front porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Side and rear extensions were under construction at the time of my site visit.

Main Issues

3. The main issues raised in respect of the appeal are the effect of the proposal on: -
 - (a) The character and appearance of the area and wider street scene; and,
 - (b) The living conditions of adjoining occupiers at 33 Byron Road.

Reasons

The character and appearance of the area

4. The area, in the main, is characterised by mostly two-storey semi-detached properties comprising a variety of architectural designs and forms. I observed on site that many dwellings in the street host side extensions. Whilst some dwellings have flush side extensions with pitched roof elements to the front with flat roofs behind, I observed that side extensions designed with a stepped back at first floor with hipped pitch roofs to be more commonplace along both sides of the street.
 5. The Council's Supplementary Planning Document 2 'Residential Extension and Alterations' (SPD2) aims to ensure two storey side extensions respect the character of the street and maintain the integrity of the design of the original host dwelling. The guidance indicates that this can usually be achieved by
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setting extensions back from the main front wall so that they become subordinate elements in the street elevation. I saw that a good number of those two storey side extensions with first floor setbacks are subordinate to the main dwelling, albeit it appeared to me that not all may have the full extent of the 1.5 metres setback advocated by the SPD. Nonetheless, I found that these form of extensions with hipped pitch roofs more successfully respected the form of the original dwelling and the rhythm of buildings and spaces within the street scene more so than those of flush frontage design with flat roofs behind frontage pitched roof features.

6. The proposed design, although having a similar flush frontage and subservient roof form, would be different to the extension to the other half of this pair of semi-detached houses in respect of its overall height and roof form. The proposal would therefore not bring about symmetry to the appearance of this pair of semi-detached properties. In addition, the flat roof with dummy tiled pitch would be of poor design and would not respect the design of the original building and the rhythm of buildings and spaces as encouraged by the SPD. As a result, the proposal would represent an inappropriate addition to the host dwelling. Whilst there are a number of two storey side extensions of a differing degree of similarity to that proposed, these do not justify the design and form of extension proposed at the appeal property.
7. I acknowledge the SPD allows for some flexibility to account for differing circumstances nonetheless, the proposal should be considered on its own merits. Whilst the proposals would make best use of land available within the appeal site and add to the mix of housing type in the Borough in a sustainable location, these matters do not outweigh the harm I have identified above.
8. I note that a certificate of lawful development is in place that would enable the erection of a single storey side/rear extension and porch. Whilst this would allow the appellant to implement some single storey additions to the dwelling it would not make the proposal more acceptable in respect of the proposed two-storey side extension. For this reason I attach limited weight to the existence of the certificate.
9. For these reasons, I conclude that the proposal would have a harmful effect on the character and appearance of both the dwelling and wider street scene. The proposed development would be contrary to Policies 7.4 and 7.6 of the London Plan, SP1.1, SP4.1 and SP4.2 of the Croydon Local Plan (the Local Plan), Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (the Croydon Plan) and the SPD which seek development to be of a high quality design appropriate to its context and that respect the form of the original building and which positively contribute to the streetscape, amongst other matters.

The living conditions of adjoining occupiers

10. The proposed side and rear extensions would be constructed along the common boundary with No.33 Byron Road and would project beyond the rear building line of this adjacent dwelling. The Council is concerned that these extensions to the appeal property would visually overbear the occupiers of the adjacent property and would intrude upon their outlook and light. I observed on site that the appeal site is positioned at a slightly elevated siting to that of the adjacent property. I also saw a ground floor window almost adjacent to the boundary with the appeal site that the Council consider serves a kitchen.

Whilst the appellants in their statement do not offer any possible alternative use of this room, I accept that this window most likely serves a kitchen as I could see the adjacent room is utilised as a dining room and this accommodation is often closely linked.

11. The Council's SPD recognises that single storey rear extensions often raise issues regarding visual intrusion and light and advocates a maximum projection of 3 metres beyond the rear of the neighbouring building. The Council has indicated that the development would project approximately 4.5 to 5 metres at ground floor and 1.75 metres at first floor beyond the rear of No.33. This would result in a significant amount of built development along the boundary of No.33 and in close proximity to the kitchen. Whilst the appellant does not dispute these projections, it is asserted that a kitchen is not a habitable room. A kitchen, to my mind, is a place in which the occupiers are likely to spend a reasonable amount of their time. Outlook from the kitchen window would be of a large expanse of built development that would be immediately visible in views from this room. Whilst no objection has been raised by the adjoining occupiers, the proposal, in my opinion, would harmfully dominate their outlook from the kitchen.
12. The Council is also concerned that the proposal would result in the significant loss of light to the adjoining occupiers. Although some overshadowing of the kitchen would occur during the course of the day, in my judgement the effect would be quite limited.
13. I again note the certificate of lawful development in place that would enable the erection of a single storey side/rear extension. This would allow the appellant to implement single storey additions that would project to the side and beyond the rear building line of the dwelling. This would appear to reflect the length of projection being considered by this appeal. However, the certificate would not include the two storey side extension that is also proposed. Whilst a single storey addition to the side of the dwelling could be erected in much the same form and relationship to that being considered here, this does not make the proposal more acceptable, nor does it outweigh the harm that I have identified above. I therefore attach limited weight to the existence of the certificate.
14. For these reasons I conclude that the proposal would be harmful to the living conditions of adjoining occupiers at 33 Byron Road. The proposed development would be contrary to Policy 7.6 of the London Plan, Policy SP4 of the Local Plan, Policies UD2 and UD8 of the Croydon Plan and the SPD which seek new residential development, including extension and alterations to existing buildings, to ensure that existing occupiers are protected from undue visual intrusion, amongst other matters.

Conclusions

15. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR