
Appeal Decision

Site visit made on 4 October 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 11th October 2016

Appeal Ref: APP/L5240/D/16/3155441

3 Cherry Tree Court, Coulsdon, CR5 2LP

- 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 Herminder Thethi against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02051/P, dated 23 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is the addition of a rear single storey extension (Orangery) from the original house. The intended use is for additional living space allowing better garden view. Due to 4m depth, planning permission is required.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of No 4 Cherry Tree Court with regard to visual intrusion and an overbearing impact.

Reasons

3. Nos 3 and 4 Cherry Tree Court are semi-detached properties with a shared party wall. The proposed rear extension to No 3 would be single storey in height and would project out around 4 metres from the rear of the existing property. It would be located adjacent to the boundary with No 4, and would be in close proximity to the rear patio windows to that property.
 4. The proposed extension would be built up to the boundary with No 4 and would be around a metre higher than the existing boundary fence. It would be in close proximity to the rear patio windows to No 4 and would have a significant effect on the outlook from that room. By virtue of its height and position, the extension would be overbearing and visually intrusive to that room, and this would unacceptably harm the living conditions of No 4. The patio doors also appear to serve a lounge or living room area, which would be particularly sensitive as it is where the occupiers would be likely to spend a significant proportion of their time. The fact that no neighbour objections have been received to the proposal does not alter my view on this matter.
 5. The appellant states that a smaller single storey extension of 3 metres in length could be built under permitted development rights. Whilst I do not have a layout of the original property, and that may be so, there are no plans before
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me of an alternative scheme that would satisfy the appellant's requirements and that could be built under permitted development rights. I cannot therefore be certain that this represents a realistic alternative in this case.

6. I have been referred to a number of other extensions and developments in the nearby area. Whilst the full details of these cases are not before me, they do not appear to be directly comparable to the appeal proposal. In particular, the single storey extension to No 4 is away from the shared boundary between the properties. In addition, No 216 Coulsdon Road is a detached property with a significant amount of space between it and neighbouring properties. The nearby houses on Rossetti Gardens are also detached properties. In any case, I have determined the appeal on its own merits.
7. I conclude that the development would unacceptably harm the living conditions of No 4 Cherry Tree Court with regard to visual intrusion and an overbearing impact. It would therefore be contrary to Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, Policy 7.6 of the London Plan, and Supplementary Planning Document No 2 on Residential Extensions and Alterations.

Other Matters

8. The appellant states that extension would be designed to be sympathetic to the character of the surrounding area. This matter has not been disputed by the Council. However, this does not affect my finding against the main issue.

Conclusion

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

Thomas Hatfield

INSPECTOR