
Appeal Decision

Site visit made on 27 September 2016

by Robert Parker BSc (Hons) Dip TP MRTPI

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

Decision date: 12 October 2016

Appeal Ref: APP/L5240/D/16/3154394

170 Melfort Road, Thornton Heath, London CR7 7RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
 - The appeal is made by Mr K Choudri against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02580/GPDO, dated 18 May 2016, was refused by notice dated 28 June 2016.
 - The development proposed is single storey 6 metre rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
3. The application form states that the proposed extension would extend beyond the rear wall of the original dwelling by 6 metres with an eaves height of 2.5 metres and a maximum height of 3.5 metres. I have assessed the proposal on this basis, whilst noting that the latter figure refers to the maximum height of the roof lanterns and not the roof itself.

Reasons

4. No 170 Melfort Road forms one half of a pair of semi-detached houses. These have symmetrical single storey projecting wings and lean-to elements at the rear. Other properties in the row have matching features, suggesting to me that they are original. The appeal property has been enlarged with a flat roof extension which abuts the boundary with No 172.
 5. The adjoining dwelling has a set of French windows close to the boundary. The outlook from these windows, which I am told serve a dining room, will already be affected by the existing extension to No 170 and the property's own rear wing. Nevertheless, there is a relatively open aspect towards the end of the
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- plot and obliquely over the 1.8 metre fence on the boundary with the appeal property.
6. The proposed extension would more than double the length of building along the boundary. Although the fence would provide some screening, a significant mass of solid masonry would be visible above it. This would create a harmful sense of enclosure and lead to a significant reduction in outlook for the occupiers of No 172. In my judgement, the development would be oppressive and it would have an unacceptable effect on the living conditions of the neighbours.
 7. The Council's Supplementary Planning Document No. 2 on Residential Extensions and Alterations (2006) states that the maximum acceptable projection beyond the rear of the neighbouring building for semi-detached dwellings is generally 3 metres. The guidance pre-dates the introduction of permitted development rights for larger home extensions and this lessens the weight that can be attached to it. Nevertheless, the fact that the proposal would breach the guideline remains a material consideration – albeit that it was not the determining factor in my assessment.
 8. The appellant has referred me to other properties, including No 227 Melfort Road, where large single storey extensions have been secured under permitted development rights. However, in these examples there were no objections and therefore the Council was not required under the GPDO to make an assessment of the impact of the proposed development on the amenity of adjoining premises. Whilst this is a vagary of the regulations it does not automatically make the appeal scheme acceptable.
 9. I have also been supplied with copies of various appeal decisions where larger home extensions have been allowed. Although there are certain obvious similarities with the appeal scheme, I cannot be certain that the circumstances in each case are directly comparable. I have therefore determined the appeal on its own merits, as I am required to do.
 10. I agree with the appellant that 6 metre extensions cannot be deemed unacceptable in principle. However, the GPDO seeks to balance the social and economic benefits of larger home extensions with the need to safeguard the amenities of adjoining occupiers. Having given careful consideration to the evidence in this particular case I am satisfied that it would be reasonable and proportionate to withhold prior approval due to the combined effects arising from the scale of the proposed extension and its proximity to the boundary.
 11. The National Planning Policy Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) (2006) and Policy 7.6 of the London Plan¹ are both consistent with this objective. In causing material harm to the amenity of neighbouring premises the appeal proposal would conflict with these policies. Accordingly, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR

¹ Consolidated to include revisions and amendments since 2011