

Appeal Decision

Site visit made on 27 September 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/L5240/W/16/3153686

2 Milner Road, Thornton Heath CR7 8JQ

- 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 Hussain against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/04969/P, dated 26 November 2015, was refused by notice dated 18 March 2016.
 - The development proposed is a two storey two bedroom detached house at rear with accommodation in roof space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have referred to the proposed development above as it is described on the Council's decision notice and the appellant's appeal form.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area; ii) the living conditions of existing residents with particular regard to outlook, overlooking and outdoor amenity space and iii) car parking provision in the locality.

Reasons

Character and Appearance

4. The appeal site is within a predominantly residential area comprising groups of two storey terraced dwellings. Though there is some variation in design between the terraces, they tend to exhibit distinctive features including projecting bay windows with gable roofs and ornate detailing around the fenestration. These features serve to enhance the appearance of the dwellings.
 5. By contrast the front elevation of the proposed dwelling, whilst equal in height to the adjacent terrace and respectful of its forward building line, would be more simple and functional in appearance. As such, and notwithstanding the possibility of using matching materials, it would appear discordant with the higher quality design characteristics of its surroundings. In addition the
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detached form of the building, contrasting with the predominance of terraces in the surrounding area would further emphasise its incongruous appearance.

6. I therefore conclude that the proposal would be harmful to the character and appearance of the area. Accordingly it would be in conflict with Policies 7.1, 7.4 and 7.6 of the London Plan 2015 (LP), Policies SP2 and SP4.1 of the Croydon Local Plan Strategic Policies 2013 (LPSP), Saved Policies UD2, UD3, H2 and H5 of the Croydon Replacement Unitary Development Plan 2006 (UDP) and the National Planning Policy Framework (the Framework) which seek to promote high quality design that respects the surrounding development pattern and character.

Living Conditions

7. It was evident from my visit that a large single storey extension, not shown on the drawings, has been added to the rear and side of the host dwelling. According to the Council, and not disputed by the appellant, the host dwelling has been subdivided to form flats. The boundary of the proposed property would be situated very close to the rear elevation of the existing extension.
8. The boundary treatment required to sub-divide the proposed from the existing property would need to be relatively tall in order to protect the mutual privacy of residents from overlooking. Whilst one of the windows in the rear elevation of the aforementioned extension is obscure glazed, the imposition of such a boundary feature in very close proximity would result in harm to outlook from a second clear glazed window in the extension. In addition and notwithstanding the boundary treatment, the proximity of the tall side elevation of the proposed dwelling would result in an overbearing sense of enclosure on the rear of the host flat development. This would contribute to an oppressive living environment for occupiers of that property.
9. The subdivision of the plot would mean that the amount of private outdoor amenity space associated with the flats in the host property would be substantially reduced to a relatively slender strip of land. Aside from allowing pedestrian access around the rear of that property it would not form a pleasant or useful private space for existing residents in terms of sitting outside or drying washing. Whilst the appellant has referred to the availability of extensive open space in a nearby park, this would not compensate for the privacy associated with outdoor amenity space at the property.
10. The proposal would incorporate a dormer window to serve a bedroom in the loft space. The position of this window would be immediately adjacent to the side boundary of No 4 Milner Road. This would result in the narrow rear garden of that property and the adjacent property being closely overlooked to the detriment of the privacy of residents there. Whilst I note that there are other dormer windows evident at the rear of dwellings on Milner Road, in those cases the direct outlook from the respective rooms that they serve would be over the same property rather than those of neighbouring residents. This therefore reduces the level of harm from overlooking in those cases.
11. I therefore conclude that the proposal would result in harm to the living conditions of existing residents with particular regard to outlook, overlooking and outdoor amenity space. It would therefore be in conflict with Policies 3.5, 7.4 and 7.6 of the LP, Policy SP4.2 of the LPSP, Saved Policy UD8 of the UDP and the Framework insofar as they seek to protect the privacy and amenities of

existing residents and enhance social wellbeing. Saved Policy UD2 of the UDP, referred to in the Council's second reason for refusal, does not appear to be relevant to this issue.

Car Parking

12. The proposal would result in the loss of the existing double garage on the site, which fronts onto Kitchener Road, therefore removing two parking spaces whilst adding to the demand for on-street parking.
13. From my visit to the site which took place around midday a significant amount of on-street parking was evident along Kitchener Road. I noted that there was some free parking space along this street though it is likely that Kitchener Road would become more congested with parked vehicles once residents return from work later in the day.
14. The proposal may therefore result in a small number of residents having to park further away from their properties than at present. Notwithstanding this I have not been provided with evidence to suggest that the proposal, which would be likely to generate only a small amount of additional on-street parking, would result in any serious inconvenience to the amenities of nearby residents or harm to highway safety.
15. I conclude from the evidence before me that the reduction in available car parking space would not result in significant harm. It would accord with the Framework insofar as it states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. It would also be consistent with Policy 6.13 of the LP, and Policy T8 of the UDP which seek to secure maximum parking standards. Policy SP8.7 of the LPSP cited in the Council's fourth reason for refusal is not relevant to this specific issue as it is concerned with cycle parking infrastructure.

Conclusion

16. I have not found harm in terms of parking provision. I have also taken into account that the development would provide a new house. However, these factors are outweighed by my negative findings regarding character and appearance and the living conditions of existing residents. Consequently, having had regard to all other matters raised, I conclude that the proposal would not be the sustainable form of development which has the support of national policy when assessed against the Framework as a whole.
17. The appeal is therefore dismissed.

Roy Merrett

INSPECTOR