

Appeal Decision

Site visit made on 15 November 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 29 November 2016

Appeal Ref: APP/L5240/D/16/3158195

12 Donald Road, Croydon CR0 3EP

- 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 Ashok Kasoar against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/01368/P, dated 18 March 2016, was refused by notice dated 24 May 2016.
 - The development proposed is a rear first floor extension and internal alteration and new double doors at rear.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of 10 and 14 Donald Road.

Reasons

3. The Council's 'Residential Extensions and Alterations' Supplementary Planning Document (SPD) states that 2 storey extensions to the rear of a dwelling will not usually be permitted. Whilst this SPD does not form part of the statutory development plan it is nevertheless a material consideration.
 4. The appeal dwelling forms one end of a short terrace of houses at 8-12 (even) Donald Road, each of which has a part-single and part-2 storey outrigger of similar form to each other. 14 Donald Road has an outrigger which projects a similar distance, but which is wholly 2 storeys in height.
 5. The proposed first floor extension would be of fairly limited size and be set away from the side boundaries of the appeal property. Its height would also be slightly reduced by the fact that it would have a partially flat roof. However, it would result in the first floor of the outrigger projecting about 2.4 metres further than it does at present, i.e. a total of about 6 metres, from the main rear elevation of the appeal dwelling.
 6. Furthermore, each of the adjacent houses to either side has a ground floor window in their rear facing elevation which is next to the boundary with the appeal property, and side facing ground floor windows in their outriggers which face directly towards it. Whilst the Appellant has stated that one window in
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number 10 Donald Road is to a bathroom/wc this does not apply to all the affected windows. Although the outlook from these windows will already be restricted by the narrowness of the gap between the outriggers of the houses, they nevertheless provide a source of outlook and daylight for these neighbouring dwellings.

7. The proposed development would result in the outrigger of the appeal dwelling being of similar form to that at numbers 14 and 16. As it would not contain any windows in its side elevations it would also not materially reduce the privacy of the occupiers of numbers 10 or 14. However, due to its height, size and location in relation to the windows and rear yards of numbers 10 and 14, the proposed extension would unacceptably reduce the outlook and daylight which is available for occupiers of these dwellings. Being to the south of number 14 it would also cause loss of sunlight at times to this property.
8. Whilst the Appellant has referred to various paragraphs within the National Planning Policy Framework (the 'Framework') these do not justify allowing development which would cause harm to living conditions.
9. I conclude that, having regard to all the factors set out above, the appeal proposal would cause material harm to the living conditions of occupiers of 10 and 14 Donald Road. It would therefore conflict with the provisions of Saved Policies UD2(v) and UD8(ii) and (v) of the Croydon Replacement Unitary Development Plan (CRUDP) 2006, Policy 7.6 of the London Plan, the SPD and the Framework related to this matter.

Conclusion

10. I have found that the appeal proposal would unacceptably harm the living conditions of occupiers of 10 and 14 Donald Road. As there are no other considerations which outweigh this finding, I dismiss the appeal.

Jonathan Clarke

INSPECTOR