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## Appeal Decision

Site visit made on 28 November 2016

**by Sukie Tamplin DipTP Pg Dip Arch Cons IHBC MRTPI**

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

**Decision date: 5 December 2016**

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**Appeal Ref: APP/L5240/C/16/3150489**

**184 Parchmore Road, Thornton Heath CR7 8HA**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs D Willis-Dwyer against an enforcement notice issued by the Council of the London Borough of Croydon.
- The notice was issued on 18 April 2016
- The breach of planning control as alleged in the notice is without planning permission the construction of a 'first floor extension' (over a pre-existing single storey element) and a 'two storey side/rear extension'.
- The requirements of the notice are:
  - 1) Remove the unauthorised 'first floor rear extension' identified as 'B' on Plan 1 (attached to the notice).
  - 2) Remove the unauthorised 'two storey side/rear extension' identified as 'C' on Plan 1 (attached to the notice).
  - 3) Remove all resultant debris and material from the site as a result of the above requirements 1) and 2)
- The period for compliance with the requirements is six calendar months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended.

**Summary of Decision: The appeal is dismissed and the Enforcement Notice is upheld.**

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### Appeal on ground (a)

#### Main Issues

1. The main issues in this appeal are firstly, the effect of the development on the appearance of the host dwelling and the street scene, and secondly, the effect on the living conditions of neighbouring occupiers.

#### *Appearance*

2. No 184 Parchmore Road forms one half of a 2-storey semi-detached property and has a long narrow garden at the rear. The character of the development hereabouts is mostly 2 storey terraced housing but interspersed with these are 3 storey block of flats. One such flatted development, Queensbury Court, lies to the south side of No 184. This development comprises two separate blocks of flats set back from the road so that there are clear views to the side and rear of the appeal site. Construction has recently commenced on a development at no 182, but from what I saw this is also located well back from the road so that the side of No 184 would probably remain highly visible from the public realm.
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3. The original house at No 184 has been previously extended with the benefit of a lawful development certificate and a single storey extension has been constructed at the rear, although this is said to be unauthorised. The Council raise no objection to this part of the development which forms no part of the notice before me.
4. The appellant says that the surrounding area is mixed in character and dominated by residential extensions and additions. I agree that there is a variety of development and extensions, some of which may have been built with deemed permission granted by the GPDO<sup>1</sup>. However this rear extension, by reason of its height, amongst other factors, does not benefit from the deemed permission granted by the GPDO. It is also prominent, unlike many extensions hereabouts. Because it needs planning permission the merits of the development are before me and I must assess these in the light of the design aims of the National Planning Policy Framework (the Framework) which says that good design is a key aspect of sustainable development. The appellant acknowledges that paragraph 64 of the Framework says that "permission should be refused for development of poor design".
5. The development subject of the Enforcement Notice comprises a flat roofed linking section above the single storey extension and a substantial two storey element with a wide gable facing towards Queensbury Court. The rear section appears to have been designed to echo the side gable of the main house, but its squat form, incongruous decoration and haphazard window detailing is unfortunate at best. Although I accept that the line of the principal windows is carried through from the main house, the mix of styles is visually unsettling. In terms of the detailing, the host property has been decorated with diamonds of what looks like spar dash. The rear section similarly has a diamond decoration but this is clumsy and ill matched. As to the overall massing of the development it is neither balanced nor subservient and the total cumulative effect of extension B and extension C is uncoordinated and ill thought out.
6. Accordingly I consider that the development fails to meet the design aims of the Framework. These aims do not apply only in respect of development in conservation areas or close to heritage assets. For similar reasons it conflicts with the aims of Policy SP4.1 of the *Croydon Local Plan: Strategic Policies* and Policies 7.4 and 7.6 of the *London Plan*, which seek, amongst other matters, to ensure that design is of high quality and that architecture should make a positive contribution. Of the policies relied upon by the Council I find that these are the most relevant. Consequently this main issue weighs heavily against permission.

#### *Living conditions*

7. The appellant says that the bulk of the extensions are reduced because their gable ended roof profile slopes away from adjoining occupiers. In addition, she says the long garden provides an element of openness which prevents the extension creating an unreasonable sense of enclosure.
8. I acknowledge that the roof pitch reduces some impact but I also saw that the large 2-storey element stands to the south of no 186, the other half of the semi-detached house. At the time of my visit in the late morning of a sunny November day, the tall, wide extension cast deep shadows over the whole

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<sup>1</sup> The Town and Country Planning (General Permitted Development) Order 2015

width of garden immediately to the rear of the attached house. I accept that this effect would be less pronounced in the summer months when the sun is higher in the sky but in my view the effect is seriously harmful. Added to this is the effect of the loss of privacy by reason of un-neighbourly overlooking from the upper windows of the 2-storey extension. In particular this harm to living conditions due to visual intrusion, seriously and adversely affects the occupants of the rear block of Queensbury Court.

9. Consequently the development fails to comply with a core principle of the Framework which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Similarly it does not accord with the aims of saved Policies UD2 and UD8 of the *Croydon Replacement Unitary Development Plan*. These say that development should allow adequate daylight and sunlight to penetrate into and between buildings and that the privacy and amenity of occupiers of surrounding buildings should be protected from undue visual intrusion and loss of privacy. Accordingly this second main issue also weighs heavily against permission and the appeal on ground (a) fails.

### **Appeal on ground (f)**

10. Under this ground the appellant simply repeats her arguments under ground (a) and says that the steps required by the Notice exceed what is necessary to remedy the breach of control. No alternative or lesser steps are proposed.
11. The Council has chosen to under-enforce and says that the unauthorised single storey extension is acceptable. Hence action is only sought in respect of part of the development. In these circumstances its action is proportionate because it is limited to the harmful elements of the development.
12. For the reasons I have already given, I have found the effects of the development subject of the Notice are seriously harmful and in the absence of any alternative remedy the appeal on ground (f) must fail.

### **Appeal on ground (g)**

13. The appellant says that six months is a wholly inadequate period in which to organise and undertake the physical alterations but does not explain why.
14. I saw at the site visit that the internal fitting out of the extension seems incomplete and that there also appears to be ongoing external works. I also saw that the extension does not appear to be in current use or permanently occupied.
15. In these circumstances, and in the absence of current occupation, it seems unlikely that the demolition would take more than 6 months. Hence in the light of the serious ongoing harm there is no reason to extend the compliance period and the appeal on ground (g) does not succeed.

### **Formal decision**

16. The appeal is dismissed, planning permission is refused for the deemed application and the Enforcement Notice is upheld.

*Sukie Tamplin*

INSPECTOR