The Planning Inspectorate

Appeal Decision

Site visit made on 28 November 2016

by P W Clark MA MRTPI MCMI

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

Decision date: 8 December 2016

Appeal Ref: APP/L5240/D/16/3160401
28 Bullfinch Road, South Croydon CR2 8PW

- 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 Adam Benham against the decision of the Council of the London Borough of Croydon.
- The application Ref 16/02788/P, dated 31 May 2016, was refused by notice dated 23 August 2016.
- The development proposed is a two storey side extension/single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension/single storey rear extension at 28 Bullfinch Road, South Croydon CR2 8PW in accordance with the terms of the application, Ref 16/02788/P, dated 31 May 2016, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan and Front and Rear extension dated May 2016 submitted with the application.

    3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the north-eastern or south-western elevations.

    4) The external surfaces of the development hereby permitted shall be constructed in the materials indicated in section 11 of the application form.

Reasons

2. The sole main issue is the effect of the proposal on the character and appearance of the local area. There is a Tree Preservation Order covering an area which includes the site but there are no trees on site or which would be affected by the proposal.

3. The appeal property is one of a number of semi-detached houses on the south-eastern (lower) side of Bullfinch Road. It is proposed to demolish the garage which links it to the neighbouring pair of semi-detached houses and to

construct a two storey extension in its place, together with a single storey extension replacing an existing conservatory at its rear.

4. The rear element of the extension is uncontroversial. The side element largely follows the advice of the Council's Residential Extensions and Alterations Supplementary Planning Document №2 (spd), respecting the architectural rhythm of the houses and the spaces between them by setting the first floor of the extension back from the main front wall so that it would become a subordinate element in the street elevation and a terracing effect would be avoided. As recommended in the spd the ridge line of the extension would be reduced, helping the subordinate appearance of the extension.

5. However, the spd also advises that if there is a view through the houses to the rear of the curtilage these will be protected where appropriate. In these circumstances, regardless of the 1.5m setback, planning permission may still be refused. Bullfinch Road is part of an estate of moderately-sized detached, semi-detached and terraced properties lining a steeply sloping valley side. The opposite side of the valley is National Trust woodland. There is a view to the hillside on the opposite side of the valley through the gap between 28 Bullfinch Road and its neighbour. The question is whether it is appropriate to protect this view.

6. There are already numerous two-storey side extensions to semi-detached houses on the estate. Without making a comprehensive survey of the whole estate, examples which I noticed on my site visit include 14 Bullfinch Road, 4, 28, 41 and 54 Nightingale Road, 1 and 6 Mallard Road, 14 Linnet Close (subject of appeal APP/L5240/D/14/2226074 decided in the knowledge of the Council's spd) and 11 and 24 Sandpiper Road. It does not appear that consideration of the views over the roofs of single storey garages deterred a grant of permission in these cases.

7. Furthermore, the original design of the estate includes terraces which take the form of pairs of semi-detached houses linked by recessed two storey elements. An example lies opposite the site at 11-21 Bullfinch Road. Other examples are at Martin Close and at 51-63 Nightingale Road. This suggests that it is not an essential part of the layout or design of the area that there should be views between houses or pairs of houses and that it is consistent with the character of the area for two storey houses to be linked by recessed two storey links.

8. Views of the woodland on the opposite side of the valley would remain over the roofs of houses, through remaining first floor gaps between semi-detached properties and where cross-streets break the lines of houses. These all appear to be felicitous happenstance rather than carefully contrived design and so the loss of any one of these views would not necessarily compromise the planned character of the estate. None are Locally Designated Views which would be protected by policy SP4.2(b) of the Croydon Local Plan Strategic Policies adopted in April 2013 (the Strategic Plan) although I acknowledge that in the particular circumstances of appeals APP/L5240/D/14/2228542 (decided in the knowledge of the Council's spd) and APP/L5240/A/07/2052803 (decided preceding the spd) it was held that similar side extensions would cause harm sufficient to dismiss the appeals.

9. Each case is decided on its own merits. In this case, located in Bullfinch Road a few doors along from a similar example and opposite a terrace of houses joined by recessed two storey links, the proposal, which follows certain of the

precepts of the Council's spd would not be out of character and the limited harm to incidental rather than planned or designated views across the valley would not be so great as to justify dismissing the appeal.

10. I conclude that the proposal would be consistent with the character and appearance of the area. Although not necessarily contributing to a positive relationship with the underlying topography and landform of an area as required by London Plan policy 7.4(B)(b), it would comply with London Plan policies 7.4 (B)(a) and 7.6(B) which, amongst other matters, require buildings to have regard to the pattern and grain of existing streets, to be of a proportion, scale and orientation that appropriately defines the public realm, to comprise details and materials that complement the local architectural character, to integrate well with surrounding streets and to optimise the potential of sites.

11. It would comply with Croydon Local Plan Strategic Policy SP4.1 adopted in April 2013 which requires development of high quality which respects and enhances Croydon's varied local character and also with saved policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) adopted in July 2006. These would permit development proposals which, amongst other matters, reinforce and respect the existing development pattern, plot and building frontage widths and which respect the height and proportions of surrounding buildings whilst accommodating higher densities in areas of good accessibility to public transport and incorporating established materials used in the locality. I therefore allow the appeal.

12. In the event of my allowing the appeal, the Council has suggested four conditions. In addition to the statutory limit on the validity of the permission, these would require compliance with the approved plans and the use of matching materials, both of which are necessary to ensure the compatibility of the scheme with the character and appearance of the locality. A condition to control the insertion of windows in the north east or south west elevations of the extension is necessary to ensure that the privacy of neighbours is secured.

P. W. Clark

Inspector