
Appeal Decision

Site visit made on 6 December 2016

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/L5240/D/16/3161094
94 Guildford Road, Croydon CR0 2HJ

- 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 Bonaventure Okocha against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/03743/P, dated 25 July 2016, was refused by notice dated 25 August 2016.
 - The development proposed is a loft conversion and rear dormer extension.
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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 surrounding occupiers, with particular regard to privacy and outlook.

Reasons

3. The appeal concerns a semi-detached house at the end of Guildford Road which backs onto dwellings along Whitehorse Road. The Council is concerned that the proposal would overlook the occupiers of adjacent properties to an unreasonable degree and that it would be visually intrusive in their outlook.
 4. The skylight windows which would be inserted into the street-facing roof slope of the house would not overlook to a material degree the windows or gardens of neighbouring houses. Similarly, the skylight proposed in the rear slope of the existing roof, which would serve the bathroom in the proposal, and which would have a high cill, would be unlikely to allow overlooking to a significant degree to surrounding occupiers.
 5. Turning to the window in the proposed dormer, this would provide the opportunity to look towards the back gardens of the neighbouring dwellings and towards the rooms lit by the openings in their rear elevations. Because of the configuration of the majority of the houses on the surrounding plots, as well as the distance and the angle from them to the window of the proposed dormer, the privacy of the occupiers of most of these dwellings would not be materially harmed by the proposed dormer.
 6. However, the back gardens and windows of the dwellings immediately to the west of No 94, which have an unusually close back-to-back distance to No 94,
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would be directly opposite the window of the proposed dormer. I accept the appellant's point that in built-up areas there is a commonly accepted degree of mutual overlooking between the windows of opposite and adjacent elevations and to the back gardens of dwellings. However, given the limited distance separating No 94 and the dwellings immediately to the west, the provision of a window at second floor level would introduce a degree of overlooking which would reduce to a significant and harmful degree the privacy of these occupiers, both within the dwellings and in the back gardens.

7. I acknowledge that No 94 has a certificate of lawful development for a first floor window in the rear elevation; however, the window in this proposal would be substantially higher above ground and its effect proportionately greater. I note the appellant's point that No 94 already has skylights which allow views of neighbouring dwellings. Notwithstanding this, there is a substantial difference in opportunity and in intensity between the overlooking from a small, sloping skylight and that from a large, vertical window. I appreciate that the development would provide additional accommodation; however, this does not outweigh the harm which would be caused to the living conditions of the occupiers of the dwellings immediately to the west.
8. I noticed a similar rear dormer within sight of the back garden of No 94 and that the building to the south-west of the appeal site incorporates a second floor level. In this context, second floor accommodation would not be extraordinary. Moreover, the limited size of the proposed dormer, and its position set well-up the slope of the main roof would reduce its conspicuity sufficiently so that it was not a visual intrusion in the outlook of surrounding occupiers.
9. In summary, though the proposal would not be visually intrusive in the outlook from the rooms and gardens of surrounding occupiers, it would reduce the privacy of the occupiers within the rooms and garden of the dwellings immediately to the west of the site to an unacceptable degree, and thereby harm their living conditions. I have considered imposing a condition to obscure-glaze and to restrict the opening height of the window of the proposed dormer to make the development acceptable; however, as the resulting loss of outlook would prejudice the living conditions of the future occupiers, I have not pursued this course.
10. Accordingly, the proposed development would be in conflict with Policy 7.6 of the London Plan 2016 consolidated with alterations since 2011, and saved Policy UD8 of the Croydon Replacement Unitary Development Plan 2006. These seek, amongst other things, to protect the occupiers of surrounding buildings from loss of privacy. The proposal would also be contrary to one of the core planning principles of the National Planning Policy Framework 2012, that planning should seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

11. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR