
Appeal Decision

Site visit made on 16 January 2017

by P W Clark MA MRTPI MCMI

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

Decision date: 26 January 2017

Appeal Ref: APP/L5240/D/16/3165155
71 Homestead Way Croydon CR0 0AW

- 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 & Mrs Kelly against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/00045/P, dated 22 April 2016, was refused by notice dated 25 August 2016.
 - The development proposed is a rear conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a rear conservatory at 71 Homestead Way Croydon CR0 0AW in accordance with the terms of the application, Ref 16/00045/P, dated 22 April 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) Subject to the note in paragraph 2 of this decision, the development hereby permitted shall be carried out in accordance with the following approved plans: 7001/03, 7001/04 and unnumbered block plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural matter

2. There is a discrepancy on the plans in that the block plan correctly shows the boundary between the appeal site and number 69 aligned perpendicularly from the rear elevation for a few yards and then bending from a south-westerly direction to a more southerly direction, cutting across the direct line of view from the rear windows of number 69. The block plan shows that the flank wall of the proposal adjacent to 69 would remain on an alignment perpendicular to the rear elevation, thus diverging from the boundary after a few metres. However the existing and proposed plans of the conservatory incorrectly show the boundary following a straight line perpendicular to the rear wall of the house for its full length. It also shows the conservatory abutting the boundary for its full length. I am assured that the block plan, not the drawings of the conservatory, show the correct relationship between the proposal and the boundary and I have determined the proposal on that basis.
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3. There is also a discrepancy between the block plan and the drawings of the conservatory in that the former indicates its length to be 5.2m whereas the latter is dimensioned at 5.1m. The discrepancy makes no material difference to the decision, so I have not sought to clarify it.

Reasons

4. The Council's main concern in this case is the effect of the proposal on the living conditions of neighbours at number 69 in terms of outlook but the neighbours are also concerned about loss of light and privacy.
5. The proposal would extend just over 5m adjacent to, if not along the boundary with number 69. A blank wall with no openings would face the neighbour, so there would be no loss of privacy. No calculations of the effects on daylight are submitted but, if the Building Research Establishment's "45° approach" had been applied, I am confident that the proposal would pass one of the tests in that procedure and so it would be demonstrated that the proposal would not cause such a significant loss of daylight as to be unacceptable. I am confirmed in that view by the omission of daylight loss from the Council's reasons for refusal. The rear elevations of both number 71 and its neighbour face south-west so that, although the proposal would be sited to the west, any loss of sunlight would be restricted to the late afternoon and a sufficiency of sunlight would remain to number 69 during the rest of the day.
6. The blank flank wall of the proposal would rise a few feet higher than any 2m boundary fence which could be erected on the boundary and would extend a little over 5m down the garden. Had it followed the alignment of the boundary, cutting across the direct outlook from the rear ground floor windows of number 69, then its effect would have been oppressive and unacceptable. But all the drawings show that its flank wall would be constructed in a straight line, perpendicular to the rear facade of the houses, so that it would remain peripheral to the outlook from number 69, unlike (and therefore having less impact than) the extension of similar depth built at number 73 which does cut across the direct outlook from the kitchen window of 71.
7. I therefore find that the proposal would have an acceptable effect on the outlook from and living conditions of residents of number 69. Policy SP4.1 of the Croydon Local Plan Strategic Policies which requires respect for Croydon's varied character is referred to in the reasons for refusal but seems irrelevant to the issue. The proposal would comply with policy 7.6B(d) of the London Plan which requires development not to overshadow or to harm the privacy of neighbours and with policies UD2 and UD8(ii) of the Croydon Replacement Unitary Development Plan adopted in July 2006 which require developments to allow for adequate sunlight and daylight and to protect residential amenity against visual intrusion or loss of privacy. I therefore allow the appeal with the conditions suggested by the Council necessary to secure compliance with the plans and an acceptable external appearance.

P. W. Clark

Inspector