

Appeal Decision

Site visit made on 23 February 2017

by M C J Nunn BA BPL LLB LLM BCL MRTPI

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

Decision date: 21st March 2017

Appeal Ref: APP/L5240/D/17/3167667

11 Ingram Road, Thornton Heath, CR7 8EE

- 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 Adrian Artenie against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 16/03588/P, dated 13 July 2016, was refused by notice dated 2 December 2016.
 - The development is described as "retrospective planning application for retention of ground floor rear extension and change of first floor bay window to none (sic) external opening doors and screen".
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Decision

1. The appeal is allowed and planning permission granted for a single storey rear extension and basement, and a change of the first floor bay window to non-opening doors with a screen at 11 Ingram Road, Thornton Heath, CR7 8EE, in accordance with the terms of the application, Ref: 16/03588/P, dated 13 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), P(00)01, P(00)02, P(11)01, P(11)02, P(11)03.
 - 2) 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.
 - 3) The roof area of the rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matters

2. The description in the header above is as recorded on the planning application form. In contrast to the Council's description, it does not refer to the retention of a rear dormer extension. To clarify, I have dealt with the scheme on the basis of the development originally applied for, namely, a single storey rear extension and basement, and the change of the first floor bay windows to non-opening doors with a screen. Therefore, in accordance with the description on the planning application form, I have excluded the rear dormer extension from my assessment.
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3. The issue of whether the completed rear roof dormer is 'permitted development' in terms of the relevant legislation¹ or whether full planning permission is required is not a matter for this appeal. Rather, it is an issue that would more appropriately be resolved by applying for a lawful development certificate. To be clear, this appeal does not relate to the dormer extension, and my decision does not grant permission for it.
4. The development applied for has largely been completed. However, the retention of a use or development is not development as defined in the relevant planning legislation. Therefore, I have considered the appeal on the basis of the original development applied for.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the area, and host dwelling, and (ii) the living conditions at neighbouring properties in terms of outlook, visual impact and privacy.

Reasons

6. The appeal property is a two storey terraced dwelling with a long rear garden. The properties in the vicinity comprise predominantly similar terraced dwellings. The locality has a suburban character.
7. Although the Council's refusal notice refers to the impact on the street scene, the ground floor rear extension is not visible from public viewpoints in the road. In my judgement, the extension is adequately assimilated with the host dwelling and wider area without affecting their character. The basement is effectively a below ground store for food and wine, accessed from the kitchen / dining area. It is not visible from outside the property and has no impact on the character of the locality. Other aspects of the scheme, including the first floor projecting bay with non-opening doors and screen, have a negligible effect on the character of the area. Indeed, the first floor projecting bay largely replicates that which originally existed at the site (albeit with full length glazing) and which still exist at neighbouring dwellings.
8. Turning to the second issue, the Council mentions that its Supplementary Planning Document No 2 on Residential Extensions and Alterations ('the SPD') refers to a guideline depth of 3 metres for rear extensions. In this case, the plans indicate a depth of about 4.7 metres. Although this exceeds the guidance in the SPD, the extension is not of excessive depth, nor is it an especially unusual form of development. In my judgement, its size does not result in a harmful effect on the living conditions at adjoining properties in terms of outlook, visual impact or privacy. The change to the first floor fenestration to non-opening doors and the erection of a screen ensures that the flat roof cannot be used as a sitting out or recreational area. A condition can be imposed to ensure that this always remains the case in the future in order to safeguard privacy.
9. To sum up, I conclude that the proposal does not harm the character or appearance of the area, or host dwelling, nor does it harm the living conditions at adjacent properties in terms of outlook, visual impact or privacy. No conflict

¹ Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)

arises with Policies UD2, UD3 or UD8 of the Replacement Unitary Development Plan. Together, these require proposals to reinforce and respect the existing development pattern, and to protect the privacy and amenity of occupiers of surrounding buildings. The scheme also accords with Policies 7.4 and 7.6 of the London Plan which have similar aims, and it complies with the overarching aims of the SPD.

10. A standard commencement condition is unnecessary as the works have already commenced. A condition requiring compliance with the approved plans is necessary for certainty. A condition requiring materials to match those in the existing dwelling is required to safeguard the character of the building, as well as the wider area. A condition is necessary to prevent the use of the rear extension's roof as a balcony or amenity area, in order to protect the living conditions at neighbouring properties. Subject to these conditions, I conclude that the appeal should be allowed.

Matthew C J Nunn

INSPECTOR