

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: 22nd March 2017

Appeal Ref: APP/L5240/D/16/3160720

26 Cecil Road, Croydon, CR0 3BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mrs Marilyn Benmalek against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 16/04362/GPDO, dated 17 August 2016, was refused by notice dated 30 September 2016.
 - The development is described as a 'proposed single storey extension'.
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) ('the GPDO') for a single storey extension at 26 Cecil Road, Croydon, CR0 3BG, in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A.4 (2) of the GPDO, and the following approved plans: 1342-P01 (Site Location Plan), 1342-P02 (Existing Floor Plans & Elevations), and 1342-P04 Rev A (Proposed Floor Plans & Elevations).

Reasons

2. Part 1 of Schedule 2 to the GPDO permits certain developments within the curtilage of a dwellinghouse. Class A includes the enlargement, improvement or other alteration of a dwellinghouse, and, in certain circumstances, for a temporary period¹ allows for the construction of single storey additions of up to 6 metres in depth for terraced and semi-detached dwellings². The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of the amenity of adjoining premises, taking into account any representations received³. My determination of this appeal has been made in the same manner.
3. The appeal property is a Victorian terraced dwelling which has an original two storey rear projection or 'outrigger', typical of its era. This scheme proposes a single storey extension of 4.5 metres in depth. An objection has been received

¹ Until 30th May 2019

² Paragraph A1 (g) (i) & (ii)

³ Paragraph A4 (9) (a) & (b)

regarding the impact of the proposed extension on the adjoining property, No 24 Cecil Road, in terms of privacy and sunlight.

4. No windows in the proposed extension would face directly towards No 24, nor are there any ground floor windows at No 24 on the rear projection nearest the common boundary with No 26. Therefore privacy would not be compromised at that adjoining dwelling or its garden. Because of the absence of ground floor windows at No 24 on the rear projection, I am also satisfied no harm would result to living conditions inside that property in terms of visual intrusion, daylight or sunlight. The rear elevations of the properties face north east, which means that any loss of sunlight to the neighbouring garden at No 24 would only occur late in the afternoon or evening, and not for a significant period. No objections have been raised by either the Council or local residents regarding the impact on the adjoining property at No 28. I too consider no harm to amenity would occur at that property.
5. To sum up, the scheme would not compromise the amenity of adjoining premises and would comply with Policies UD2 and UD8 of the Croydon Replacement Unitary Development Plan, and Policy 7.6 of the London Plan. Together, these require adequate daylight and sunlight to penetrate between buildings, and the privacy and amenity of occupiers of surrounding buildings to be protected. I conclude that the appeal should be allowed and approval granted. In granting approval, the appellant should note that the GPDO at Paragraphs A.4 (13), (14) and (15) requires that the development shall be completed on or before 30 May 2019, and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer, the address or location of the development and the date of completion.

Matthew C J Nunn

INSPECTOR