
Appeal Decision

Site visit made on 7 February 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 29th March 2017

Appeal Ref: APP/L5240/W/16/3163783
28 Tower View, Croydon CR07PU

- 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 L Petrides against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/04443/FUL, dated 25 August 2016, was refused by notice dated 3 November 2016.
 - The development proposed is change of use of a detached single storey outbuilding to a dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission has been granted for the existing domestic building on the site in connection with 28 Tower View. Although local representations indicate a change of use has occurred, this is not reflected in the Appellant and Council documentation and my findings on my site visit were inconclusive on this matter. Thus, the appeal has been considered on the basis of a proposal and not retrospectively.
3. In order to address the Council's objections on outlook for future occupiers using two bedrooms, the Appellant has offered to reduce the height of the boundary fence alongside Edgewood Green. The exact detail of how the fence would be altered is unclear and third parties may not have been fully aware of this amendment. For this reason, I have considered the appeal proposal with the fence as it currently exists.

Main Issues

4. The main issues are the effects of the proposal on (a) the living conditions of the occupiers of the dwelling, having regard to outlook, and (b) the character and appearance of the area.

Reasons

Living conditions

5. The appeal building would have two windows serving bedrooms that face onto a hard surfaced area of limited depth and a wooden fence beyond. The fence reaches about the height of the building's roof eaves. There is a footway along Edgewood Green on the other side of the fence. Although the windows serve
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bedrooms, residents would use such rooms for activities other than just sleeping during daylight hours and should still expect a good standard of outlook. Windows would be looked out of when opening them for air/light or drawing curtains/blinds in the morning. Outlook would be dominated by an expansive and tall wooden fence with little visual relief. Consequently, such a relationship would give rise to an oppressive visual environment.

6. In conclusion, there would be harm to the living conditions of future residents by reason of the loss of outlook. Accordingly, the proposal would be contrary to policy 3.5 of the London Plan (Consolidated with Alterations since 2011) (LP) and policies SP2.1 and SP.2 of the Croydon Local Plan: Strategic Policies 2013 (CLP), which collectively and amongst other matters, place a presumption in favour of sustainable development, require an enhancement of the quality of local places and development to meet the needs of residents over a lifetime and contribute to sustainable communities.

Character and appearance

7. The appeal building flanks onto the rear of the dwelling at 28 Tower Close but also faces onto Edgewood Green, a minor road serving residential properties in the area. The surrounding area is residential in character with a variety of differently designed dwellings but they are generally set with spacious front and rear gardens.
8. The new dwelling would be well screened from public vantage points by the timber fence alongside Edgewood Green and it has permission as an ancillary building in connection with No 28. However, with an independent dwelling, there would be greater activity associated with the building. Using the gate access within the fence, there would be comings and goings of people, including visitors, to the property on the Edgewood Green frontage. There would also be likely to be vehicles parked up adjacent to the property, refuse collection from outside the property, with bins likely to be on the pavement awaiting collection and deliveries. These activities would result in a marked change to the character of the site and its immediate surroundings. It would be quite different to its current permitted use where occupation is connected to that of the dwelling at No 28. For these reasons, attention would be drawn to a dwelling with a lack of spaciousness on its frontage in contrast with other dwellings within the area.
9. Crucially, there would be also pressure to improve the living conditions of the residents of the property with an independent dwelling. In connection with the first main issue, there would be a need to improve the living conditions for the future residents of the dwelling by reducing the height of the Edgewood Green fence. Such alterations would open views of the development and highlight the cramped nature of the dwelling's frontage. Notwithstanding my adverse comments under the first main issue, it would be difficult for the local planning authority to resist alterations in the future, even if the fence were conditioned to be retained.
10. For all these reasons, an independent residential use on the site would harm the character and appearance of the area. Accordingly, the proposal would be contrary to policies 7.4 and 7.6 of the LP, policies SP1.2, SP4.1 and SP4.2 of the CLP and Policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 saved Policies, which collectively

and amongst other matters, requires a positive approach to a presumption in favour of sustainable development, high quality design, developments to respect varied local character and contribute positively to the public realm.

11. A new residential dwelling would boost housing supply in accordance with the National Planning Framework which would result in economic and social benefits. In this regard, the site is well connected to public transport and a short distance from nearby shopping and other facilities within Shirley local centre. However, even if I were to conclude a shortfall in the five year housing land supply and that relevant policies for the supply of housing should be not considered up-to-date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

12. In this respect, there would be harm to the living conditions of future residents and the character and appearance of the area by reason of the poor design of the proposal to which I attach significant weight. The Framework states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The contribution of a single dwelling would only make a limited contribution to housing supply and therefore this consideration carries less weight in the balance. For these reasons, the proposal would not represent sustainable development.

Conclusion

13. For the reasons given above and having regard to all other matters raised, including letters of support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR