
Appeal Decision

Site visit made on 27 February 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/L5240/W/16/3164905

34 Westow Hill, Upper Norwood, London SE19 1RX

- 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 Supreme Properties Care of Golfrate against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02767/P, dated 31 May 2016, was refused by notice dated 6 October 2016.
 - The development proposed is extension at first and second floors to form two studio flats, with stair enclosure, canopies and screens at rear together with associated alterations and demolition.
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Decision

1. The appeal is dismissed.

Costs

2. An application for costs was made by Supreme Properties Care of Golfrate against Council of the London Borough of Croydon. This application is the subject of a separate decision.

Procedural matter

3. The London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011 was adopted in March 2016 (the London Plan). The Council refer to an earlier version in its decision notice, but have since confirmed that the Policies referred to are still valid as they have the same wording in both the 2015 and 2016 versions.

Main Issues

4. The main issues are firstly whether the proposal would preserve or enhance the character or appearance of the Upper Norwood Triangle Conservation Area and secondly, the effect of the proposal on the living conditions of the occupiers of 20 Paddock Gardens with particular regard to outlook.

Reasons

Character and appearance of Conservation area

5. The Upper Norwood Triangle Conservation Area Appraisal and Management Plan (AMP) defines the Conservation Area (CA) as an area of mostly nineteenth century buildings which is defined by its fine urban grain, varied scale of
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buildings and historic buildings of high architectural quality and detailing. The Triangle is formed by three streets, Westow Street, Westow Hill and Church Road. The area inside the Triangle, largely consisting of a series of smaller-scale interconnected streets, many of which were laid out in the later 20th century, has a more intimate character, with residential and light industrial uses.

6. The appeal site is sited on Westow Hill where buildings are located mainly at the back edge of the footway with commercial uses at the ground floor and residential/offices above. On some, the upper storeys are set back from the ground floor. Although there is a mix of two storey and three/four storey buildings there is a strong sense of enclosure resulting from a fairly consistent frontage with few breaks. The variety of building heights is highlighted in the AMP as an important component of the areas special character and hence significance reflecting the different ages of the buildings.
7. The appeal property is included in the AMP, along with its neighbours, as a positive unlisted building and identified as an example of an early 19th century historic building. It is a two storey mid terraced building with a hipped roof. To the east of it are three two storey buildings and to the west a three storey building where the upper two storeys are set back from the ground floor commercial units.
8. The front of the property has been altered so it has no windows at first floor unlike its neighbours to the east. Furthermore, it has been rendered and contains a modern shop signage. Nevertheless, when viewed together with the adjacent two storey properties their height and form, including their roofscape, are indicative of their early date. The buildings therefore reveal much about the historic development of the area over time. In this respect No 34 contributes positively to the significance of the CA. To the rear the appeal property has been extended at single storey, little of which can be viewed due to the presence of the adjoining property. There is a stainless steel flue on the rear elevation which detracts from the appearance of the CA.
9. The proposal involves the addition of two storeys of accommodation set back from the front of the appeal property in line with the adjacent terrace to the west. The AMP states that roof extensions visible from a public highway are unlikely to be permitted due to the disruption of the characteristic rhythm and form of the existing roofscapes in the conservation area. It goes on to discuss mansard and dormer roof extensions. To my mind therefore this guidance relates to smaller extensions specifically to roofs whereas this appeal relates to the extension of the property by two storeys.
10. The proposal would result in the increase in height of the appeal building. While the three adjoining two storey properties would be maintained the historic mix of building heights would start to be eroded by the proposal. Furthermore, the original two storey nineteenth century structure would be indistinguishable in the proposal eroding the historical significance of this group of buildings in the street scene. In addition, the symmetrical roof form of the group of four two storey properties, which contributes to the significance of the group of smaller buildings, would be lost.
11. The appellant states that the front elevation has been designed with reference to warehouse and workshop buildings within the area. Nonetheless the proportions of the windows, together with the increased height of the building,

would give the proposed building a vertical emphasis. This would be at odds with the horizontal emphasis of the terrace of two storey buildings and the adjacent three storey building. Accordingly the sense of continuity between adjacent terraces seen elsewhere in the CA would not be present here. As a result the building would sit awkwardly in the street scene creating an obtrusive presence.

12. The rear of the property would be visible from public vantage points. The main bulk of the extension would be in line with the adjacent building to the west. In addition there would be structures with glass canopies to provide entrance into the flats together with cycle storage. There would also be timber screens to the rear terrace to the flat on the first floor. However the limited size and scale of these features together with the lightweight nature of their materials means that they would not be significantly harmful.
13. The other element of the proposals is a high brick enclosure for the proposed method of extraction for the ground floor commercial unit. I appreciate that this would be instead of the existing flue which detracts from the appearance of the CA. Nonetheless, the brick enclosure would be visible above the roof of the building bearing little resemblance to other chimney structures which are present within the roofscape. Consequently it would appear as a prominent, discordant add on, not typical within the CA.
14. I have considered the North Croydon Conservation Advisory Panel's (NCCAP) argument that the current proposal could establish a precedent for similar developments in the street. Whilst each application and appeal must be treated on its individual merits, I can appreciate the NCCAP's concern that approval of this proposal could be used in support of such similar schemes. I consider that this is not a generalised fear of precedent but a realistic and specific concern. I noted that the number of lower two storey properties in the street was limited compared to taller later additions. While the appeal property is one of the less well preserved examples of the earlier buildings, allowing this appeal could allow future proposals to come forward on other two storey buildings. Given their limited nature in the street scene the mix of building heights could quite quickly become eroded which would have a considerable unacceptable impact on the significance of the CA.
15. I have found therefore that the proposal would cause harm and thus would fail to preserve or enhance the character or appearance of the CA. In the parlance of the National Planning Policy Framework (the Framework) the harm to the designated heritage assets would be less than substantial. Nevertheless, I must have special regard to the desirability of preserving or enhancing the character or appearance of the asset and any harm should require clear and convincing justification. In accordance with Paragraph 134 of the Framework this harm should be weighed against any public benefits of the proposal.
16. I am not aware of whether the Council has an under supply of housing land or the wording of relevant housing policy. However even if this was the case the social benefits of just two dwellings, even though in an accessible location, would be limited. I am also mindful that the CA was included on the Historic England 'at Risk Register' in 2010, but it was removed the following year. It may be that investment in the property as a result of the proposal would be an economic benefit. Furthermore, I do not doubt that the flats would be energy efficient. However, the Framework notes that heritage assets are an

irreplaceable resource and that great weight should be given to their conservation. Consequently the benefit of energy efficient additional housing and investment in the property would not in this instance outweigh the resulting harm to the CA.

17. For the reasons above the proposal would not preserve or enhance the character or appearance of the Upper Norwood Triangle Conservation Area. It would therefore be contrary to saved Policies UD2, UD3, and UC3 of the Croydon Replacement Unitary Development Plan 2006 (The UDP), Policies SP4.1, SP4.12 and SP4.13 of the Croydon Plan: Strategic Policies 2013 (the SP), the AMP and Policies 7.4, 7.6 and 7.8 of the London Plan. Together these require that development respects local character, complements local architecture and conserves or enhances the significance of heritage assets, with development only permitted where it has addressed those aspects contributing to the character, including scale, height and massing.
18. The Council also refer to Policy UC9 within its decision. However, this Policy relates to buildings on the Local List which does not relate to the appeal property. This Policy has not therefore been determinative.

Living conditions

19. Directly opposite the rear of the appeal site is the rear elevation of 20 Paddock Gardens which contains three clear glazed windows on the first floor and two on the second floor. These windows currently have an open outlook over single storey extensions to the main rear elevation of No 34.
20. The proposed external staircase would be located about 2 metres from the first floor windows of No 20 and be about 3.4 metres in height to the eaves. The roof would slope away from No 20. Although the staircase would be less than 3 metres in width, the narrow width of No 20 and the tight urban grain here would mean that the stair enclosure would create a significant bulky mass of development very close to the first floor windows of No 20. As a result the proposed structure would be an unacceptable overbearing presence when viewed from the first floor windows of No 20.
21. The design of the rear structures, together with the use of obscure glazing and timber screens to the proposed terrace means that there would be limited opportunity for an increase in the level of overlooking from the proposals towards No 20. This would not though outweigh the harm caused to the outlook from the windows of No 20.
22. For the reasons above I conclude that the proposal would be harmful to the living conditions of the occupiers of 20 Paddock Gardens with particular regard to outlook. It would therefore be contrary to saved Policy UD8 of the UDP and Policy 7.6 of the London Plan. These require that both new and existing occupiers are protected from undue visual intrusion and development does not cause unacceptable harm to the amenity of surrounding land and buildings.

Other matters

23. I have some sympathy for the appellant regarding pre-application advice provided by the Council which may have indicated that the principle of extending the appeal property would be acceptable in terms of character and appearance. However, it is clearly stated in the correspondence, that the advice is informal and does not prejudice the Council's decision on a

subsequent planning application. Furthermore the proposals which are the subject of the pre application advice before me, are not those which are before me now. In any event, it falls to me to assess the merits of the proposal.

Conclusion

24. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR