

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/16/3162110

7 Spence Court, Woodside Green, South Norwood, London SE25 5EY

- 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 BM Samuels Finance PLC against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/03106/P, dated 17 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is application for one new unit of accommodation within roof extension. New roof terrace. New garden.
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Decision

1. The appeal is allowed and planning permission is granted for one new unit of accommodation within roof extension. New roof terrace. New garden, at 7 Spence Court, Woodside Green, South Norwood, London SE25 5EY in accordance with the terms of the application, Ref 16/03106/P, dated 17 June 2016 subject to the conditions set out in the schedule to this decision notice.

Procedural matter

2. 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

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the host building and the wider area
 - ii) The effect of the proposal on the living conditions of the occupiers of the ground floor flats of 7 Spence Court and whether the proposal would provide adequate living conditions for future occupiers of the proposal and the neighbouring flat at Rhema House with particular regard to noise and disturbance, privacy and outlook.
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Reasons

Character and appearance

4. 7 Spence Court is located within a predominantly residential area with rows of terraced properties interspersed with a limited number of commercial/education and religious buildings. There are therefore a mix of designs and styles of architecture with traditional pitched roofs and gable fronted designs within the street scene. The appeal property is a two and three storey building, previously used as an office and converted into flats. Attached is Rhema House a two storey building which I am advised has recently received planning permission for conversion to residential use together with the erection of a third storey (16/00422/P). I saw on site that this had not yet been implemented. On the other side of the appeal site is Woodside Green Christian Centre. This has a varied built form with a number of different roof forms.
5. The screening to the terrace on the roof of the two storey element of the appeal building is not prominent and as a result the difference in levels of No 7 enables it to sit comfortably within the street scene at this point between Rhema House and the Christian Centre. This is particularly important given that No 7 and its immediate neighbours occupy a prominent position on a staggered crossroads. As a result therefore the appeal building contributes positively to the fairly mixed character and appearance of the area.
6. The proposal is for a vaulted barrel roof with a hipped end which would cover the entirety of the second floor roof. It would increase the height of the building to that of the three storey level. However, the rounded nature of the roof, together with its hipped end would limit the overall mass of the addition. As a result the new roof would be subservient both to the two storey part of the building it would be appended to and the adjacent three storey part of the building. Accordingly, visually the differential between the two and three storey elements of the appeal building would be retained, and the structure of the original building would be visible. Consequently, it would not be overly dominant in the street scene.
7. I saw no other example of similar roof design in the vicinity of the appeal site. However I have found that the surrounding roofscape is of a mixed nature including traditional and modern designs in close proximity to each other. The appeal building has relatively modern buildings on either side of it and therefore I do not consider that the addition of the curved roof would be significantly harmful. Furthermore it would add interest to the street scene as a whole.
8. My attention has also been drawn to a previous appeal in respect of the addition of a third storey to the appeal property that was dismissed (APP/L5240/W/15/3003082). The appellant has submitted an illustration of the proposals under that appeal that has not been disputed by the Council as being a reasonable visualisation of the proposals at that time. I note that this scheme also proposed an extension that is of a similar height to the three storey element, which led to the Inspector having considerable concerns regarding its impact on the character and appearance of the area. However, the extension proposed under that appeal was a square block to match the three storey level. As a result the two levels would be undistinguishable, creating a large bulky mass of building that would be visually dominant and

obtrusive. I have already found that this would not be case with regard to the current proposals.

9. The extension to Rhema House that has recently been approved is a change to the circumstances considered by the Inspector on the previous appeal. However, there is no guarantee that the extension will be built and I have no way of ensuring that it would be within this appeal. Furthermore, I have seen no evidence to suggest that the extension is likely to be built in the near future. I have therefore given it limited weight.
10. For the reasons above I conclude that the proposal would not be harmful to the character and appearance of the host building or the wider area. It would therefore be in accordance with Saved Policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan 2006 (the UDP), Policies SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies 2013 (the SP) and Policies 7.1, 7.4 and 7.6 of the London Plan. Together these require that development respects local character, complements local architecture, with development only permitted where it has addressed those aspects contributing to the character, including scale, height and massing.

Living conditions

11. Although the proposed extension to Rhema House has not been completed on site I have been provided with plans of the proposed flat and its relationship to the appeal proposal. The Council has made no objection to the accuracy of the plan and therefore I have been able to make an assessment of the adequacy of the living conditions for future occupiers of each flat.
12. The proposed flat at Rhema House would present a blank wall to the appeal proposal and as a result there would be very limited opportunity for direct overlooking between the internal areas of both proposed flats. However the proposed private garden terraces for each flat would be sited very close to each other. As a result overlooking could occur from the living room window and terrace area of the appeal proposal towards the private garden space of the flat at Rhema House and vice versa. The proximity of the two areas means that the loss of privacy would be at such an unacceptable level that the terraces would not provide a good quality garden space.
13. To overcome the loss of privacy the appellant suggests the imposition of obscure glazing to the large living room windows and the provision of a planted area on the balcony. In my opinion, the appellants have demonstrated in their submission that the amount of obscure glazing required would retain enough clear glazing to give the future occupiers of the appeal proposal a sufficient outlook from the main living room. Furthermore, a daylight factor calculation confirms that the daylight factor would be above the minimum requirement for Breeam and Code for Sustainable Homes compliance.
14. I therefore consider that the mitigation measures could reasonably be secured by conditions to secure the provision of obscure glazing and planting on the balcony. These would be necessary to protect privacy levels between the two proposed flats.
15. The Council is also concerned about the proposal to provide a garden in the area of existing car parking to the front of the three storey part of the building, together with arrangements for disabled access. I appreciate the Council's

comment that users of the area may linger, along with members of the public giving rise to the potential for overlooking into the windows of the ground floor flats. However, this area is already used for car parking and therefore the potential loss of privacy already exists. Given the location of the proposed garden area adjacent to a main road, I consider it unlikely that people would seek to use it when they have an alternative in the form of the roof top terrace. In addition the appellant has indicated that the area would be gated to prevent public access. Such provision would not need to be of such a significant height to cause harm to the outlook of the ground floor flats and could reasonable be secured by a condition to enable further control around this issue by the Council.

16. The appellant has offered to withdraw this part of the proposals, however I do not consider that the garden area would give rise to any unacceptable level of overlooking. Furthermore, the proposal to introduce planting to an otherwise bland concrete environment would be a positive benefit of the scheme.
17. For the reasons above I conclude that the proposal would not be harmful to the living conditions of the occupiers of the ground floor flats of 7 Spence Court. Furthermore, the proposal would provide adequate living conditions for future occupiers of the proposal and the neighbouring flat at Rhema House. As a result there would be no conflict with saved Policies UD2, UD8 and H2 of the UDP, Policy 7.6 of the London Plan, Policy SP2.6 of the SP and the Mayor's Housing Supplementary Planning Guidance 2016. These require amongst other things that development ensures that new and existing occupiers are protected from undue visual intrusion and loss of privacy, adequate daylight and sunlight is allowed to penetrate between buildings and the minimum standards within the Mayor of London's Housing Supplementary Planning Guidance are met.
18. The Council also refer to Policy H2 of the UDP in its reason for refusal. However this relates to new housing and the character of residential areas and therefore has not been determinative in this matter.

Other matters

19. The provision of a disabled access has been queried as the building has no lift and therefore there would be no way to access the proposed flat. The access would though allow entry to the ground floor, if required for future access to those flats. Moreover, I note it was a requirement of planning permission ref 10/00898/P for the original conversion of the building to residential use.
20. It has also been pointed out that only four of the five spaces shown on the existing ground floor plan (AL(00)02 rev A) are accessible given the existing boundary wall and (telephone) service cabinet on the pavement. Residents therefore consider that it would be difficult to implement the proposed car parking layout, including a disabled space without considerable cost. While the Council refer to this matter in its application report, it is not a reason for refusal given the sites location in a reasonably accessible location. It would therefore be for the Council to take any enforcement action on this matter if it considered it expedient to do so.
21. Leading on from this a number of comments have been raised regarding alleged poor workmanship and problems with the conversion of the appeal building that has already been carried out and the potential for more issues as

a result of the appeal proposal. However, such issues are a civil matter between the parties involved and not within the remit of this appeal.

Conditions

22. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents. In the interests of clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
23. As well as those referred to in the main issues, a condition requiring the submission of a Construction Method Statement is necessary in order to preserve the living conditions of nearby occupiers during the construction process, and to ensure the safety and free flow of pedestrian and vehicular traffic. A further condition relating to carbon dioxide emissions is necessary in order to comply with Policy SP6.13 of the SP and Policy 5.2 of the London Plan. Similarly, a condition regarding water use is necessary to comply with Policy 6.13 of the SP and Policy 5.15 of the London Plan.
24. A condition requiring the submission of samples of materials is necessary to protect the character and appearance of the area. Cycle storage facilities are shown on plan ref AL(00)10-A rev A. I saw on site that there would be room to accommodate the cycles as shown on the plan, without reducing the width of the corridors below that already agreed on the previous planning permission 10/00898/P. I have therefore amended the suggested condition to relate to implementation and retention.

Conclusion

25. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SK(00)01 A, AL(00)02 A, AL(00)03A, AL(00)04, AL(00)05A, AL(00)07 A, AL(00)08, AL(00)10-A A, AL(00)10D, AL(00)12 F, AL(00)14 E, AL(00)15 E, AL(00)16 E
- 3) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted extension until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the occupation of the approved unit the side window to the living room shall be obscure glazed in accordance with details on plan ref SK(00)01 A. The obscure glazing shall be retained for the life of the development.
- 5) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted extension until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include full details of the proposed roof top amenity area, species and size of proposed new planting, defensive planting in the new unit's private balcony, hard landscaping materials (which shall be permeable as appropriate), and all boundary treatment within and around the development. The approved details shall be provided before any part of the development is occupied. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided.
- 6) Cycle storage facilities shown on plan ref AL(00)10-A rev A shall be provided prior to occupation of the unit and shall be retained and kept available for their intended purposes at all times thereafter.
- 7) Other than site clearance and preparation works no works shall commence on the construction of the hereby permitted extension until details of how the development shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations shall be submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the Local Planning Authority.
- 8) The development shall achieve a water use target of 110 litres per head per day
- 9) Prior to the commencement of any building or engineering operations, a Construction Method Statement / Logistics Plan shall be submitted to the Local Planning Authority for approval. The Statement shall include the following information for all phases of the development, which shall only be implemented as approved:

- i) delivery and construction hours
- ii) parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- iii) facilities for the loading and unloading of plant and materials;
- iv) details of the storage facilities for any plant and materials;
- v) the siting of any site huts and other temporary structures, including site hoardings;
- vi) details of the proposed security arrangements for the site;
- vii) wheel washing facilities;
- viii) details outlining the proposed range of dust control methods and noise mitigation measures during the course of construction of the development