The Planning Inspectorate

Appeal Decision

Site visit made on 28 March 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 07 April 2017

Appeal Ref: APP/L5240/W/17/3166598
12 Wentworth Road, Croydon CR0 3HT

- 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 Mrs Josephine Jules against the decision of the Council of the London Borough of Croydon.
- The application Ref 16/04531/HSE, dated 1 September 2016, was refused by notice dated 2 November 2016.
- The development proposed is a rear extension.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be firstly, the effects of the proposed development on the living conditions of the occupants of 14 Wentworth Road in terms of light and outlook; secondly, the effects of the proposed development on the character and appearance of its surroundings; and thirdly, the personal circumstances of the appellant.

Reasons

Site, surroundings and proposal

3. The appeal dwelling is on a street of a broadly residential character comprising short blocks of two-storey dwellings, with paired flat-roofed outriggers to the rear and relatively deep back gardens. Situated at the end of one of these short terraced blocks, the appeal dwelling is separated from No 14 by a narrow alleyway between the buildings' gable ends.

4. The proposed development would introduce a single-storey, flat-roofed extension to the rear of the appeal dwelling, of a roughly L-shaped plan, that would wrap around its existing outrigger. It would extend to a depth of around 5 metres from the rear elevation of the appeal property close to the boundary with No 14.

Living Conditions

5. At my site visit I saw that there was a habitable room window in the ground floor of the rear elevation of No 14 close to the boundary with the appeal property. Due to the scale and depth of the proposed flank walling combined with its proximity to No 14's boundary and consequent adjacency to this

ground floor window, it would constitute an enclosing and overbearing structure that would reduce the quality of the outlook available to the occupiers of No 14 to a material degree. As a consequence, this would be of considerable harm to the living conditions of the occupants of No 14 in this regard.

6. However, due to the orientation of the properties, with No 14 in a broadly southerly direction from the appeal dwelling, I consider that the proposed development would not lead to a material increase in shading that would deplete the amount of daylight or sunlight available to its neighbouring ground floor window. No 14's garden is of generous depth, and reasonable width. Due to this the proposed development would only be close to a limited amount of the garden area. As a result the proposed development would not materially deplete the amount of sunlight or daylight available to the occupants of No 14 in their garden. Taken together, these considerations lead me to the view that the proposed development would avoid causing harmful effects to the living conditions of the occupants of No 14 in terms of the availability of natural light.

7. Whilst I have detected that the proposed development would cause no harmful effects to the occupants of No 14 in terms of the levels of light available to them, it would nevertheless materially deplete the outlook available to them from the ground floor window and this would be of considerable harm to their living conditions. As a result, in this respect the proposed development would conflict with Policy UD8 of Croydon's Replacement Unitary Development Plan (adopted July 2006) (the UDP); and Policy 7.6 of The London Plan: The Spatial Development Strategy for London- Consolidated with alterations since 2011 (adopted March 2016) (the London Plan); and Croydon's Residential Extensions and Alterations Supplementary Planning Document No.2. Taken together, and amongst other matters, the policies and document seek to ensure that new development avoids unacceptable harm to the amenity of occupiers of surrounding residential buildings.

Character and Appearance

8. In the immediate surroundings of the appeal dwelling I saw single-storey rear extensions of varying characters, sizes and proportions. Within this wider context the proposed development would not look incongruous. Moreover, due to the depth of the appeal dwelling's garden, the proposed development would not erode, to any substantial degree, its plot ratio, and thus would not appear as a discordant addition within the wider development pattern. Neither, as the proposed development would be of a single-storey, would it read as dominant addition to its two-storey host dwelling.

9. As a consequence, I consider that the proposed development would cause no significant harm to the character and appearance of its surroundings. Accordingly, I can find no conflict with Policy SP4.1 of the Croydon Local Plan: Strategic Policies (adopted April 2013); or Policies UD2 and UD3 of the UDP; or Policies 7.4 and 7.6 of the London Plan. Amongst other things, and taken together, these policies seek to ensure that new development respects the local character and development pattern.

Personal Circumstances

10. I have been supplied with a copy of a letter from the Department for Work and Pensions, which confirms the appellant's entitlement to attendance allowance, and is evidence of their restricted mobility. The Public Sector Equality Duty

(PSED) arising from the Equalities Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The appellant's restricted mobility in this case means that they have a protected characteristic for the purposes of the PSED.

11. It does not follow from the PSED that the appeal should succeed. However, I am required to have due regard to the duty in arriving at my decision. I am mindful that the proposed development could provide an expanded amount of accessible accommodation for the appellant over the ground floor of the appeal property. Whilst the personal circumstances of the appellant are of some gravity and importance in my assessment of the planning merits of the appeal, it has not been demonstrated that the proposed development is the only way to achieve improved outcomes in terms of additional accessible accommodation. Due to this, this consideration, whilst material, attracts only moderate weight in the overall planning balance.

Conclusion

12. The proposed development would cause no harm to the character and appearance of its surroundings. Neither would it cause significantly harmful effects to the living conditions of No 14 in terms of the availability of natural light. I also consider that the personal circumstances of the appellant would weigh moderately in the proposed development's favour. However, these considerations, either taken individually or together are demonstrably outweighed in the overall planning balance by the considerable harm that the proposed development would cause to the living conditions of the occupants of No 14 through the material reduction of outlook available from the adjacent ground floor window.

13. The proposed development would thus conflict with the policies of the development plan insofar as they are relevant and have been drawn to my attention. No material considerations have been advanced that would justify a departure from the development plan in this instance, and accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR