

Appeal Decision

Site visit made on 21 March 2016

by D Cramond BSc MRTPI

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

Decision date: 11 April 2017

Appeal Ref: APP/L5240/D/16/3164769
50 South Norwood Hill, London, SE25 6AF

- 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 Fatai Olaide against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/03462/P, dated 6 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is a ground floor rear conservatory and two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

Reasons

3. The appeal property is an end of terrace two storey hipped roof dwelling of agreeable design and proportions and a single storey attached side garage. This row of similar bay windowed type homes is set back off the main road on a service road and within a locality of established residential character with a range of properties which come together to create a streetscene of pleasing appearance with a change in style and scale at the shared appeal site side boundary where adjoining development is purpose built flats. The proposal is as described above and would create at two new bedrooms and additional living space. The garage would be demolished.
 4. The site lies alongside the South Norwood Triangle Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy SP4.13 of the Croydon Local Plan Strategic Policies (CS), Saved Policy UC3 of Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) (UDP) and Policy 7.8 of the London Plan (LP) adopt a similar stance to conserving these heritage assets.
 5. The Council's concern is that the two storey side extension would have not have the degree of set-back from the principal elevation which is normally called for via its Supplementary Planning Document note 2 (SPD2) on
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Residential Alterations and the aims to achieve good design, minimising terracing or an appearance of being cramped and ensure reasonable subordination to the host property. In this instance I would endorse those ambitions and to my mind there is the added issue here of seeking to maintain the visual prominence of the original frontage of the terrace and have a clear distinction to the other development, within the Conservation Area, beyond it. A sense of spacing and subtlety here would be important. Regrettably the proposal does not allow for a clearly defined set-back which is most important particularly at first floor level and which would also reduce the height of the extension's ridge line. On this basis I find the proposal to be unsatisfactory.

6. I should just add that the submitted plans are somewhat contradictory in that the elevations do imply a very modest set-back of the whole extension whereas the floor plans do not. This has been drawn to the Appellant's attention and the suggestion has been made from him that the use of a condition could achieve the requisite set-back. I have carefully considered this option but unfortunately it would not be as simple as stating the elevations should prevail because in my opinion the set-back on those is not sufficient. SPD2 generally seeks a 1.5 metre set-back at upper level and the submitted elevations are well short of that. On a related matter the Appellant points to a previous, now expired, approval for a two storey extension here (ref 10/00780/P) and argues it should influence the decision in this case. However I would underline that the 2010 application referred to did embody a 1.5 metre set-back at first floor level. It was therefore materially different from the case in hand which, in any event, I must determine on its own merits.
7. Having regard to the above, I conclude that development proposed would be in conflict with S72(1) of the Act, CS Policy SP4.13 and LP Policy 7.8; there would not be preservation of the character and appearance of the Conservation Area. Policy SP4.1 of the CS, Saved Policies UD2 and UD3 of the UDP and LP Policies 7.4 and 7.6 are also of relevance. They share common themes of seeking high quality design to protect or enhance the character and appearance of buildings and their neighbourhood, to ensure harmonious development. I conclude that the development would run contrary to these policies.

Other matters

8. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built environment as well as to safeguard heritage assets; development plan policies which I cite mirror these. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal would lead to less than substantial harm to the significance of the designated heritage asset however what public benefits there would be, such as some economic stimulus, would not outweigh this harm. Furthermore there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area which I have identified.
9. I understand the wish of the Appellant to increase internal space. There would be no over-riding issues of neighbouring amenity reasonably at play here and parking should not be a determining factor. The absence or otherwise of pre-application discussions does not play a part in my determination of the merits of the case. I have carefully considered all the points raised by the Appellant

but these matters do not outweigh the concerns which I have in relation to the main issue identified above.

10. The rear conservatory element is not controversial with the Council. I would take the same view given its form and siting and the applicable planning policy base. However I am unable to issue a 'split decision' in this case because as shown on the submitted plans it is physically inextricably linked to the unacceptable side extension.

Overall conclusion

11. For the reasons given above I conclude that the appeal proposal would have an unacceptable adverse effect on the character and appearance of the host property and the locality. Accordingly the appeal is dismissed.

D Cramond
INSPECTOR