
Appeal Decision

Site visit made on 11 April 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 13 April 2017

Appeal Ref: APP/L5240/D/17/3170825

9 Kilmartin Avenue, Norbury, London SW16 4RE

- 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 Keith Graham against the decision of the Council of the London Borough of Croydon
 - The application Ref 16/04242/HSE, dated 15 August 2016 was refused by notice dated 15 December 2016.
 - The development proposed is new single storey conservatory in the rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey conservatory in the rear of the property at 9 Kilmartin Avenue, Norbury, London SW16 4RE in accordance with the terms of the application, 16/04242/HSE, dated 15 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 3576/PP/01, 3576/PP/02 and 3576/PP/03.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 7 Kilmartin Avenue with particular regard to outlook.

Reasons

3. The appeal property is a two storey, end of terrace dwelling which has a single storey flat roof extension to the rear. The flank wall of the existing extension is close to the common boundary with No 7. The rear wall of this neighbouring property has a two storey, square sided bay window fairly close to the boundary. The bay window includes glazing facing the flank wall of the existing extension. However, the view from the larger, rear facing window in the bay is fairly open.
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4. The side of the proposed conservatory would be in line with the flank wall of the existing extension and would increase its length by 2.35m to some 6.1m overall. However, the side wall of the conservatory would, for the most part, be glazed and the eaves level would be lower than the flat roof of the existing extension. The conservatory's glazed hipped roof would slope away from the boundary. Moreover, the boundary is marked by a 1.6m high fence. This fence is proposed to remain and, indeed, could be raised in height to 2m under permitted development rights.
5. Having regard to all of these considerations, whilst the proposed conservatory would increase somewhat the amount of built development close to the boundary with No 7, I find that the effect would not be overbearing or intrusive. Consequently, I conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of No 7 with regard to outlook. As such, it would accord with Policy UD8 of the Croydon Replacement Unitary Development Plan 2006 and Policy 7.6 of the London Plan 2016 to the extent that these policies seek to protect the amenity of the occupiers of surrounding buildings.
6. I recognise that the Council's Supplementary Planning Document on Residential Extensions and Alterations advises that single storey rear extensions should be limited to 3m in depth. However, for the reasons set out above, I consider that the appeal proposal would not conflict with the underlying aim of this provision which is to avoid visual intrusion for surrounding neighbours. Therefore, this consideration does not outweigh the proposal's compliance with the relevant development policies.
7. There is nothing to suggest that the proposal would have a harmful effect on the living conditions of the occupiers of No 11.

Conditions

8. The Council has suggested three conditions. I find that they meet the tests set out in the Planning Practice Guidance. A condition requiring the external materials to be used in the extension to match those of the existing building is necessary to safeguard the character and appearance of the area. A condition specifying the approved drawings is necessary as this provides certainty.

Conclusion

9. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR