
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/17/3171279

24 Fox Hill, Upper Norwood, London SE19 2XE

- 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 S Haigh against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/05010/HSE, dated 27 September 2016, was refused by notice dated 15 December 2016.
 - The development proposed is to erect a white PVCu orangery to the rear of the property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would preserve or enhance the character and appearance of the Church Road Conservation Area;
 - the effect of the proposal on the living conditions of the occupiers of 26 Fox Hill with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal property is a substantial Victorian semi-detached dwelling whose steep pitched roof, red brick walls, timber windows and timber and stone detailing are typical of the area. In this part of Fox Hill buildings follow a consistent building line along the steeply sloping road and are regularly spaced. This creates an elegant, well-ordered layout. The appeal property is, therefore, part of an attractive group which, as the Church Road Conservation Area Appraisal and Management Plan (CAAMP) notes, contributes positively to the character and appearance of the Conservation Area.
 4. The proposed orangery would be attached to the side wall of the existing outrigger at the rear of the building. The orangery would project beyond the flank wall of the main building and, therefore, partially close down the gap between Nos 24 and 26. I have not been made aware of, and did not see on the site visit, any other extension which had a similar effect on the regular spacing of buildings in this section of Fox Hill. The orangery would also be
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awkwardly sited in relation to the existing building, with little space between its end wall and the steps leading from the existing verandah.

5. I recognise that the orangery would only be glimpsed in public views from Fox Hill, particularly when the side gate to the property is closed. However, together its unsatisfactory siting, the extensive use of PVCu for the window, door and roof frames and the shallow roof pitch would be at odds with the external materials and built form characteristic of this part of the Conservation Area.
6. Consequently, I consider that the proposal would not preserve or enhance the character and appearance of the Conservation Area. As such, it would conflict with Policies UD2, UD3 and UC3 of the Croydon Replacement Unitary Development Plan 2006 (UDP), Policies SP4.1, SP4.13 and SP 4.14 of the Croydon Local Plan Strategic Policies 2013 and Policies 7.4, 7.6 and 7.8 of the London Plan 2016 (LP). Amongst other things, these policies seek to protect local character and require proposals to conserve the significance of Conservation Areas, paying special attention to traditional frontage patterns, detailed design and the use of materials. Nor would the proposal comply with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires special attention to be paid to the desirability of preserving or enhance the character or appearance of Conservation Areas. The proposal would not accord with the CAAMP to the extent that it has similar aims.

Living Conditions

7. The outrigger to the rear of No 26 has a large ground floor window facing the common boundary with the appeal site at a position adjacent to the proposed orangery. The window appears to serve a room likely to be used for significant periods of the day. The side wall of the orangery would be close to this boundary with No 26. However, the new wall would be less than 2.2m in height and, for the most part, glazed. Therefore, whilst the proposal would bring built development somewhat closer to the neighbouring property, I consider that it would not have an overbearing effect on the outlook from the adjacent window.
8. As such, the proposal would not be harmful to the living conditions of the occupiers of 26 Fox Hill with regard to outlook. Consequently, it would accord with Policy UD8 of the UDP and Policy 7.6 of the LP to the extent that these policies seek to protect the amenity of the occupiers of surrounding buildings.
9. 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.

Other Matters

10. There is nothing to indicate that the development plan policies cited above are out of date or inconsistent with the National Planning Policy Framework (the Framework). In these circumstances, the presumption in favour of sustainable

development set out in Framework paragraph 14 does not apply to proposals which conflict with the development plan.

11. The appellant argues that the proposal would provide additional space to cater for family needs and a rising population in London. However, there is no substantive evidence to suggest that the orangery would allow for increased occupancy of the dwelling or that the existing accommodation provided by the dwelling does not offer satisfactory living conditions.
12. In terms of the assessment required by Framework paragraph 134 therefore, although the harm to the Conservation Area would be less than substantial, the public benefit of the proposal would not be sufficient to outweigh it.

Conclusion

13. Whilst I have found that the proposal would not harm the living conditions of neighbouring occupiers, that does not outweigh the harm to the character and appearance of the Conservation Area. For that reason, the appeal should be dismissed.

Simon Warder

INSPECTOR