
Appeal Decision

Site visit made on 28 March 2017

by L Gibbons BA (Hons) MRTPI

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

Decision date: 11 May 2017

Appeal Ref: APP/L5240/D/17/3170128

20a Sanderstead Court Avenue, South Croydon CR2 9AG

- 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 David Stone against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/05313/HSE, dated 13 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is a first floor rear extension & accommodation with extended roof area.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension & accommodation with extended roof area at 20a Sanderstead Court Avenue, South Croydon CR2 9AG in accordance with the terms of the application, Ref 16/05313/HSE, dated 13 October 2016, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Elevations and Floor Plans 01 and Elevations and Floor Plans 02.
 - 3) 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.
 - 4) No windows shall be provided in the north-western elevation other than as specified in the application and those specified shall be obscurely glazed and retained in that form for so long as the development exists.

Procedural Matter

2. As part of the appeal process the appellant submitted a drawing indicating the dimensions of the proposed extension and existing house. The drawing clarifies measurements included on the plans before the Council when it made its decision. Therefore, I am satisfied that I can take the plan into account without prejudicing the interests of the Council and other parties.
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Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 22 Sanderstead Court Avenue in respect of outlook.

Reasons

4. The appeal site is located within a residential area. The houses are a mix of semi-detached and detached built in a variety of styles. The gardens are very long and the plots are generally spacious. The area has a pleasant suburban appearance.
5. The proposal would include a first floor extension which would extend the tall side elevation of No 20a. I have been referred to the Council's Residential Extensions and Alterations Supplementary Planning Document No. 2 (SPD) 2006. At section 6.5 this refers to dominance, visual intrusion and overshadowing in respect of two storey extensions. However, it goes on to state that each case will be considered on its merits, where it can be demonstrated that there is no harm.
6. The rear elevation of No 22 is set back behind the rear of No 20a. I accept that due to the height of the proposed extension it would be visible to the occupiers when stood directly at the window of the rear first floor bedroom window of No 22. However, the properties are separated by a single storey garage within the boundary of No 22 with over 5 metres between the two side elevations. This provides a strong sense of separation between the two houses.
7. The distance between the properties would be sufficient to retain a satisfactory sense of openness, and the outlook from No 22 would not be significantly affected having regard to the existing position of the houses. Furthermore, the views directly towards the garden of No 22 would not be interrupted. As such, the proposed first floor extension would not appear overbearing or create a significant feeling of being enclosed for the occupiers of No 22 even taking account of the orientation of the properties.
8. For the reasons given above, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of No 22 Sanderstead Court Avenue in respect of outlook. It would not be in conflict with saved Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 and Policy 7.6 of the London Plan (consolidated with alterations) 2011. These amongst other things seek new development that ensures that both new and existing occupiers are protected from undue visual intrusion, and does not cause unacceptable harm to the amenity of surrounding land and buildings. It would not be contrary to the SPD.

Conditions

9. I have considered the conditions in the light of the tests set out in the National Planning Policy Framework and the Planning Practice Guidance. Where necessary I have amended the suggested conditions in order to comply with the tests. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to protect the character and appearance of the area a condition is needed in respect of the materials to be used in the construction of the proposed extension. The Council suggested a condition

relating to the windows on the north-western elevation and I agree this is necessary in the interests of the living conditions of adjoining occupiers.

Conclusion

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

L Gibbons

INSPECTOR