
Appeal Decision

Site visit made on 2 May 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 22 May 2017

Appeal Ref: APP/L5240/W/17/3167325
32B London Road, Croydon CR0 2TA

- 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 Nick Patel against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 16/05506/FUL, dated 25 October 2016, was refused by notice dated 19 December 2016.
 - The development proposed is '*construction of a single storey 1 person studio apartment above the flat roof to the rear of 32B London Road*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Nos 32 and 34 London Road, with particular reference to outlook.

Reasons

3. The appeal site is located in an accessible urban area characterised by high density development, including residential, retail and commercial uses and other services and facilities. The site comprises a large, flat-roofed area over a ground floor extension to the rear of No 32 London Road and provides pedestrian access to first floor flats in the rear of Nos 32 and 34 via a staircase off Cobblestone Place. The proposed flat would be attached to an existing small extension to the rear of No 32 and would provide single person accommodation on one level utilising the present access.
 4. Supplementary Planning Document No 2: *Residential Extensions and Alterations* states that an extension should not be designed to have an overbearing effect on the amenities of the occupiers of surrounding properties by reason of its size, siting, height and design.
 5. There is a rear window serving a habitable room to each flat in Nos 32 and 34, and a kitchen window in an extension which faces the appeal site and forms part of No 34. At up to about 4.4 metres in width, some 11 metres in length and about 3 metres in height, this would be a sizeable addition to the building. It would dominate the outlook from these windows at close quarters resulting in an oppressive living environment for the neighbouring occupiers.
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6. I acknowledge that the appellant has sought to overcome objections to a previous proposal for a similar form of development on the site by revising the footprint and rearranging the internal layout, amongst other things. However, the revised scheme does not overcome my fundamental concerns regarding the impact of the proposal on the neighbours' living conditions.
7. For these reasons, I conclude that the proposed development would unacceptably harm the living conditions of the occupiers of Nos 32 and 34 London Road. It would therefore breach saved Policy UD8 of the *Croydon Replacement Unitary Development Plan* (2013) which seeks to protect occupiers of surrounding buildings from undue visual intrusion, and similar objectives in Policy 7.6 of *The London Plan* (2016). It would also conflict with the *National Planning Policy Framework* which states that planning should seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

8. The appellant has referred to extensions to other properties in the terrace. However, I do not know the considerations that were taken into account by the Council in deciding to grant planning permission, if indeed permission was sought or required in these cases. Nor was I able to clearly see on my site visit whether the relationship between these extensions and neighbouring properties was similar to that of the appeal proposal and the adjoining flats.
9. The very modest contribution that the proposal would make to housing supply locally is not outweighed by the harm to neighbours' living conditions I have described.

Conclusion

10. For the reasons given I conclude that the appeal should not succeed.

Michael Moffoot

Inspector