
Appeal Decision

Site visit made on 3 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/17/3166708
70 Napier Road, South Croydon CR2 6HG

- 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 Ms Ngozi Nmaju against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 16/04706/HSE, dated 11 September 2016, was refused by notice dated 9 November 2016.
 - The development proposed is a single-storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice does not include a reason for refusal. However, the officer's report and the Authority's statement of case include a single reason for refusal. The appellant has had the opportunity to comment on the Council's objections to the proposal and I do not consider that this error has prejudiced the appellant's case.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 68 Napier Road, with particular reference to outlook and daylight and sunlight.

Reasons

4. In order to protect the residential amenities of adjoining occupiers, the Council's Supplementary Planning Document No 2: *Residential Extensions and Alterations* states that, for terraced and semi-detached dwellings, single-storey rear extensions should not normally project more than three metres beyond the rear of the neighbouring building.
 5. Whilst the existing single-storey extension to the rear of the semi-detached appeal property breaches this threshold, it is set in from the boundary with No 68. The proposal involves replacement of the extension with one of a similar depth but greater width such that it would be much closer to the boundary. It would also be slightly higher than the existing extension.
 6. No 68 has a ground floor window in the rear elevation which serves a habitable room and overlooks a small patio area. The existing outlook from this opening and the patio is compromised by a two-storey extension to the dwelling as well
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as the boundary fence and the existing extension to the appeal property. The outlook would be further diminished by the erection of the proposed extension in very close proximity to the window and patio and would be oppressive for those using the room and sitting outside.

7. The window and patio face south. The proposed extension would reduce the limited amount of daylight and sunlight presently reaching the room and the amenity space. This adds weight to my concerns regarding the impact of the proposal on the neighbouring occupiers' living conditions.
8. Although reference is made in the decision notice to loss of privacy, the Council has not expanded upon the matter. However, it is suggested in the officer's report that the side windows in the proposed extension could be obscure glazed. This measure, together with the existing boundary fence, would prevent any material overlooking between the two properties.
9. For these reasons, I conclude that the proposed development would unacceptably harm the living conditions of the occupiers of No 68 Napier Road. It would conflict with Policy SP4 of the Local Plan¹, saved Policies UD2 and UD8 of the UDP² and Policy 7.6 of The London Plan which, amongst other things, seek to safeguard residential amenity by preventing visual intrusion, allowing adequate daylight and sunlight between buildings and enhancing social wellbeing.

Other Matter

10. I note the appellant's dissatisfaction about the way that the planning application has been handled by the Council. However, this is not a matter for me in the determination of this appeal.

Conclusion

11. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector

¹ Croydon Local Plan: Strategic Policies

² Croydon Replacement Unitary Development Plan