
Appeal Decision

Site visit made on 15 June 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 13 July 2017

Appeal Ref: APP/L5240/W/17/3171719
188-194 London Road, Croydon, CR0 2TE

- 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 Andrew Taylor against the decision of the London Borough of Croydon.
 - The application Ref 16/03596/P, dated 13 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is Extension to existing buildings to form 3 new build flats (Use Class C3), with associated cycle parking and refuse store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made and determined with *Mr Andrew Taylor* identified as the sole applicant (and agent), with Mr Taylor also indicated at Certificate A of the application forms as being the sole owner of the land to which the application related. However, whilst Mr Taylor is indicated on the appeal forms to still be the agent, *Mr & Mrs Aloysius & Christine Lobo of Lobo Pension Fund* are shown as the appellants, and as at Part I of the forms, the sole owners of the site. The right of appeal is conveyed to the applicant(s) only, and as there is no indication that an instruction was made during the course of the planning application regarding a change of interest in the land, the decision will be issued in the name of the original applicant, Mr Andrew Taylor.
 3. The appellant has submitted amended plans including Proposed Site Plan, Proposed Floorplans, and Proposed Elevations and Sections with the appeal submissions, in addition to a Daylight Sunlight Report produced by Point 2 Surveyors, dated March 2017, which responds to the second reason for refusal. It is highlighted that the amendments are to reduce the third floor rear roof extension, the removal of the gable-end extension and retention of the original hipped roofline, and consequent reduction of apartment 3 from a three-bed unit to a one-bed unit.
 4. The appellant has indicated that this approach has been necessary as a consequence of the Council electing to refuse the proposed development without allowing any amendments or additional information to be submitted, and in order to address the issues raised by the Council in the reasons for refusal.
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5. I have considered the implications of accepting these plans and the study in the light of the principles of the 'Wheatcroft' judgement (*Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]*). Whilst I acknowledge that the revisions to the plans would have proved fundamental in the determination of the planning application, I am mindful that the amendments to the proposed scheme effectively result in a reduced level of development. I am satisfied that the Council and any interested parties have been provided with the opportunity to assess the proposals in light of the revised plans, and that no party would be disadvantaged as a consequence of my acceptance of the plans. I am therefore satisfied that it would be appropriate to accept the plans and study and I have therefore determined the appeal having regard to these submissions.

Main Issues

6. The main issues are;
- The effect of the proposed development on the character and appearance of the building and the area; and,
 - Whether the living conditions of the neighbouring occupiers of adjoining residential properties would be safeguarded, having regard to outlook and light.

Reasons

Character and appearance

7. The appeal site consists of a three-storey building located on the eastern side of London Road, with the building possessing a retail use on the ground floor in the form of a fishmongers, with offices to the rear on the ground floor and also on the first and second floors. The ground and first floors of the building extend along the entire depth of the site which rises gradually towards the rear, with the visual effect that the built form appears stepped and as if it has been added incrementally over time. The parties have drawn my attention to an extant prior approval for conversion of part of the ground, first and second floors for occupation as 5 flats.
8. Whilst the Council has had regard to the removal of the gable-end proposals from the scheme, it has maintained its concern over the cumulative impact of the rear extensions, particularly in respect of their subservience to the main building. I am mindful that the existing rear ground and first floor elements make no more than a neutral contribution in terms of design and to the character of the area, and they are not entirely uncharacteristic in respect of scale and height of other built form and extensions to the rear of buildings along this section of London Road, and their height renders them as clearly subservient elements to the main building.
9. However, the cumulative impact of the reduced third floor extension to the rear roof, and second floor extension along the full extent of the existing two-storey rear element, would be significant and would comprise substantial and bulky additions to the rear of the existing building. I consider that the third floor extension to the rear roof plane would appear as an awkward feature which would have an adverse effect on the character of the main building as a consequence of its detailed design. Furthermore, whilst I have had regard to the appellant's contention that the rear extension would only raise the height of the building by 1.8 metres, it is evident that the second floor extensions to the

rear would nevertheless result in an overly dominant built form which would no longer appear as subservient in form to the main building.

10. I accept the appellant's point that the proposed rear extensions would not in the main be visible from London Road, and also that there is far from a uniform approach to buildings and extensions to the rear of the properties on this part of London Road. However, I am satisfied that the proposed extensions would be visible across the rear of other sites from Kidderminster Road to the south-east and would appear as an incongruous form of development in the context of neighbouring buildings. Whilst the use of high quality materials including slate roofs, timber sash windows and London Stock Brick is to be encouraged as part of the detailed design, I do not regard this as providing sufficient mitigation for the harm caused by the bulk and scale of the proposed extensions.
11. For the reasons set out above, I am satisfied that the proposed extensions would result in an adverse impact on the character and appearance of the existing building and the area. As a consequence, I find the proposal to conflict with Strategic Policies SP4.1 and SP4.2 of the Croydon Local Plan Strategic Policies 2013 (the Strategic Policies), Policies UD2, UD3, UD8, and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, as well as Policies 3.5, 7.4, and 7.6 of The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, 2015 (the London Plan). These policies and guidance seek to advocate high quality design which respects local character and the distinctive qualities of an area, with proposals expected to reinforce existing development patterns.

Living conditions – neighbouring occupiers

12. The Council has expressed satisfaction that the proposed development, if undertaken in conjunction with the residential prior approval, would safeguard the privacy of neighbouring occupiers, subject to the use of a condition for the erection of privacy screens. I see no reason to disagree with this conclusion, and am satisfied that the living conditions of neighbouring occupiers would be safeguarded in this regard.
13. In respect of the impact on light to neighbouring habitable room windows, I have had regard to the conclusions of the Daylight/Sunlight assessment, which highlights that there is no adverse effect on sunlight as a consequence of the orientation of principal neighbouring windows, and that in terms of daylight the impacts on 3 Kidderminster Road, and 186 & 202 London Road would also be compliant with BRE guidance. I note that the Council has not disputed the content of the technical report, and I also have no reason to dispute the conclusions which have been reached.
14. Turning to the impact on outlook and visual intrusion as experienced from neighbouring properties, I am mindful that the existing rear elements are already relatively substantial in respect of their visual scale and length, with the proposed extensions building further upon these rear elements. Nevertheless, I am satisfied that there would inevitably be some limited further impact on outlook from the adjoining properties on London Road as a consequence of the resultant bulk and scale of the built form.

15. Therefore, whilst I am satisfied that the proposed development would safeguard light for neighbouring occupiers, I would conclude that the scale and bulk of the proposed extensions would result in a limited adverse impact on the living conditions of neighbouring occupiers, having regard to outlook and visual intrusion. The proposal would therefore conflict with Policy SP4.2 of the Strategic Policies, saved Policy UD8 of the Croydon Plan 2006, and Policy 7.6 of The London Plan. These policies seek to protect residential amenity in considering proposals for new development, and protect neighbouring occupiers from loss of light and outlook.

Conclusion

16. The proposed development would make a fuller and more effective use of land, and would make provision of 3 additional residential units, which would make a limited contribution towards the supply of housing in the local area. The local economy would also have the potential to experience some limited benefit both during the period of construction, and following occupation. The proposed development would make a more effective use of an existing developed site and would be situated in an accessible location for public transport and have good access to services and facilities on London Road, and in the immediate area. I have also noted the proposed intention to incorporate a green roof into the design of the scheme as a benefit in respect of biodiversity.
17. Nevertheless, whilst acknowledging the above benefits, for the reasons I have already set out above, I have found that the proposal would be harmful to the character and appearance of the area, and would not safeguard the living conditions of future occupiers, having regard to outlook. As a consequence, I have not found the development to be in accordance with the Development Plan. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.
18. For the reasons given above, I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR