
Appeal Decision

Site visit made on 6 June 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 19th July 2017

Appeal Ref: APP/L5240/W/17/3169875

42 Oakfield Road, Croydon, London CR0 2UA

- 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 C. Walker against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/04946/HSE, dated 20 September 2016, was refused by notice dated 15 December 2016.
 - The development proposed is replacement conservatory to rear of ground floor flat.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement conservatory at 42 Oakfield Road, Croydon, London CR0 2UA in accordance with the terms of the application, Ref 16/04946/HSE, dated 20 September 2016, subject to the following conditions:
 - 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: EXT 01, EXT 02, & EXT 03.

Procedural Issue

2. The site plan submitted with the application and with the appeal shows the wrong property outlined in red. It shows no. 46, not no. 42 Oakfield Road.
3. However it is quite clear from the other plans and from the application form that the appeal site is No 42. Hence there will be no prejudice to the parties if the location plan is disregarded for the purposes of my decision.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of no. 44 Oakfield Road with particular regard to outlook.

Reasons

5. The appeal property is a ground floor flat of a larger two storey house and is linked to the adjacent house, no. 44 Oakfield Road. The houses on this part of
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- Oakfield Road have reasonably long rear gardens which run down to the railway line behind. The gardens are well landscaped and contain a number of mature trees along the boundary with the railway line. No. 42 and no. 44 Oakfield Road are separated from each other by a high wooden fence.
6. The proposed development would replace an existing shallow sloping roofed conservatory with one which would be around 0.85m longer than the existing. It would also be wider, bringing it closer, by around 0.5m, to the boundary with no.44 Oakfield Road.
 7. The proposed conservatory would follow the building line of the existing kitchen wall running away from the house. This would leave reasonably sized gap between the proposed conservatory and the fence. The gap would be the same width as that between the existing kitchen at no. 42 Oakfield Road, and the fence. This gap is large enough to walk along and is paved. The size of the gap is replicated on the no. 44 Oakfield Road side of the fence.
 8. Any impact of the additional length or proximity to the boundary fence, of the proposed conservatory, would be to the ground floor side elevation window and the rear elevation windows of no. 44 Oakfield Road.
 9. However, any such impact on outlook to the occupiers of no.44 Oakfield Road would be extremely limited given the location of the proposed conservatory to the rear of the main part of the house; the presence of the high boundary fence; the existence of vegetation along part of the boundary on the no.44 Oakfield Road side which extends higher than the fence; and that the proposed extension would be no higher than, and less than a metre deeper than, the existing conservatory. It would also maintain a reasonable gap between it and the boundary fence and thus not be harmful.
 10. For these reasons I conclude that the proposed development would not be harmful to the outlook of the occupiers of no. 44 Oakfield Road. It would accord with saved Policy UD8 of the Council's Replacement Unitary Development Plan 2006 (the UDP) which seeks to ensure that new developments protect residential amenity and Policy 7.6 of the London Plan 2015 which encourages good design and the protection of amenity. These are the most relevant policies to my decision, of those provided to me by the Council.
 11. The proposed development would be deeper than the 3m projection which is considered the maximum depth for single storey rear extensions, in the Council's Residential Extensions and Alterations Supplementary Planning Document No 2 (the SPD).
 12. However, whilst the SPD is a material consideration in the determination of planning proposals, I consider that the considerations relating to the presence and nature of the existing conservatory, the particular site characteristics I have described, and the relationship to no. 44 Oakfield Road, mean that the proposed development is acceptable on its merits and consistent with the development plan. I note that section 6.1 of the SPD, recognises that its guidelines may not be followed on all occasions and each application will be considered on its merits.

Conditions

13. I have had regard to the Council's suggested conditions in the light of the Planning Practice Guidance. In addition to a condition setting out the time limit for implementation, a condition specifying the plans to which the permission relates is necessary for clarity and certainty. However for the reasons which I have explained in my Procedural Issue section, it is not appropriate to include reference to the location plan in this condition.
14. A condition relating to materials is not necessary as the proposed materials are clearly set out on plan EXT 03.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR