
Appeal Decision

Site visit made on 9 August 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 17 August 2017

Appeal Ref: APP/L5240/W/17/3175040

172 Parchmore Road, Thornton Heath CR7 8HA

- 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 Mrs G Solari-Masson against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/00622/FUL, dated 6 February 2017, was refused by notice dated 5 April 2017.
 - The development proposed is revisions to planning permission reference 16/05935/FUL to extend the two storey element to the rear by 0.9 metres and provide additional one bedroom flat (6 no one bedroom flats in total) and all associated works.
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Decision

1. The appeal is dismissed.

Procedural matter

2. At the time of my site visit the conversion of the property into six flats appeared to have been completed. However, the development does not appear to tally with the details as set out in the submitted plans. Therefore for the avoidance of doubt I confirm that my determination of the appeal is based on the drawings submitted and not on the work as completed.

Main Issues

3. The main issues are:
 - i. whether the proposal would provide suitable living conditions for future occupants with particular reference to light and outlook; and
 - ii. the effect on the living conditions of the occupants of an adjoining residential property with particular reference to privacy.

Reasons

Living conditions for future occupants

4. The self-contained first floor flat (Flat 4 according to drawing number 17.115-200) would have roof lights serving the shower, kitchen, living area and bedroom and large French windows serving the bedroom. The roof lights would be a minimum of approximately 1.7 metres above floor level and would therefore provide very limited outlook for residents. Of particular concern is the poor outlook from the kitchen and main living area.

5. The first floor flat would be single aspect facing north east. Although I accept that the orientation of a property should not automatically result in poor living conditions it is an important consideration. The proposed roof lights would allow some daylight and sunlight into the property, but each of the openings is relatively small. I have noted that three roof lights would serve the proposed kitchen and living area; however, I do not consider these to be sufficient to provide good quality living conditions for residents and would not mitigate the effects of the flat being north east facing and single aspect in this case.
6. I have noted that the appellant states that additional roof lights could easily be accommodated on the roof slope; however, the appeal process should not be used to evolve a scheme and it is therefore important that I consider what was considered by the local planning authority.
7. Therefore it has not been demonstrated that the proposal would provide suitable living conditions for future occupants with particular reference to light and outlook. As such it is contrary to Policy UD8 of the Croydon Replacement Unitary Development Plan The Croydon Plan Written Statement July 2006 (the UDP) which recognises that sunlight and daylight need to penetrate into buildings in order to make them attractive and comfortable to be in.

Living conditions of the occupants of an adjoining residential property

8. The main opening in the end elevation of Flat 4 serves a bedroom and looks directly and at very close quarters to the proposed private amenity area of Flat 3, below. Given the change in levels adjacent to the property the large first floor French doors in Flat 4 would be particularly close to the amenity area, causing significant overlooking and reducing the levels of privacy to an unacceptable degree.
9. I understand the appellant's interpretation of the word 'privacy' and that the provision of a private area for Flat 3 may be considered to be an additional benefit to that property in addition to the communal outdoor garden area. However, occupants should reasonably expect a degree of privacy when using their own designated amenity space. The current proposal would not provide a reasonable level of privacy.
10. The degree of overlooking from existing flats at 14 – 18 Queensbury Court would not be significant or harmful in relation to that which would be generated by the proposal before me. In relation to potential changes to the scheme I reiterate that the appeal process should not be used to evolve the proposal.
11. Therefore, on this issue I conclude that the proposal would have a harmful effect on the living conditions of the occupants of an adjoining residential property with particular reference to privacy. As such it is contrary to Policies UD2 and UD8 of the UDP which, among other objectives, seek to protect occupiers from undue loss of privacy.

Conclusion

12. For the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips INSPECTOR