
Appeal Decision

Site visit made on 18 July 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 18 August 2017

Appeal Ref: APP/L5240/W/17/3172450

164 Pampisford Road, South Croydon CR2 6DA

- 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 Joy Madhavan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/06345/FUL, dated 15 December 2016, was refused by notice dated 14 February 2017.
 - The development proposed is alteration of approved garage outbuilding using the disused attic space for storage/office space, provision of lightwell to the basement, installation of additional windows and doors to the approved elevations.
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Decision

1. The appeal is allowed and planning permission is granted for alteration of approved garage outbuilding using the disused attic space for storage/office space, provision of lightwell to the basement, installation of additional windows and doors to the approved elevations at 164 Pampisford Road, South Croydon CR2 6DA in accordance with the terms of the application, Ref 16/06345/FUL, dated 15 December 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: Drawing Nos 16385/02 and 16383/01 Rev B.
 - 3) No works to any above ground external elevation of the building shall commence until sectional plans and samples of the external facing materials have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and samples.
 - 4) The detached garage shall only be used for the purposes specified within the application and in association with the main residential use of 164 Pampisford Road.

Preliminary Matters

2. The description in the banner heading and decision above is taken from the appeal form and the Council's decision notice, as they more accurately and succinctly describe the development proposed than the description in the original planning application form.

3. A revised plan, Drawing No 16383/01 Rev B, was submitted with the appeal documentation. The appellant advises that it corrects a mistake contained in the original version, Drawing No 16383/01 Rev A, submitted with the planning application, which showed the eaves of the garage building incorrectly. The alteration reduces the overhang of the roof. I consider that the amendment is relatively minor and that accepting the revised plan would not prejudice any party. Relevant parties have had the opportunity to comment on the revised plan during the course of the appeal.
4. The appellant advises that the garage is intended for use ancillary to the residential use of one of the flats in the house at 164 Pampisford Road. Therefore, I have considered the appeal on the basis of the proposed alterations to the 'approved' garage building.
5. An appeal decision¹ relating to a previous application, Ref 16/05123/FUL, for alterations to the garage was issued on 23 May 2017. The main parties have been given the opportunity to comment on that appeal decision.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is located on the corner of Pampisford Road and Barnards Place in a mainly residential area, although Cumnor House School lies to the north of the site.
8. The council advises that the appeal property benefits from a planning permission (the extant permission), granted on 4 October 2013², for the extension and conversion of the main house into flats and the construction of a detached double garage to the rear, with a vehicular access onto Barnards Place. At the time of my site visit, it appeared that the works to convert the main house had been completed. There was a large excavated area to the rear, presumably in preparation for the construction of the associated garage.
9. Although the Barnard Place Residents' Association suggest that the proposed garage would be larger, the Council accepts that the dimensions of the garage would be more or less the same as that approved under the extant permission. Whilst the addition of a lightwell would appear to increase the overall footprint of the building, it does not rise above ground level or add substantively to the visible built form. Therefore, I see no reason to disagree with the Council's assessment that the proposal would not be materially larger than the already approved garage.
10. The Council Officer's Report refers to the appeal proposal as consisting of a new roof design. However, that conclusion would appear to have been based on the original submitted plan³, which included an overhang of about 0.9 metres at eaves level. As explained above, the appellant advises that the previous plan was incorrect in that respect and has supplied an amended plan.⁴

¹ APP/L5420/W/17/3167197

² Ref 13/01330/P

³ Drawing Number 16383/01 Rev A

⁴ Drawing Number 16383/01 Rev B

A copy of the plan⁵ for the garage associated with the extant permission has also been provided. The appellant submits that the width, length, height to the eaves and ridge and the roof pitch of the garage would be the same as in the extant permission, which has not been disputed by the Council. Comparing the respective plans, it seems to me that the roof size and designs are broadly similar, although the roof window on the proposed eastern slope of the roof would be slightly different in size and position. Therefore, given that the roof is substantively the same as the extant permission and the size is similar, those aspects are not materially different from that already approved.

11. Whilst the attic area would be used as storage/office space, that use would not, in itself, affect the external appearance of the building. The garage door and entrance would be differently configured from the previously approved version, but they would still form the north elevation facing, but set back from, Barnards Place. The approved circular window on that gable end would be replaced with a small square window in the same position. Therefore, the appearance of the elevation that would be most visible to the public would be similar to the extant permission.
12. The west elevation would have three new windows at ground floor level whilst a lightwell would be added to enable light to reach windows and French doors which would be added at basement level. As the west elevation would face towards the rear of the house at 164 Pampisford Road and the basement level would not be visible, public views would be limited. Although it would be seen from the flats at No 164 and possibly from other properties, it would, according to the plans, be partially screened by hedges and fences. In any event, I do not see that the windows and doors would cause significant visual harm compared with the blank wall previously proposed and approved.
13. A doorway and window would be added to the east elevation facing towards a 1.8 metre high fence and the largely blank end wall, save for one small window, of a neighbouring dwelling. Again public views of it would be limited. Finally, with regard to the south elevation, the previously approved windows and doors would be reconfigured and there would be a larger window at the top of the gable replacing the small round window previously approved. That elevation would face towards a conifer hedge with the rear garden of a neighbouring property beyond and would not be visible from Barnards Place.
14. Whilst the Council refused a previous application⁶ which included similar additions, that refusal appears to have been mainly on the basis of its roof design, which was considered to appear awkward and out of keeping compared with the extant permission roof design. The related appeal, already referred to in footnote 1, was recently dismissed. In that appeal decision, the Inspector's main concern also appeared to be the proposed 'mansard' roof which he considered to be cumbersome and top heavy and out of keeping with most other roof designs in the area. The roof design in the appeal before me is different, and is, essentially, a reversion to the design permitted under the extant permission.
15. The previous Inspector also considered that the additional windows, doors and lightwell affected the visual impact. However, as the main issue regarding the

⁵ Drawing Number 12184/04

⁶ 16/05123/FUL

roof has been addressed, and given that public views of the other additions and changes would be limited, I do not consider that those changes would, in isolation, have a significant adverse visual impact.

16. The Council refers to concerns it raised during the course of previous planning applications, including Ref 16/00022/P, about the alleged 'domesticated' appearance of the garage and how a building with three levels could be considered as ancillary to a one storey flat. Although the subsequent appeal⁷ on that refused application was also dismissed, mainly because a larger building was being proposed, the Inspector was satisfied that whilst it would appear more domestic, its use would be ancillary to the residential use of one of the flats, which is still the case with the current appeal proposal. The Council's continued concerns regarding that aspect could be addressed by condition. I note that the Council has suggested such a condition, which is discussed below to below.
17. The garage is a substantial structure but its basic size is not the subject of this appeal, as that aspect has already been approved in the extant permission. Therefore overall, whilst there would be additional windows and doors and a lightwell, public views would be limited and I do not consider that their design or appearance, even if they create a more 'domestic' looking building, would have a significant adverse effect. Consequently, given that the basic dimensions of the garage and its roof design are similar to the extant permission, I consider that the alterations and additions would not have any appreciable negative effect on the character and appearance of the area.
18. It follows that the proposal would not be contrary to policies 7.4 and 7.6 of the London Plan⁸, policies SP1.2, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies⁹ or saved policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan¹⁰, which, amongst other things, seek to ensure that development makes a positive contribution to local character, is of high quality design and respects existing development patterns.

Other Matters

19. Local residents have raised some other issues, in addition to those already discussed above. Concerns about overlooking of neighbouring properties have been expressed. However, taking account of the separation distances from other dwellings, the angled views and the fences and screening via vegetation, I do not consider that there would be significant overlooking. I also note that the Council took a similar view. Therefore, it does not lead me to alter my decision.
20. Traffic congestion and danger to school children being dropped off and collected at the school opposite have been referred to. However, the principle of a double garage at the location with an access onto Barnards Place has already been established in the extant permission. The proposed changes to the design of the garage design would not affect highway safety.
21. Referring to the proposed office/storage space, a resident has cited a legal covenant in their title deeds restricting use of garages to domestic purposes.

⁷ APP/L5240/W/16/3147993

⁸ The Spatial Development Strategy for London; Consolidated with Alterations Since 2011 (March 2015)

⁹ CLP1 Adopted April 2013

¹⁰ Adopted 13 July 2006

Such covenants, even if they apply to the appeal site, are not directly relevant to the planning process and would be a private legal matter, although the 'use' of the garage would be governed by the relevant planning 'use' classes. A change of use to 'commercial use', rather than use of the office/storage space ancillary to a residential dwelling, would normally require a separate planning application.

22. I note other comments from Barnards Place Residents Association concerning various matters including the Party Wall Act but that would be a private legal matter. Issues of character and appearance have already been dealt with above. Compliance with previous planning permissions would be a matter for the Council as would any building regulation requirements. Concerns about future use of the garage could be dealt with by condition.

Conditions

23. The Council has suggested conditions which I have considered, making minor amendments if necessary to ensure compliance with the tests contained in the Planning Practice Guidance. A condition setting a time limit for commencement of the development is required by statute. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty. A condition relating to external facing material is necessary safeguard the character and appearance of the area.
24. Given the circumstances and long planning history of this this matter, I consider that it is appropriate and necessary to include a condition, suggested by the Council to clarify the use of the garage. The condition confirms the intended use stated by the appellant in their submissions as an ancillary outbuilding. However, although the appellant states that it would be for use ancillary to the residential use of one of the flats, I agree with the Council that such a condition tying it to a particular flat would be too restrictive. Therefore, the condition refers more generally to use in connection with the residential use of 164 Pampisford Road. It would help to ensure that the living conditions of occupiers of neighbouring properties and the character and appearance of the area would be protected.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathan Tudor

INSPECTOR