
Appeal Decision

Site visit made on 5 September 2017

by Beverley Doward BSc BTP MRTPI

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

Decision date: 19 September 2017

Appeal Ref: APP/L5240/D/17/3179667

1 Abingdon Road, Norbury, London SW16 5QP

- 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 Chang Jin Huang against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/06323/HSE, dated 14 December 2016, was refused by notice dated 22 June 2017.
 - The development proposed is a two floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two floor rear extension at 1 Abingdon Road, Norbury, London SW16 5QP in accordance with the terms of the application, Ref 16/06323/HSE, dated 14 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 plan: Drn. No. P/E2.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of the adjacent residential property at No 2 Abingdon Road with regard to natural light.

Reasons

3. The appeal site consists of a two-storey end terrace dwelling in a residential area. The proposed first floor extension would be constructed above a pitched roof ground floor extension that is under construction. It would sit centrally in the rear of the building and have a flat roof. It would project approximately 3 metres from the main rear wall of the dwelling and be approximately 3.2 metres wide.
4. The Council's Residential Extensions and Alterations Supplementary Planning Document No 2 (SPD) indicates that two storey extensions are not normally permitted at the rear of a house because of the dominance, visual intrusion and overshadowing which would be caused to neighbouring properties. However, it

goes on to state that each case will be considered on its merits, where it can be demonstrated that there is no harm.

5. The Council's concerns in relation to the proposal relate only to its effect on daylight to the adjoining property at No 2 and not to the issue of dominance or visual intrusion. Notwithstanding the height and depth of the proposed extension it would be set in around 2 metres away from the boundary with the adjoining dwelling at No 2 Abingdon Road. Therefore, it seems to me that there would be no material loss of daylight to the rooms served by the windows on the rear elevation of No 2. Furthermore, due to the juxtaposition of the two properties and their orientation in relation to the passage of the sun, the proposal would not overshadow the adjoining property.
6. To conclude therefore, the proposed development would not cause material harm to the living conditions of the occupiers of the adjacent residential property at No 2 Abingdon Road with regard to natural light. Accordingly, it would comply with policies UD2 and UD8 of the Croydon Replacement Unitary Development Plan: The Croydon Plan 2006 (UDP) and policy 7.6 of the London Plan The Spatial Development Strategy for London (Consolidated with Alterations since 2011) which seek, amongst other things, to ensure that development proposals allow adequate daylight and sunlight into buildings and maintain sunlight or daylight amenities for occupiers of adjacent properties and that buildings do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings.
7. Policy H2 of the UDP referred to by the Council relates to housing development within existing built up areas and seeks to ensure that it respects the character of residential areas. Therefore, it is not directly relevant in relation to the main issue in this case.
8. The Council has suggested a number of conditions it considers necessary if I were minded to allow the appeal. In addition to the standard implementation condition it is necessary to impose a condition requiring the development to be carried out in accordance with the approved plans in order to provide certainty. A condition requiring the extension to be constructed of matching materials is also necessary to ensure a satisfactory appearance.
9. The Council has suggested a condition is necessary to restrict the insertion of windows above first floor level in the northern and southern elevation of the proposed extension in order to protect the privacy of adjoining occupiers. However, given that the proposal is only for a first floor extension it seems to me that this is a typographical error and is intended to refer to windows at first floor level in the northern and southern elevation of the proposed extension.
10. The insertion of windows is permitted development and I am mindful that the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.
11. The potential for overlooking of the first floor windows on the rear elevation of No 2 from a window at first floor level in the southern elevation of the extension would be limited due to the angle of view. Furthermore, the juxtaposition of the appeal property to the neighbouring property at 44 Colebrook Road would restrict the potential for any overlooking of its first

floor windows from a window at first floor level in the northern elevation of the proposed extension. Whilst any windows inserted at first floor level in both the northern and southern elevation of the proposed extension would allow for potential overlooking of the rear garden areas to the neighbouring properties they would not materially increase the level of overlooking above that which would be possible from the proposed window on the western elevation, to which the Council does not object, or that likely to be currently experienced from the existing first floor windows of the appeal property. Some degree of mutual overlooking is a common feature in residential areas. Therefore, I am not persuaded that the exceptional circumstances necessary to justify the imposition of the suggested condition applies in this case.

12. For the reasons given above and having taken into account all other matters raised, I conclude that the appeal should be allowed.

Beverley Doward

INSPECTOR