



Appeal Decision

Site visit made on 10 October 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 9th November 2017

Appeal Ref: APP/L5240/D/17/3180185
106 Downs Road, Coulsdon CR5 1AE

- 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 Stephen Payne against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01622/FUL, dated 27 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is described as: "to extend the existing, inset, rear facing wall of the house out by 4.6m as a single story extension. The roof will pitched from the eaves for approx. 1m to a flat roof. All materials used will match existing. Details as the attached drawings listed below."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Having regard to the Council's reason for refusal of the application, it was necessary for me to visit 108 Downs Road to assess the effect of the proposed development. Therefore I was able to form my own judgement of the likely effects of the development without having to place reliance on those photographs of the appeal site submitted in support of the appeal which purport to be views from a rear window in that adjoining property, and about which concern has been raised by a neighbouring occupier.
3. The Council have drawn my attention to a fence between the site and No 108 which they advise does not have the benefit of planning permission. The lawfulness of this structure is not a matter for me to consider in this appeal and does not directly relate to the development proposed. Consequently it is not a matter which has had a bearing on my consideration of the appeal.

Main Issue

4. The main issue raised by this appeal is the effect the development would have on the living conditions of the occupiers of No 108.

Reasons

5. The appeal property is a semi-detached house set markedly higher than the other property in the pair, No 108. The eaves of No 108 are approximately level with the cill of the nearest first floor window in No 106. The proposed single storey extension with a partial pitched roof would extend to the rear by

- 4.6m (according to the appellant's figures) adjacent to the boundary with No 108.
6. The difference in levels between the two properties mean they have a sensitive relationship to one another at the rear. The result of this difference is that the proposed extension would appear considerably taller than a single storey structure when experienced from within No 108 and its garden. Notwithstanding an existing single storey rear extension to No 108, the flank elevation and roof of the proposal would be apparent above it.
 7. The combination of the extent of projection beyond the rear elevation, its proximity to the boundary and its height relative to the neighbouring property would mean that the proposal would be particularly conspicuous from the nearest first floor bedroom window in No 108. The outlook from that room would be reduced. Whilst not rising the full height of the rear elevations of either property, the extension would nevertheless have an overbearing effect and occupiers of No 108 would experience a considerable degree of enclosure both within parts of their rear garden and particularly from within the nearest bedroom.
 8. When in leaf, existing trees and shrubs along the boundary would reduce the visual impact from within some parts of the garden of No 108. However, these effects would be limited and there can be no certainty that any vegetation would endure in the long term. Their presence would therefore not mitigate the harmful effects the proposal would cause. The appellant considers that the mass and backdrop of the existing house and an existing two storey rear extension would reduce the impact of the proposal. However, any effect in this respect would be limited and would not reduce the harmful effects of the extent and height of the flank wall and pitched roof immediately adjacent to the party boundary.
 9. The proposal would not accord with the 3m maximum projection of single storey extensions to semi-detached dwellings set out in the Council's guidance¹. In any event, the degree of elevation means that the proposal would have a greater effect than a single storey rear extension where adjoining properties are at the same level. This guidance seeks to avoid two storey rear extensions due to dominance and visual intrusion. However, the proposal would not be two storey, nor appear as a full two storey extension from No 108. Whilst I do not, therefore, consider the proposal would be contrary to that particular part of the guidance, it would nevertheless result in the visual intrusion and dominance the guidance seeks to avoid. Loss of privacy is only one potential effect of extensions explored by the guidance and avoidance of harm in that particular respect would not make the development acceptable.
 10. The development would not accord with Saved UDP² Policy UD8 which requires, amongst other criteria, that existing occupiers are protected from undue visual intrusion. Nor would it accord with London Plan Policy 7.6 which seeks to avoid buildings causing unacceptable harm to the amenity of surrounding buildings.
 11. For the same reasons the proposal would not comply with the National Planning Policy Framework's (the Framework) core planning principle of always seeking

¹ Residential Extensions and Alterations - Supplementary Planning Document No. 2.

² Croydon Replacement Unitary Development Plan - The Croydon Plan, 2006.

to secure a good standard of amenity for all existing occupants of land and buildings.

12. In common with many semi-detached properties there will be a degree of mutual overlooking of rear gardens close to the party boundary. There is no evidence that any such existing circumstances are materially harmful and in any event any benefits the proposal might have in reducing overlooking of the appeal site from No 108 would be considerably outweighed by harm to the living conditions of neighbouring occupiers.

Conclusion

13. For the above reasons, the development would materially harm the living conditions of the occupiers of No 108, contrary to the development plan, Council guidance and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR