
Appeal Decision

Site visit made on 12 December 2017

by Mrs J Wilson BA BTP MRTPI DMS

Inspector appointed by the Secretary of State

Decision date: 19th January 2018

Appeal Ref: APP/L5240/D/17/3178981

29 Briar Avenue, Norbury, London SW16 3AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr John Adams against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01358/GPDO, dated 14 March 2017, was refused by notice dated 26 April 2017.
 - The development proposed is a 3,700mm deep rear extension with mono-pitched roof.
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Decision

1. The appeal is allowed and approval granted under the provisions of Article 3 and Schedule 2, Part 1, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for a 3,700mm deep rear extension with mono-pitched roof at 29 Briar Avenue, Norbury, London SW16 3AB in accordance with the details submitted pursuant to Article 3 and Schedule 2, Part 1, paragraph A.4 (2) of the GPDO.

Procedural matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

Main Issue

3. The main issue is the effect of the development on living conditions of the occupants of 31 Briar Avenue, with particular regard to any loss of light or overbearing impact.

Reasons

4. The Council have highlighted development plan policies SP4.1 of the Croydon Local Plan Strategic Policies, Policy UD2 of the Croydon Replacement Unitary Development Plan, Policy 7.4 of the London Plan and made reference to the Supplementary Planning Document 2 "Residential Extensions and Alterations". These policies generally seek high quality design to ensure that the developments are acceptable in terms of character. The SPD states that single storey extensions should not extend further than 3 metres to avoid any possible detrimental effect on neighbour amenity.

5. The existing conservatory at the property projects 2.7 metres and the proposal for an extension of 3.7 metres in depth would replace it. The appellant stresses that a 3 metre extension could be constructed without further permission and that the additional 0.7 metre projection should be the only aspect considered. In this case the additional depth of the extension would project along the boundary where there is an existing fence and a substantial privet bush around 2.7 metres tall within the neighbours garden which would limit the view of the extension and the light reaching towards No 31. It is adjacent to the boundary and privet bush that the enlarged extension would be at its closest point to the neighbour.
6. Given this relationship the proposal would not materially affect the neighbours' amenity with regard to the massing of the structure or the light reaching No 31 particularly since the orientation of the main house already places this part of the neighbours garden in shadow. Moreover there would be only a very small sliver of additional solid wall visible above the fence toward the neighbour than exists at present. For these reasons the proposal would not be overbearing or have an adverse impact on the amenity of the neighbour and would not conflict with the objectives of the development plan or the SPD.

Other matters

7. Representations made take issue with the previous extension erected at the property and an apparent lack of notification by the Council. The appellant advises that as the existing extension projects only 2.7 metres it did not require any notification to the Council. Representations also raise concern that the owner may be intending to convert the property into flats. However this is not a matter within the remit of this appeal.
8. The appellant has provided details of a series of prior approvals in the Council's area in support of the proposal where extensions greater than three metres in depth have been constructed, also to an assessment under the Building Research Establishments (BRE) assessment (also referred to by the Council's policies). In particular that the proposal meets a 45 degree approach in respect of proximity to the neighbour. However given my findings above it is not necessary for me to consider the details of these examples or to consider further the BRE guide.

Conclusion

9. For the reasons given above, I conclude that the appeal should be allowed and prior approval granted for a 3,700mm deep rear extension with mono-pitched roof is subject to conditions: Paragraphs A.4 (13), (14) and (15) of the GPDO specify that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion. The appellant is also reminded that the condition at Paragraph A.3 (a) of the GPDO requires that the materials used for the extension must be of a similar appearance to the exterior of the main dwelling house.

Janet Wilson

INSPECTOR