
Appeal Decision

Site visit made on 14 August 2018

by Louise Nurser BA (Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2018

Appeal Ref: APP/L5240/D/18/3208259

41 Shirley Church Road, CROYDON CRO 5EF

- 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 Ameen Raza against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/06101/HSE, dated 6 December 2017, was refused by notice dated 21 June 2018.
 - The development proposed is two storey front and side and first floor extensions.
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Decision

1. The appeal is allowed and planning permission is granted for alterations; erection of front/side extension and new first floor extension at 41 Shirley Church Road, CROYDON CRO 5EF in accordance with the terms of the application, Ref 17/06101/HSE, dated 6 December 2017, and the plans submitted with it, 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: Location Plan Received 06.2.2017, MSB117-01 to MSB117-07, and 5780861-01.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. MSB117-05.
 - 4) Both the trees identified on plan no 570861-01 shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
 - 5) Prior to occupation of the extended property at least one water butt of 100 litre volume shall be installed on a downpipe attached to the roof of the development and shall thereafter be retained.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

revoking and re-enacting that Order with or without modification), no windows shall be constructed on the first floor eastern elevation.

Procedural matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises alterations; erection of front/side extension and new first floor extension. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues in this case are the effect of the proposed extensions on the character and appearance of the host property and the wider street scene; and the effect of the proposed development on the living conditions of the occupiers of no 2 Ardingly Close with regard to privacy.

Reasons

Character and appearance

4. Shirley Church Road is an established residential street, characterised by a mix of houses and buildings of different styles and ages, reflecting the continued development of the area, including a modern gated development, older properties, a church and school, as well as a large care home to the west, together with traditional interwar semi-detached properties. The host property is a modest bungalow which sits within a substantial plot and is of an unexceptional design. The addition of an additional floor to the bungalow and its extension to the west would clearly alter the size and the scale of the property and appear as tantamount to a new build. However, due to its position within a large plot which benefits from a generous front garden, this would not appear overly dominant, or out of scale.
5. Moreover, the host property sits significantly behind the frontage of the neighbouring large modern care home, and no 2 Ardingly Close to its east. At the front, like many of the nearby properties, it has established hedging on both of its boundaries. A tall, attractive silver birch, which is the subject of a Tree Preservation Order (TPO) sits on its boundary with the neighbouring property, between the bungalow and the road.
6. However, unlike many nearby properties, there is no hedge to form a boundary with Shirley Church Road, instead there is a dwarf brick wall. Nonetheless, for the most part, the hedging and buildings which are closer to the road would screen the proposed development from view of passing traffic, or approaching pedestrians. As a consequence, it would only be directly visible from very localised views.
7. The proposed front elevation includes a mono pitch roof, which would run across the front of the property and thereby break up the elevation. This, combined with the two storey gable feature, and a first floor which is set back, provides interest and is consistent with the principles contained within the Supplementary Planning Document on Residential Extensions and Alterations (consolidated with amendments since 2011) (SPD). It would be of an acceptable design and would not, given the highly articulated design of the neighbouring care home appear incongruous within the wider street scene. As

such, taking into account my conclusions above, the development would not be detrimental to the character or appearance of the host property nor the wider street scene. It would therefore be consistent with Policies DM10 of the Croydon Local Plan (2018) (CLP), Policy 7.6 of the London Plan (consolidated with alterations since 2011) (LP) and the SPD.

Living conditions

8. The proposed development would introduce additional fenestration to the property at first floor level. However, due to the configuration of the plot there would be no direct overlooking into either the outdoor area of no 2 Ardingly Close, or into the house itself. Moreover, the hedging and tree to the front would provide additional privacy by providing screening. In any case, as the windows would serve bedrooms, it is unlikely that those living at the property would spend considerable amounts of time in them during the day. Therefore, the already very limited potential for overlooking would be further reduced.
9. As such, the proposed development would not result in an adverse impact on the living conditions of the residents at no 2 Ardingly Close as a result of loss of privacy and would therefore, not be contrary to Policy DM10 of the CLP, Policy 7.6 of the LP and the SPD.

Other matters

10. I am aware that additional concerns have been raised relating to potential overlooking of the property to the rear. However, due to the configuration of the property, angle of the windows and screening by the large holm oak tree at the rear, which is subject to a TPO, together with the pronounced upward slope of the land I do not consider that there would be an unacceptable impact to the living conditions of the neighbouring residents at the property at the rear. Similarly, due to the orientation and position of the extended property I do not consider that there would be an unacceptable loss of light and consequential adverse impact on the living conditions of those at no 2 Ardingly Close.

Conditions

11. I have reviewed the conditions which were submitted by the Council in the context of the six tests set out in the Planning Practice Guidance. In the interests of clarity I have made some minor amendments to the wording.
12. For the avoidance of doubt and in the interests of proper planning I attach a condition clarifying the approved plans. A condition to control the materials to be used is necessary to control the appearance of the proposed extension and to protect the character and appearance of the wider area, as is a condition to ensure that the two trees, which are subject to a Tree Preservation Order, are protected from harm as a result of the building works.
13. To reduce surface water discharge I have imposed a condition requiring the provision and retention of a water butt.
14. I have been provided with a wide selection of conditions relating to the restriction of permitted development rights in relation to windows. I consider that the restriction of permitted development rights to insert windows into the side elevation facing no 2 Ardingly Close, is necessary in order to protect the privacy of those living at the neighbouring property from potential overlooking.

However, it would not be reasonable to impose any further restrictions on permitted development at the property.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

L. Nurser

INSPECTOR