



Appeal Decision

Site visit made on 18 December 2018

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 3 January 2019

Appeal Ref: APP/L5240/W/18/3206854
4-5 Old Palace Road, Croydon CR0 1AX

- 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 Shah (Remys Ltd) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/05203/FUL, dated 19 September 2017, was refused by notice dated 12 January 2018.
 - The development proposed is described as roof extension to accommodate a studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the date of the determination of the application the Council has adopted the Croydon Local Plan 2018 (Local Plan). This replaces the Croydon Local Plan Strategic Policies 2013 (CLPSP) and the Croydon Replacement Unitary Development Plan 2006 (UDP) which are referred to in the Council's Decision Notice. In particular, Policies SP4.1, SP4.13 and SP4.14 of the CLPSP remain the same in the Local Plan. However, Policies UD2, UD3, UC3 and UC9 of the UDP have been deleted. I have determined this appeal on the basis of the up to date policies as contained within the Local Plan.

Main Issue

3. The main issue is whether the proposed development would preserve the character and appearance of the host property and the Croydon Minster Conservation Area.

Reasons

4. The appeal property comprises three-storey Georgian style building with a formally arranged front elevation facing Old Palace Road predominantly comprising of four sash windows on each floor which are horizontally and vertically aligned. It also has a well-defined roof parapet with pitched hipped butterfly roof behind. The roof is only slightly visible in views from the street which ensures that the front elevation retains prominence in the street scene.
5. The property is located within the Croydon Minster Conservation Area (CMCA) and is locally listed. It forms an important transition in scale, height and mass between the adjoining larger building at No 3 Old Palace Road and the row of

smaller terraced dwellings located to the south. Although both main parties indicate that the building may have been altered in the past, owing to its scale, design features and juxtaposition it makes a substantial positive contribution to the character of this part of the CMCA.

6. The proposed development would involve the replacement of the existing roof with flat topped roof with side pitches, set at an angle of approximately 35 degrees. The appellant indicates that the proposed roof would be approximately 0.6m higher than the existing roof. The proposed roof would incorporate a single dormer Georgian style sash window in the side (south) and rear (east) elevation. The front elevation would incorporate two dormer Georgian style sash windows which would be aligned with the centre two windows of the floors below.
7. The adopted Croydon Minster Conservation Area Appraisal and Management Plan Supplementary Planning Document 2014 (SPD) and the Conservation Area General Guidance SPD set out the Council's approach to the consideration of roof extensions within the CMCA. These identify, amongst other things, that roof extensions and changes to the existing form of the roof can radically alter a building's appearance, and where visible from the public highway are unlikely to be considered acceptable.
8. In addition the SPD indicates that within the CMCA roof extensions to buildings three or four storeys in height will generally not be permitted due to the resultant additional massing. Large roof extensions including dormer windows that are visible from a public highway are generally not considered appropriate due to the disruption of the predominant rhythm and proportions of the prominent roofscapes. The SPD also indicates that roof extensions should not unduly dominate the roof of the main building.
9. I have taken into account the design changes that have been introduced since the previous appeal decision (Ref APP/L5240/W/16/3155976). However, the proposed roof would be of similar height and mass to that subject of the earlier appeal. The roof would appear as being physically attached to the side elevation of No 3 whereas the side pitches of the current roof are detached.
10. The proposal would result in greater visibility and prominence of the roof form behind the parapet. This would significantly and unacceptably alter the appearance of the front elevation in the street scene as a consequence of the introduction of an uncharacteristic and overly dominant roof extension that would add height and bulk to the existing roof. This would detract from the current prominence that the existing front elevation displays in the street scene and the contribution that this makes to the character of the CMCA. This would be further compounded by the insertion of the dormers which would harm the architectural rhythm and character of the building. Overall the proposal would be contrary to the guidance provided in the SPD's and would fail to conserve the character and appearance of the CMCA.
11. In addition, the proposal would partially erode some of the similarity of the roof form between the existing hipped elements of the roof of the appeal property and the roof at No 3 which are visible from further along the street. Although the proposed height of the roof would be retained below the parapet height of No 3, the proposal would result in a greater contrast with that of the smaller terraced properties to the south. Consequently, the proposed development would unacceptably unbalance the transitional role that the building performs

in the street scene between the adjacent buildings thereby causing further harm to the character and appearance of the CMCA.

12. Against that background, I conclude that the proposed development neither preserves nor enhances the character or appearance of the host property or the CMCA. In the context of the National Planning Policy Framework (the Framework) great weight should be given to the conservation of a designated heritage asset. Although I consider the harm to be less than substantial, any harm should require clear and convincing justification. In this case there are no public benefits that would outweigh the harm.
13. Accordingly, the proposal conflicts with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would not accord with paragraphs 193, 196 and 197 of the Framework. It would also be contrary to the design and heritage conservation objectives of Policies SP4.1, SP4.13 and SP4.14 of the Local Plan and Policies 7.4, 7.6 and 7.8 of the London Plan (2015).

Other Matters

14. I have taken into account the modest contribution that the proposed development would make to boosting housing supply in the Borough. However, this benefit, whilst important, does not outweigh the harm that I have identified above that would be caused to the CMCA.
15. The appellant suggests that the Council in reaching its decision on the application attached insufficient weight to the presumption in favour of sustainable development as set out in the Framework. I accept that the appeal site is located within the town centre and is close to facilities, services and good public transport links. However, by causing the identified harm to the designated heritage asset the proposal would not accord with the environmental role of sustainable development. As such, it would not jointly and simultaneously contribute to the three interdependent overarching objectives as set out in paragraph 8 of the Framework. Consequently, the proposal would not meet the three interdependent overarching objectives of sustainable development.
16. I have also taken into account the development involving dormer roof extensions that were permitted at the Gun Tavern. However, I do not have full details of the nature of the proposals or the circumstances and material considerations that were relevant to its determination. Consequently, I cannot be sure that this is wholly representative of the circumstance in this appeal and, in any case, I have determined this appeal on its own merits.
17. The application site is located to the east of the Grade 1 Listed Buildings at the Old Palace School and Croydon Minster. Although the Council has raised no concerns regarding the impact of the proposed development on these designated heritage assets, I am nevertheless required to have regard to the statutory duty to consider the effect of the proposal on such assets. In applying the statutory test as set out in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have had regard to the desirability of preserving or enhancing the designated heritage assets. Given the separation distance between that appeal site and the Listed Buildings, I am satisfied that the proposal would preserve those interests.

Conclusion

18. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR