
Appeal Decision

Site visit made on 3 September 2019

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2019

Appeal Ref: APP/M3645/W/19/3231194
211/213 Croydon Road, Caterham CR3 6PH

- 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 Kandasamy Niranjana against the decision of Tandridge District Council.
 - The application Ref TA/2019/425, dated 25 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is rear lower ground and ground floor extension to existing shop.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development and address in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that the revisions have been agreed. Accordingly, I have used those given on the original application form.

Main Issues

3. The main issues of the appeal are the effects of the proposed development on;
 - The character and appearance of the area; and
 - The living conditions of the occupiers of nearby properties, with particular regard to outlook, overlooking, day light, sunlight, noise and disturbance.

Reasons

Character and Appearance

4. The street where the appeal site is located has a variety of architectural styles. There are ground floor and roof extensions in the wider area and fire escapes extending from the rear elevation of the row at present. Nevertheless, the appeal property sits at the end of a terrace that has a uniformity to its proportions and appearance. This includes the pattern of external stairs and projections at their rear elevation.

5. While not of a significant depth, the height of the development would result in an overall bulk that would be discordant with the considerably smaller projections along the parade at present. Moreover, while the flat roof may reduce the overall height of the extension, it would be at odds with the sloping roofscape of the terrace. This would be obvious even with a palette of external materials to match the existing building.
6. Positioned at the rear of the building, the development would not be readily visible from any significant public vantage points and would be viewed against the taller existing building. However, the incongruity of the proposal would be clear from nearby properties and their rear gardens above the existing boundary treatments. Moreover, that a development is screened is not a reason to allow development that is unacceptable.
7. Therefore, the proposal would unacceptably harm the character and appearance of the area. It would be contrary to Policy CSP18 of the Tandridge District Core Strategy (CS) and Policy DP7 of the Tandridge Local Plan, Part 2: Detailed Policies 2014-2019 (LP). These, in part, seek to ensure developments integrate effectively with their surroundings, and reflect and respect the character, setting and local context, including those features that contribute to local distinctiveness.

Living Conditions

8. At the time of my site visit the lower ground floor of 213 Croydon Road was being used for storage associated with the fish and chip shop above. The new fire escape would have a comparable impact to the existing one given its size and position. The extension would be a larger and more solid form of built development than the existing fire escape. Nonetheless, even if the lower ground floor were used for residential accommodation, there is a relatively wide window set away from the boundary with the appeal site. Moreover, the openings are orientated towards the rear garden. Therefore, the outlook would not be towards the appeal scheme.
9. At 209 Croydon Road (No 209) the lower ground floor window serves a staircase rather than a habitable room and has a boundary fence in close proximity to it. At ground floor level the lower part of the windows facing the appeal site are obscured, one of which serves a hallway. The scheme would bring built development closer to these windows. Nevertheless, the closest windows to the proposal would not serve habitable rooms and they already have a limited outlook. In the kitchen there is a further wider window on the rear elevation which provides an alternative outlook over the garden.
10. There has been no convincing evidence provided to the contrary of the findings of the daylight and sunlight assessments. These indicate that the proposal would maintain the levels required in the BRE guidance¹ at both adjacent properties. The appeal site is located to the north of No 209. The impact on sunlight from the extension would be limited to the early morning, if at all, given the course of the sun and therefore the direction of shadowing. A lower ground floor window at No 209 was not included in the assessment. While there are rooms at that level in the property, the window itself is off the staircase. I am satisfied that the proposal would maintain a reasonable

¹ Site Layout Planning for Daylight and Sunlight published by the Building Research Establishment

relationship with the adjacent properties by preventing excessive loss of daylight and sunlight.

11. If used for amenity space the flat roof would create additional impacts with regard to overlooking, noise and disturbance. This is due to its larger size at a height that would allow views into the nearby properties and their gardens. Nevertheless, I see no reason why the use of this area could not be addressed by the imposition of conditions were the appeal to be allowed. Noise and disturbance during the construction period would be short lived.
12. As such, the proposal would not result in unacceptable impacts on the living conditions of the occupiers of nearby properties, with regard to outlook, overlooking, day light, sunlight, noise and disturbance. It would accord with Policy CSP18 of the CS and Policy DP7 of the LP. These, amongst other things, seek to prevent development that would significantly harm the amenities of the occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion and noise.

Other Matters

13. My attention has been drawn to the presumption in favour of sustainable development outlined in paragraph 11 of the National Planning Policy Framework. However, the proposal would be contrary to development plan policies and the information before me does not suggest the development plan is out of date.
14. The proposal would provide additional floor space for the retail unit and there is support for the expansion of businesses and economic growth in national planning policy. Notwithstanding this, there is limited information regarding the existing competitiveness of the business. If the appeal were to be dismissed there is no compelling evidence to suggest that the business would cease to operate and its contribution to the community would be lost. Furthermore, it has not been demonstrated that the appeal scheme is the only potential option to expand.
15. Any benefits arising from energy efficiency would be limited given the scale of the proposal. On the basis of the details before me, the harm I have identified is not outweighed, individually or cumulatively, by any other considerations.
16. The scheme has been amended in an attempt to overcome concerns from a previous application. However, I have found harm arising from the current scheme. The conduct of the Council has been raised. However, I have assessed the proposal on its planning merits.
17. While reference has been made to other extensions in the area, I have not been provided with full details of these. Therefore, I cannot be sure they represent a direct comparison to this scheme.

Conclusion

18. For the above reason, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR