



Appeal Decision

Site visit made on 08 July 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th September 2019

Appeal Ref: APP/L5240/D/19/3228226

178 Oval Road, Croydon CR0 6BN

- 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 Gopalkrishna Patel against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/00953/HSE, dated 7 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is ground floor rear extension.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 180 Oval Road, with particular regard to outlook.

Reasons for the Recommendation

4. The appeal site comprises a two-storey, mid-terrace property with rear closet wing on the eastern side of Oval Road. The site adjoins No. 176 to the south, where a ground floor rear/side extension has been built. The site also adjoins No. 180 to the north, with a wooden fence forming the shared boundary. During my site visit, I observed that this fence measured approximately 1.6-1.8m in height. A ground floor rear extension to No. 182 is visible from the appeal site.
 5. From the plans, the proposed extension would measure roughly 3m in height, around 5.2m in length and would be set back from the shared boundary fence by approximately 0.5m. The proposal would be sited around 3.5m from the ground-floor rear window and 2-2.5m from side-facing windows of No. 180. Given the scale and proximity of the proposal to these windows, the prominent appearance it would have above the boundary fence and the lack of any significant set back from the boundary, it is considered that the proposal would have a dominating and overbearing impact on the outlook from these windows, thereby causing harm to the living conditions of the occupants of No. 180.
-

- Furthermore, as the full depth of the proposed extension would be built parallel along the line of the boundary fence with no significant set back from it, it is considered that the proposal would have an intrusive and overbearing impact upon outlook from the garden of No. 180. This would also cause unacceptable harm to the living conditions of the occupants of No. 180.
6. Though the appellant has stated that the proposed extension would occupy only 27sqm of the overall site area of 175sqm, this does not mitigate the unacceptable impact upon the living conditions of the occupants of No. 180 for the reasons stated above.
 7. I note that the appellant has stated that the proposal would provide more space for their enlarged family and a ground floor bathroom for their disabled wife. However, I give limited weight to these personal circumstances which do not overcome the harm that the proposal would cause in planning terms.
 8. The appellant has drawn my attention to an extension of approximately 5m built at No. 176. However, as can be seen in the plans, the southern wall of this extension is not built parallel with the line of the shared boundary between Nos. 176 and 174 and has a greater set back from the common boundary than that which would result from the current proposal. Furthermore, there is a gap between Nos. 176 and 174, while Nos. 176 and 178 directly adjoin each other. Due to these factors, the existing extension at No. 176 is not comparable to the proposal.
 9. The appellant has also drawn my attention to an existing extension at No. 182, which is sited to the north of No. 180 and has a depth of approximately 3m beyond No. 180's rear outrigger. In comparison, the proposal would be sited to the south of the rear outrigger and would introduce a large structure in close proximity to two habitable room windows. As the proposal would have a much more significant impact on the outlook from its rear and side-facing ground floor windows and the rear garden, the extension at No. 182 is not comparable.
 10. As highlighted within the officer's delegated report, the Suburban Design Guidance SPD 2019 states that proposals for single-storey rear extensions should not measure more than 3.5m from the rear elevation of a terraced or semi-detached dwellinghouse. Though the extension would exceed this depth when considered against No 176, the Council consider there would be no harm caused to the living conditions of the occupiers of No 176 as the proposed extension would match the depth of the existing single-storey rear extension at No. 176. I agree. However, this consideration does not overcome the harm that the proposal would cause to the living conditions of the occupants of No. 180 as set out above.
 11. For the above reasons, I conclude that the proposed development would cause unacceptable harm to the living conditions of the occupants of 180 Oval Road in terms of outlook. The development therefore conflicts with Policies SP4.2 and DM10.6 of the Croydon Local Plan 2018, Policy 7.6 of the London Plan (consolidated with amendments since 2011) and the Suburban Design Guide SPD 2019, which broadly require that developments should respect the amenities of neighbouring occupiers and enhance social cohesion.

Conclusion and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR