



Appeal Decision

Site visit made on 28 August 2019

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2019

Appeal Ref: APP/L5240/W/19/3231005

1 Mulgrave Road, Croydon CR0 1BL

- 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 Alan Pereira against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/00917/FUL, dated 25 February 2019, was refused by notice dated 24 April 2019.
 - The development proposed is flat roof extension to provide a s/c 1 bed flat including the internal layout amendments of flat 7 & 8 and the proposed single storey rear extension to flat 2.
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Decision

1. The appeal is dismissed insofar as it relates to replacement rear dormers, an extension to roof including rear dormer to accommodate an additional 1 x one bedroom flat. The appeal is allowed insofar as it relates to a single storey rear extension to create a three bedroom unit at ground floor level and planning permission is granted for a single storey rear extension to create a three bedroom unit at ground floor level at 1 Mulgrave Road, Croydon CR0 1BL in accordance with the terms of the application, Ref 19/00917/FUL, dated 25 February 2019, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Assessment and Method Statement, prepared by Trevor Heaps Arboricultural Consultancy Ltd., dated 25th February 2019.
 - 3) All new external work and work of making good shall be carried out in materials to match the external surfaces of the existing building.

Procedural Matters

2. The Appeal Form describes the proposed development as "replacement rear dormers, an extension to roof including rear dormer to accommodate an additional 1 x one bedroom flat and a single storey rear extension to create a three bedroom unit at ground floor level". As this more accurately reflects the proposed development I have dealt with the appeal on this basis and adjusted the wording in my formal decision accordingly.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the existing property and the Chatsworth Road Conservation Area; and on the protected beech tree.

Reasons

Character and appearance

4. The appeal property is one half of a semi-detached building situated within Mulgrave Road and is identified as an Unlisted Positive building¹ within the Chatsworth Road Conservation Area (the Conservation Area). The significance of the Conservation Area lies at least in part in the positive contribution made by the streetscape and dwellings with high architectural merit and historic value within streets such as Mulgrave Road. Moreover, whilst the roofscape is varied due to the architectural form of the dwellings, its original rhythm and form remains largely intact.
5. The property has previously been extended to the side and rear and converted into self-contained flats. The roof form and set back from the frontage of the building disguises the depth of the earlier extension. This ensures it remains subservient to the appeal property and does not unbalance the pair of semi-detached properties or have a negative effect on the character and appearance of the Conservation Area.
6. The highest part of the alterations and extensions proposed to the roof of the property, which includes replacement and new dormer windows to the rear, would be marginally lower than the ridge of the property and the flats to the west. However, the eaves and ridge would be offset from the main roof of the property and the resultant roof slope would be longer. I have found nothing in the evidence to suggest that there is no precise guidance in the Council's policies in relation to what constitutes subservience. I also note careful consideration appears to have been given to the proposed palette of facing materials. Nonetheless, given its siting, prominence and bulk, the resultant roof form would appear as a disproportionate and dominant addition that would unbalance the pair of semi-detached properties when viewed from Mulgrave Road.
7. There would be glimpsed views of the rear of the proposed alterations and extension to the roof from Woodstock Road but these principal public views would be more distant and existing mature planting and neighbouring buildings would intervene in these views for the most part. Nonetheless, this would not alter the harm that I have identified above.
8. The harm to the significance of the Conservation Area that would result from the proposed alterations and extensions to the roof of the property would be localised and therefore the effect on the Conservation Area as a whole is less than substantial. It would nonetheless represent an erosion of the Conservation Area's distinctive character. In circumstances where there is less than substantial harm to the significance of a designated heritage asset, in this case the Conservation Area, Paragraph 196 of the National Planning Policy

¹ By the Chatsworth Road Conservation Area Appraisal and Management Plan Supplementary Planning Document, 10 October 2008 (SPD). These are distinguished from locally listed buildings in the street.

Framework (the Framework) identifies that harm should be weighed against the public benefits of the proposal.

9. I recognise that the proposed alterations and extensions to the roof could be said to make more efficient use of the existing building by accommodating a minimum height of three storeys, as suggested by Policy DM10 of the Croydon Local Plan 2018 (LP). However, the earlier side extension provided accommodation over three floors. Furthermore, Paragraphs 117 and 122 of the Framework are clear that making efficient use of land should include taking into account the desirability of maintaining an area's prevailing character and the importance of securing well-designed, attractive and healthy places.
10. There would be social and economic benefits through an additional flat in the Borough accessible by public transport and close to services and facilities that would be supported by expenditure from occupants. It would also bring about benefits arising from employment and procurement of materials during the construction period. Nonetheless, the proposals would provide only one additional flat, such that these benefits would be limited in scale and kind, and consequently carry only limited weight.
11. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposed alterations and extensions to the roof of the property would have a negative effect on the significance of a designated heritage asset and would result in less than substantial harm. The public benefits put forward by the appellant do not outweigh this harm.
12. In light of the above, I conclude that the aspect of the development comprising the alterations and extensions to the roof of the property would have an unacceptably harmful effect on the character and appearance of the existing property and the wider Conservation Area. Consequently, in that regard, it would not therefore accord with Policies DM10, DM18 and SP4.1 of the Croydon Local Plan 2018 (LP); and Policy 7.4 of The London Plan (March 2016) (TLP); or the guidance within the Council's Chatsworth Road Conservation Area Appraisal and Management Plan Supplementary Planning Document (10 October 2008) (CRAMP), to which I have had regard. Together these policies and guidance seek development that is of a high quality and respects the development pattern, scale, height, massing, appearance and built features of the surrounding area.
13. Whilst I recognise that the proposals should be considered in relation to the flats situated at 1a Mulgrave Road, the appeal property is more closely related to the form, scale and appearance of the dwellings within Mulgrave Road. My attention has also been drawn to a roof extension to the building at the corner of Park Lane and Mulgrave Road. However, I am not aware of the circumstances of that particular situation and in any event, I must consider the appeal scheme on its individual merits. Nevertheless, I have taken these developments into account when assessing the existing character and appearance of the Conservation Area and in doing so, due to their location, form and scale they exercise only a limited influence on the existing street scene. Their presence would not therefore outweigh the harm that I have identified in respect of the proposed alterations and extensions to the roof of the property.

14. The proposed single storey extension to the rear would not offend the architecture of the existing building or be harmful in views from adjacent properties and their gardens. Moreover, the external appearance of the extension would be consistent with the detailing of the host property, its proportions would be modest and it would be discreetly sited in relation to the host property. I therefore find no harm in respect of the effect of this part of the proposals upon the character and appearance of the Conservation Area. It would therefore be in conformity with Policies DM10, DM18 and SP4.1 of the LP, Policy 7.4 of TLP and the guidance in the CRAMP. As this part of the proposals would not result in harm, the benefits associated with it were excluded from the analysis of public benefits referred to above.

Protected tree

15. The proposed single storey rear extension would be positioned within and cover 3.5% of the Root Protection Area of the beech tree located to the rear of the site. The tree was awarded protection through a Tree Preservation Order in 1990. The tree is highly visible from Woodstock Road and due to its attractive appearance and prominence in the townscape it makes a significant contribution to the visual amenity of the area, which includes the Conservation Area.
16. The proposals include protection measures and would be constructed utilising non-invasive foundations (mini-piles or helical ground-screws), the location of which would be determined by hand digging. There would be no other groundworks associated with the proposed extension, as ground beams would be at ground level, and precautions would be taken to reduce the risk of damage to roots from soil compaction and connections to services.
17. There is clearance beneath the canopy of the tree to accommodate the proposed extension. The location of the proposed extension is similar to the existing extension adjacent and would not significantly alter the living conditions within the extended flat. Therefore, there would not be any greater risk to the tree in the future.
18. Some pruning to the lowest lateral branches on the southern side of the tree would be required to protect the tree during the erection of scaffolding and other construction work. Concerns have been raised regarding the implications of this part of the proposals on the appearance of the tree. However, the pruning proposed would not be excessive so would be unlikely to significantly affect the visual amenity of the tree. Any future proposed pruning of the tree following growth would need to be approved by the Council in the same way that it currently is. In addition, whilst the removal of the non-permeable surface around the base of the tree and its replacement with lawn / soft landscaping could be undertaken outside the scope of the proposals, it would be of benefit to the rooting conditions of the tree.
19. Having regard to the evidence before me, the construction methodology and protection measures for the tree would appear to be practicable and well-related to the scale and nature of the proposed development. I therefore conclude that the proposed development would not have a harmful effect on the protected beech tree. Hence the proposals would accord, in that regard, with Policy DM28 of the LP and Policies 7.4 and 7.21 of TLP. Together these policies seek to protect, maintain and enhance the Borough's trees in accordance with BS: 5837 2012, by not permitting development that results in

the avoidable loss or the excessive pruning of preserved trees or retained trees now or in the future, where they contribute to the character of the area.

Other Matters

20. As the proposed single storey rear extension and associated works within the building to Flat Nos 2 and 3 would be physically and functionally severable and capable of being carried out without the proposed alterations and extensions to the roof of the building, a split decision would be a logical outcome.
21. I appreciate that the Council did not find against the proposals in respect of living conditions of neighbouring occupiers, internal and external space standards and the availability of parking. In particular, the additional bedroom to Flat No 2 would be unlikely to lead to a significant increase in the requirement for parking. However, as there would be an absence of harm associated with these matters, the effects would be neutral and carry no weight.
22. In addition, the appellant has referred to the Council not employing specialist design advice in making its decision, as well as the content of their report. This is not a matter for me to consider as part of this appeal and I have reached my own conclusion on the appeal proposals based on the policies and evidence before me.

Conditions

23. I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. Similarly, it is essential that the development is carried out in accordance with the appellant's Arboricultural Impact Assessment and Method Statement to safeguard the protected beech tree. However, it is not specifically necessary to require details of the scheme of landscaping referred to in that Statement, as this would reasonably be a matter of choice for the occupier. A condition relating to materials matching those of the existing building is necessary to ensure that the appearance of the proposed extension would be satisfactory. The proposed arrangements for refuse and cycle storage are shown on the proposed plans so no further details are required in respect of these matters.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the proposed single storey rear extension to create a three bedroom unit at ground floor level but dismissed insofar as it relates to the replacement rear dormers, an extension to the roof including a rear dormer to accommodate an additional one bedroom flat.

Paul Thompson

INSPECTOR