



Appeal Decision

Site visit made on 26 November 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2019

Appeal Ref: APP/L5240/W/19/3235955

76 Bensham Manor Road, Thornton Heath, CR7 7AU

- 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 & Mrs Paresh & Reena Bharadia against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 19/02003/FUL dated 8 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is described as "a new single storey 'L' shaped extension 4m and 3m from existing building lines. This will entail the demolition of the existing single storey part followed by the enlarged extension, both 4m and 3m extensions being within existing neighbouring building lines. The existing residential single bedroom unit is proposed to become two-bedroom residential unit."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of 78 Bensham Manor Road (No. 78), with regard to outlook and daylight.

Reasons

3. The appeal property forms part of a pair of semi-detached two-storey properties with No. 78. The proposed development would replace an existing single-storey rear addition with an L-shaped single-storey extension offset from the boundary with No. 78. It would extend approximately 5 metres along the boundary with No. 78 with a shallow pitched roof, sloping down from the main rear elevation which would be approximately 3 metres high.
4. A similar scheme for a rear extension was granted planning permission which would be 4 metres long on the boundary with No. 78. This permission remains extant. The proposed extension would increase the height on this boundary by over 1 metre above the existing fence and it would extend a metre beyond the consented scheme.
5. To the rear of No. 78 there is an existing single-storey rear addition offset from the appeal property with a window in its side elevation, which appeared to serve a kitchen, facing towards No 76. Within the main rear elevation, there are French windows, similar to those in the appeal site which serve a living

room, close to the boundary with No. 76. Outlook from these windows is already limited by the high boundary fence. The area between the rear addition of No 78 and the boundary with No. 76 is narrow. Although a scheme exists which would permit the construction of a 4 metre wall along this boundary which would reduce outlook from these windows, the addition of another 1 metre of solid brick wall would reduce the sense of space to the rear and increase the sense of enclosure for No. 78. Whilst this may not reduce views of the sky, the length, height and close proximity of the proposed extension would harm the outlook at ground level for occupants looking out of these windows. The provision of a boundary fence between the two properties would not reduce the enclosing effect of this solid wall on No. 78, as it would be clearly visible above this.

6. The appellant has submitted drawings indicating that the 45 degree line has already been breached by the previous scheme. I have not been provided with firm evidence to indicate that the proposed extension would not cause any greater loss of daylight to the rear French windows than the approved scheme. Nevertheless, I find that the proposal conflicts with the advice set out in the Suburban Design Guide Supplementary Planning Document 2019 (the SPD) which advises that in order to avoid having a harmful impact on neighbouring properties, single-storey rear extensions should be designed to ensure that in a semi-detached property it is no deeper than 3.5 metres from the rear elevation of the original dwelling. The proposed scheme would exceed this dimension.
7. Even if I were to agree with the appellant that the scheme would be no worse in terms of daylight, it would result in an unacceptable harm to the outlook for the reasons given. I therefore conclude that the proposed development would harm the living conditions of occupiers of No. 78, with regard to outlook and daylight. It would therefore conflict with Policies SP4.2 and DM10.6 of the Croydon Local Plan 2018 and Policy 7.6 of the London Plan 2016¹. These policies together and amongst other things require development to enhance well-being and protect the amenity of occupiers of adjoining buildings. It would also not comply with the advice set out in the SPD as referred to above.

Conclusion

8. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

¹ The London Plan: The Spatial Development Strategy for London consolidated with alterations since 2011 (March 2016)