



Appeal Decision

Site visit made on 14 January 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3 February 2020

Appeal Ref: APP/L5240/W/19/3238229

232 Brigstock Road, Thornton Heath CR7 7JD

- 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 S Kamyab, The Real Art Estate Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/02620/FUL, dated 6 June 2019, was refused by notice dated 2 August 2019.
 - The development proposed is the creation of a single storey two bedroom flat by loft conversion on the second floor.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the proposal to 'erection of a roof extension to facilitate the creation of a one bedroom flat'. This is also used by the appellant on the planning appeal form. Taking into account the plans submitted with the application and the detail of the proposal, I consider this to be a more accurate description of the proposed development. I have therefore determined the appeal on this basis.
3. On my site visit I observed that part of the proposed roof extension and the insertion of a new door opening has already been carried out. For the avoidance of doubt, I have therefore proceeded on the basis that the proposed development has, in part, already occurred.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with regard to the provision of private outdoor amenity space.

Reasons

Character and appearance

5. The appeal building is part of a short, two storey, terrace which is constructed of brick with a slate and tiled roof. It is located on the northern side of, and set back from, Brigstock Road, between Nutfield Road and Colliers Water Lane. The terrace appears to date from the 19th century and has commercial units on the ground floor with residential accommodation above. It possesses a butterfly roof formation which is concealed on the front façade by a parapet but visible from the rear, and has outriggers to the rear.
6. No 232 Brigstock Road (No 232) sits prominently at the end of the terrace at the junction of Nutfield Road. It has a dental lab at ground floor and residential accommodation at first floor. There is an existing external metal staircase and an enclosed yard at the rear.
7. The proposed development comprises the extension of the existing roof to create a one bedroom flat. The proposed flat would have its own entrance and access would be gained by the existing external staircase, leading from the private yard to the rear of the premises off Nutfield Road.
8. Policy SP4.1 of the Croydon Local Plan 2018 (CLP) requires development of a high quality which respects and enhances Croydon's varied local character and contributes positively to, amongst other things, the townscape. Policy DM10 of the CLP requires development to be of a high quality and encourages proposed extensions and alterations to adhere to guidance contained within the Council's relevant supplementary planning documents. Policy 7.4 of the London Plan (consolidated with alterations since 2011) 2016 (LP) stipulates that development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.
9. I acknowledge that the incorporation of a flat roof within the design of the proposal would mean that the extension would not project above the main roof and that it would be set back from, and reflect the detail of, the existing brick flank wall. However, the proposal would result in the infill and loss of the butterfly roof formation on the main roof of No 232, and the addition of an oversized and bulky extension to the outrigger, which would rise up from the eaves of this part of the building and appear as an additional storey. If these respects it would be a discordant addition to No 232, which would detrimentally alter the roofscape of the property, severely erode the architectural form and integrity of the terrace, and thus have a harmful impact on the character and appearance of the townscape.
10. Furthermore, although it would not be visible from the commercial parade, its excessive size and scale and incongruous form would cause it to be highly conspicuous and unduly prominent when viewed from public routes along Nutfield Road and, to a lesser extent, when travelling west along Brigstock Road.
11. I appreciate that the built form within the surrounding area is varied and of mixed character. However, from what I was able to observe on site, although the terrace has been altered, particularly at ground floor level to the rear, it appears to have generally maintained its original form. Taking into account the prominent corner location of No 232 and the size, scale and form of the

proposed roof extension, I consider that the proposed development would have a significantly harmful effect on the character and appearance of the townscape.

12. I note that all materials and fenestration details would match the existing building and that the appellant is willing to accept conditions to control these elements of the proposed development. However, this would not be sufficient to overcome the fundamental objections to the size, scale and form of the proposal.
13. Accordingly, I conclude that the proposed development would significantly harm the character and appearance of the area. As such, it would not comply with Policies SP4.1 and DM10 of the CLP and Policy 7.4 of the LP referred to above. It would also conflict with guidance in the Council's Suburban Design Guide 2019 (SDG) regarding design principles for extensions and alterations.

Living conditions

14. Policy DM10.4 of the CLP, amongst other things, requires development to provide private amenity space that is of a high quality, functional and a minimum of 5m² per 1-2 persons and an extra 1m² per extra occupant thereafter. Policy 3.5 of the LP states, amongst other things, that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.
15. The plans submitted with the application do not show any area allocated as private amenity space for future occupiers of the proposed flat. However, they do show an enclosed courtyard area at ground floor level which is accessed via a door from the private space containing the external staircase. In addition, in the grounds of appeal the appellant declares that the proposed flat would have direct access to a communal area to the rear of the building which is not related to the ground floor commercial premises, is screened from Nutfield Road and would provide in excess of the 5m² required under policy DM10.4 of the CLP.
16. On my site visit I was given access to an enclosed courtyard area. It had an uneven and unfinished floor surface. From the evidence before me, it is not explicitly clear that this is the 'communal area' referred to by the appellant and, at present, it is not of a high quality or functional. However, if I accept that this is the space and that works could be carried out to make it high quality and functional, then it would be of a sufficient size and potentially of an appropriate form that would meet the requirements of Policy DM10.4 of the CLP.
17. Therefore, from the evidence before me and my observations on site, I conclude that a scheme could be achieved that would provide acceptable living conditions for future occupiers, with regard to the provision of private outdoor amenity space. In this regard, I consider that the proposed development would be capable of complying with Policy DM10 of the CLP and Policy 3.5 of the LP referred to above. It would also be capable of according with guidance in the Council's SDG regarding the design of private and shared outdoor amenity space.
18. The Council also cites Policy SP2.6 of the CLP and Policy 3.8 of the LP in its reason for refusal. However, these policies relate to commuted sums on sites

with 10 or more units in lieu of on-site provision of affordable housing, and housing choice, respectively. As such, they are not relevant to the main issue of living conditions for future occupiers, with regard to the provision of private outdoor amenity space.

Other Matters

19. The appellant contends that the proposed development is a sustainable form of development that would deliver much needed residential accommodation and secure the optimal use of the site and the airspace over the premises. I accept that a one bedroom flat, in an accessible urban location and an established residential area, which is within easy reach of a variety of services and facilities such as this, would contribute to the local housing stock, economy and society. However, the benefits arising from the creation and occupation of a single, one bedroom flat would be limited and would not outweigh the identified harm to the character and appearance of the area.
20. The appellant has drawn my attention to a number of other roof extensions and alterations to properties located near to No 232 which illustrate the diverse character of buildings within the surrounding area. I acknowledge that the character and appearance of the townscape within the surrounding area is varied, and that some buildings have been subject to roof level interventions and extensions. However, I do not know the details or circumstances of any of the developments highlighted. In any event, the presence of other roof additions or alterations is not, in itself, a reason to allow unacceptable development. I have determined the appeal before me on its own planning merits with regard to its specific context and found that it would cause harm.
21. I note that no objections to the proposed development were received from any owners or occupiers of properties nearby. I am also aware that the Council raised no concerns in relation to the principle of creating an additional dwelling within this urban residential area; the standard of internal space within the flat; the impact of the proposed flat on the living conditions of neighbouring uses or occupiers; or parking and highways. I also note that the appellant states that the proposal would meet and exceed Building Regulation requirements. However, these are neutral considerations in the planning balance and do not outweigh the harm that I have found.
22. I have had regard to the fact that the appellant is willing to accept conditions relating to the details of secure cycle parking and refuse storage which, it is declared, can be accommodated within the site. However, this would not address the harm that would be caused by the proposed development to the character and appearance of the area and, as such, carries limited weight.

Conclusion

23. Although I have concluded that a scheme could be achieved that would provide acceptable living conditions for future occupiers, with regard to the provision of private outdoor amenity space, this counts neither for nor against the proposed development. Moreover, I have concluded that the proposed development would have a significantly harmful effect on the character and appearance of the area. This is a matter of overriding concern and therefore I conclude that the appeal should be dismissed.

F Cullen INSPECTOR