
Appeal Decision

Site visit made on 8 January 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2020

Appeal Ref: APP/L5240/W/19/3238184

1 The Grange, Firs Road, Kenley CR8 5LH

- 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 Clayhill Homes against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01442/FUL, dated 22 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is erection of a new two storey extension and conversion of existing building to provide 9 no. 2 and 3 bedroom flats together with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, 2) the living conditions of the occupants of 2 The Grange with regard to outlook, and 3) protected species and biodiversity.

Reasons

Character and appearance

3. The appeal property is a two-storey semi-detached dwelling and is sited on a large rectangular shaped plot in a residential area. The property is set back from the road, with the plot and the surrounding area containing a number of significant mature trees. The tree cover and the particularly tranquil environment are key features of the area surrounding the appeal site which is also formed of dwellings of various designs in large plots with mature gardens.
4. The main element of the appeal proposal consists of a two-storey extension to the side and rear of the property, with a single storey rear extension. Dwellings are also proposed in the roofspace, giving accommodation over three floors in the extended part of the property.
5. The appeal property has notable timber framing on the first floor of the front elevation with brick detailing and a particularly pleasant semi-hexagonal entrance. The proposed extension would significantly elongate the property. It would not fit well with the appearance of the existing building and weaken its

- significance. Whilst it would sit below the ridge of the main roof of the property, it would not appear subordinate and due to its mass, which is significantly greater than the main dwelling, would draw attention from the main element of the existing property. This is exemplified in the erosion of the main entrance feature that is undervalued in the proposed design and loses its intended function as a distinctive and focal entrance feature.
6. When viewed from the front of the property, part of the extension would appear as a separate dwelling that is connected to the existing dwelling. Due to its design, the proposed roof form would create confusion and an uneasy connection with the existing dwelling and its appearance.
 7. Whilst the proposed front elevation would be of a more traditional design with the aim of complementing the design of the existing dwelling, the rear elevation would significantly depart from this approach. The existing rear elevation of the property is less ornate than the front with simpler detailing. The rear elevation of the proposed extension would consist of an apparent random combination of glazing, roof terraces and roof forms. It results in an erratic and disjointed appearance. Due to its design, size and siting, the proposed second floor sunroom would appear particularly alien in the roofscape. These elements would bear little resemblance to the form and appearance of the host dwelling which is plainer and devoid of significant roof alterations.
 8. I accept that the rear elevation would not be visible from any public vantage points and is largely screened by the tree cover on the site. Additionally, the front elevation is set back from the road and is also partially screened by trees. Nevertheless, these factors do not eliminate the harm that is caused to the overall appearance of the property.
 9. I therefore find that the proposal, due to its scale and appearance would significantly harm the character and appearance of the host property and the surrounding area. It would be contrary to Policies SP4 and DM10 of the Croydon Local Plan (2018) which seek to ensure, amongst other things, that proposals should be of high-quality design and respect the scale, massing and appearance of the surrounding area.
 10. The proposal would also be contrary to Policies 7.1, 7.4 and 7.6 of The London Plan (2016) which seek to ensure, amongst other things, that the design of new buildings should enhance the character of the area and be of high-quality design.
 11. The proposal would also be contrary to the Croydon Suburban Design Guide Supplementary Planning Document (SPD) (2019) which outlines, amongst other things, that proposals should improve or positively contribute to local character.

Living conditions of occupants of 2 The Grange

12. The proposed development would include the provision of a single storey rear extension that runs along the common boundary with the adjoining residential property, 2 The Grange. This extension would be followed by an elevated timber deck that would include an obscure glazed privacy screen where it meets the common boundary. A roof terrace is proposed on top of the single storey extension that would also include an obscure glazed privacy screen on

its side elevation facing 2 The Grange. The screen for the roof terrace is set in from the common boundary. These screens add to the bulk of the proposal.

13. The adjoining property has a ground floor window in the rear elevation that sits approximately 0.5m from the common boundary. The appellant states that this is a kitchen window and as such they consider is not classed as a habitable room window. The Council's SPD however defines habitable rooms as any room designed and used for, amongst other things, cooking, living or eating purposes. I find that taking this definition into account, this window would be classed as a window to a habitable room, contrary to the appellant's suggestion.
14. Due to its height and the length of its projection along the common boundary, I find that the single storey rear extension would appear dominant and create an increased and unacceptable sense of enclosure when viewed from 2 The Grange.
15. The appellant refers to the size of an extension that could be built under permitted development rights. The proposed extension would however exceed the projection and height of an extension that would be allowed under permitted development. These rights also apply to dwelling houses, which when taking the overall development for 9 dwellings into account, would not be applicable in this case. Therefore, there is no permitted development fallback, so I give little weight to this argument. In any event, larger extensions under the General Permitted Development Order are subject to neighbour consultation and consideration of living conditions. The appellant also refers to the size of the rear garden of no.2 when considering the overall impact of the development. I do not however find that this would override the harm that would be caused to the living conditions with regard to outlook.
16. I therefore find that the proposed development would have an unacceptable impact on the living conditions of the occupants of no.2 The Grange in regard to outlook. It would be contrary to Policy DM10 of the Croydon Local Plan (2018) which seeks to ensure, amongst other things, that the amenity of occupiers of adjacent buildings are protected.
17. The proposal would also be contrary to the Croydon Suburban Design Guide Supplementary Planning Document (SPD) (2019) which outlines, amongst other things, that development proposals should minimise the impact on neighbouring amenity as far as possible, and that in a semi-detached property single storey rear extensions are no deeper than 3.5m from the rear elevation of the original dwelling.

Protected species and biodiversity enhancements

18. The Council consider that at the time of their decision there was no evidence to show that the proposal would not result in harm to protected species and would fail to provide measurable biodiversity net gain. The Council's Committee Report indicates that the concern relates to the lack of further survey work being undertaken at the appeal site in relation to roosting bats as recommended in the appellants initial Ecological Appraisal.
19. As part of the appeal documentation the appellant has submitted a Phase 2 Ecological Appraisal to establish the presence or absence of bats at the site. The report includes the results of the survey work, an assessment of the

- potential effect on bats and any additional requirement for mitigation further to those set out in the initial Ecological Appraisal.
20. The bat surveys did not record any evidence of bats roosting within the site and the report concludes that the majority of the site supports only low levels of foraging and commuting. It makes recommendations in relation to the works and the removal of trees, to ensure the protection of local bat populations.
21. Ecological mitigation and enhancements are identified in the initial Ecological Appraisal. They are welcomed by the Council who have commented that they could otherwise be a condition of any planning consent. These enhancements are considered to represent measurable biodiversity gain and when combined with the mitigation measures as set out it is concluded that there would not be harm to protected species as a result of the development. I agree with the Council that were the appeal to be allowed, appropriate conditions could be imposed to secure the mitigation measures and enhancements as outlined.
22. I therefore conclude that there would be no harm to protected species and biodiversity. The proposal therefore complies with Policies SP7.4 and DM27 of the Croydon Local Plan (2018). These policies seek to ensure, amongst other things, that biodiversity is enhanced across the borough, sites of importance for biological are protected and enhanced, and that developments have no adverse impact on protected species or their habitat.

Conclusion

23. On the matter of the effect of the proposed development on the character and appearance of the host property and the surrounding area, I have found that the proposed development would cause unacceptable harm to the character and appearance of the host property and the surrounding area. On the matter of living conditions, I have found that the development would have an unacceptable impact on the living conditions of the occupants of no. 2 The Grange. On the matter of the effect of the proposed development on protected species and biodiversity enhancements I have found that there would not be harm to protected species and biodiversity enhancements as outlined could be secured were the appeal to be allowed but this factor does not overcome the harm I have found to character and appearance and living conditions.
24. For the reasons given above, and having had regard to all other matters raised, I therefore dismiss the appeal.

A M Nilsson

INSPECTOR