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## Appeal Decision

Site visit made on 2 October 2019 & 20 November 2019

**by Diane Cragg DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> February 2020**

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**Appeal Ref: APP/L5240/W/19/3232930**

**1A Northwood Road, Thornton Heath CR7 8HU**

- 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 Nowsad Gani (Ganco Ltd) against the decision of the Council of the London Borough of Croydon.
  - The application Ref 18/04481/FUL, dated 10 September 2018, was refused by notice dated 29 January 2019.
  - The development proposed is the change of use of the betting office unit to the ground floor to 2 no.1 bed 1-person self-contained flats and a first-floor extension to create 2 no. 2 bed 3-person self-contained flats.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. I note that the appellant has proposed amendments to the approved scheme as part of their appeal case. These amendments notably alter the form of the development. If I were to determine the appeal based on the proposed amendments it is possible that the interest of parties who might wish to comment would be prejudiced<sup>1</sup>. In this regard I am also mindful of the Wheatcroft Principles derived from *Bernard Wheatcroft Ltd v SSE* (1982) which are further explained in the Procedural Guide: Planning Appeals - England<sup>2</sup>. I have therefore determined the appeal based on the original submission.
3. At my initial site visit I was unable to gain views of the rear of the property from public land or observe the rear of the building from within the appeal site. Therefore, I returned to the site to view the development from the adjacent rear garden of 3 Northwood Road on the 20 November 2019.

### Main Issues

4. The main issues are:
  - The effect of the development on the character and appearance of the area; and
  - The effect of the development on the living conditions of the occupiers of No 3 Northwood Road particularly with regard to outlook and enclosure.

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<sup>1</sup> Annex M of the Procedural Guide Appeals – England (2020) advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought

<sup>2</sup> Procedural Guide: Planning appeals – England (2020)

## Reasons

### *Character and Appearance*

5. The appeal property is prominently located close to the junction of Northwood Road and Green Lane. It comprises of a single storey flat roofed building directly fronting on to the back edge of the footpath facing Green Lane. The building is currently in use as a William Hill betting office, the main entrance to which is from Green Lane.
6. Green Lane consists of a variety of development adjacent to a busy road. Immediately next to the appeal site to the north and set back from the Green Lane frontage is a detached ground floor shop unit with living accommodation above. The parade of shops beyond this building are similarly set back from the road.
7. The character of Green Lane in the vicinity of the site is in part derived from the set back of the retail parade, the parade's mostly consistent first floor building line with prominent gable details, the regular first floor window pattern and the attractive use of brick and render. The attractive two storey rear outriggers to the rear elevation of terraced properties on Northwood Road with their gable ends and chimney details are also visible along Green Lane.
8. The appeal property, set forward of the flank elevation of 1 Northwood Road and substantially forward of the adjacent parade of shops, is particularly prominent. Its design, with long, low flat roof, recessed door entrance, canopy and functional arrangement of windows is markedly at odds with the adjacent development.
9. The size, mass and form of the first-floor extension would accentuate the inconsistency of the existing building's siting and design and increase its prominence in the street scene. The height of the long first floor elevation next to the footpath would dominate the street frontage. The window detail and modern balconies would not sit comfortably with the surrounding architecture. Further, the proposed development would be located close to the rear outrigger of 1 Northwood Road with the proposed balcony overlapping the flank wall. This close and awkward relationship would appear incongruous in the street scene.
10. In addition, the gap at first floor level between properties on Green Lane and Northwood Road would be lost. This visual break affords glimpses through to the rear of properties on Northwood Road towards the well-designed rear outriggers which form part of the character of the street. Overall, I consider that the siting, size, form and detail of the proposed first floor extension would accentuate the incongruous nature of the existing development and would detract from the area's prevailing character and appearance.
11. Consequently, I find that the development would harm the character and appearance of the area and would conflict with Policies 7.4 and 7.6 of the London Plan 2016 (LP) and Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP) which seek to ensure that development supports local character and distinctiveness and contributes positively to the public realm.

### *Living Conditions*

12. No 3 Northwood Road (No 3) is located immediately to the rear of the appeal site. The flat roof of the appeal building would sit above the joint boundary wall enclosing the garden area of No 3. The proposed extension would span the full length of the plot with part of the first floor abutting the joint boundary and the remainder set back but close to it.
13. The ground floor flat at No 3 has a rear facing bedroom and bathroom window. It also has a kitchen window in the ground floor side elevation of the rear outrigger. The views from these windows are restricted by the adjacent outrigger and the location of the appeal building. Nevertheless, the proposed development would introduce significant additional built form adjacent to the boundary. The scale and mass of the structure would dominate, and substantially increase the sense of enclosure in, the garden area of No 3. Further, its siting would exacerbate the already reduced outlook experienced from the windows of No 3 resulting in significant and unacceptable harm to the occupants living conditions.
14. Three obscure glazed windows would be placed in the proposed first floor rear elevation providing light to kitchen and dining spaces and a landing. These windows would face the garden of No 3. Despite the use of obscure glazing, the introduction of windows in the proposed rear elevation directly next to the garden of No 3 would give the impression of the garden being overlooked. This impression would be intensified at dusk and at night when the rooms are lit.
15. I have noted the conclusions of the sunlight and daylight report, but they do not alter my conclusions in relation to outlook and enclosure.
16. Overall, I find that the development would harm the living conditions of the occupiers of No 3 Northwood Road particularly with regard to outlook and enclosure and would conflict with Policy 7.6 of the LP and Policy DM10 of the CLP which together require the protection of neighbouring amenity.

### **Other Matters**

17. I note the appellant's reference to the possibility that upward extensions may become permitted development however, there is currently no such legislation in place.
18. I also acknowledge that prior approval has been given to convert the existing building into 4 one bedroomed flats, but this does not alter my conclusions in respect of the appeal development.
19. The appellant states that the Council does not have a five-year housing land supply, but I have not been provided with any up-to-date figures on the supply of housing by either party. Even if I were to conclude that there was a shortfall in housing provision as the appellant suggests, the contribution of the proposed accommodation to the housing land supply would be small and would carry limited weight. Further, given my findings above, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

**Conclusion**

20. For the reasons given above, I conclude that the appeal should be dismissed.

*Diane Cragg*

INSPECTOR