



Appeal Decision

Site visit made on 14 January 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2020

Appeal Ref: APP/L5240/D/19/3239929

5 Onslow Road, Croydon CR0 3NN

- 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 George Petrov against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/02650/HSE, dated 7 June 2019, was refused by notice dated 2 August 2019.
 - The development proposed is new infill rear extension at first floor level.
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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 the occupiers of no. 7 Onslow Road having regard to matters of outlook and privacy.

Reasons

3. The appeal property is a two-storey end-of-terrace dwelling with a large garden to the rear. The property has existing ground floor and first floor rear extensions. The adjacent property to the south-east (no. 3) also has a ground floor extension to the rear. The adjacent property to the north-west (no. 7) does not have any rear extensions. The surrounding area is predominately residential, largely comprising a mixture of terraced and semi-detached two-storey dwellings with large back gardens.
4. The proposal would extend outwards over the host property's existing ground floor rear extension from the first-floor window to create an additional room. The proposed first-floor rear extension would also have two large windows with obscure glazing, one on its rear (south-western) elevation and the other on its side (north-western) elevation. It would also have a flat roof containing a velux window.
5. The Council's adopted Suburban Design Guide Supplementary Planning Document 2019 (SPD), which supports Policy DM10 of the Croydon Local Plan 2018 (CLP) requires that two-storey rear extensions should only be permitted where they would be infilling between two existing two-storey extensions or outriggers, thereby not impacting on neighbourhood amenity. By virtue of its design, scale and location, the proposal would in effect create a two-storey rear extension close to the shared boundary with no. 7 and its first-floor rear window (which appears to serve a habitable room).

6. Consequently, given its size and location, I consider that the proposal would lead to a loss of outlook from the first-floor window of no. 7 thereby harming the living conditions of its occupiers. In relation to any potential loss of privacy that the proposal may cause, I note the appellant's point that the proposed windows would be obscure glazed. However, given the location of the proposal, its size and that of its windows, I consider that it would nonetheless create a sense of overlooking for the occupiers of no. 7 thereby harming their living conditions. In any event, the installation of obscure glazing for the proposed windows would not be the most appropriate solution in this case given that the new room to be created would be either a study or a guest bedroom¹.
7. The appellant has stated that the proposal complies with CLP Policy DM10.6 in relation to the separating distance between the proposal and the windows serving habitable rooms, and that it would also preserve the angle of outlook from these windows. However, from what I saw on my site visit, I consider that given the size of the proposal and its proximity both to the shared boundary with no. 7 and the first-floor window, that this would not be the case.
8. The appellant has also stated that Policy SP4.2 of the CLP is not relevant in this case. However, I consider the aims of criterion c (to enhance social cohesion and well-being) to be relevant in this case given the potential impact of the proposal on the living conditions (and thereby the well-being) of neighbouring occupiers.
9. In support of the appeal scheme the appellant has indicated that the prevailing pattern of development means that an element of overlooking already occurs between the host property and neighbouring ones. However, given its size and location, I consider that the proposal would increase any sense of overlooking currently felt by the occupiers of no. 7 potentially caused by the prevailing pattern of development in the area.
10. I note the appellant's points that the proposed materials would match those of the existing dwelling and that no objection to the proposal has been received from the occupiers of no. 7. However, these considerations are not of sufficient weight to outweigh the harm to living conditions that I have identified above.
11. Accordingly, based on the evidence before me, I conclude that the proposed development would conflict with Policies SP4.2 and DM10.6 of the CLP (adopted September 2018) as supported by the SPD (adopted April 2019) which aim to protect the amenity and well-being of residential occupiers, amongst other considerations. It would also conflict with Policy 7.6 of the London Plan Spatial Development Strategy for London Consolidated with Alterations since 2011 (adopted March 2016) which aims to ensure that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing, amongst other considerations. The proposal would also conflict with paragraph 130 of the National Planning Policy Framework which requires good design.

Conclusion

12. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

¹ See appellant's Design Statement