



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: 19th February 2020

Appeal Ref: APP/L5240/W/19/3239052

9 Haling Park Gardens, South Croydon CR2 6NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Abder Guezour against the Council of the London Borough of Croydon.
 - The application Ref 19/03464/HSE, is dated 23 July 2019.
 - The development proposed is described on the application form as 'reconfiguration of the main roof to provide additional first floor accommodation with part first floor side extension and part two storey side extension. Alteration of window opening to left side elevation. Installation of 2x french doors to the ground floor rear elevation. Includes the demolition of existing garage to side. Also includes the demolition of the first floor level and main roof of the existing house'.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing garage and first floor level and the erection of a first floor side extension and two storey side extension and a roof conversion at 9 Haling Park Gardens, South Croydon CR2 6NP in accordance with the terms of the application Ref 19/03464/HSE, dated 23 July 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9HP101; 9HP102; 9HP103; 9HP104; 9HP105; 9HP106; 9HP107; 9HP108.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council have described the development as 'demolition of the existing garage and first floor level and the erection of a first floor side extension and two storey side extension and a roof conversion'. I note that the appellant has also utilised this description on their appeal form. I consider that the Councils revised description provides a succinct and accurate description of the proposal and I have therefore determined the appeal on the basis of the revised description.

Main Issues

3. From the evidence I have before me, I consider the main issues in this case to be:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of no. 10 Haling Park Gardens with particular regard to matters of outlook and light.

Reasons

Character and Appearance

4. The appeal property is a detached 1.5 storey dwelling with an attached single-storey garage on its southwestern side elevation which is located on a residential cul-de-sac and is set back a considerable distance from the highway with a large front garden. It is also set slightly at an angle to the adjacent neighbouring property to the west (no. 8), a large detached two-storey dwelling which also has an attached single-storey garage to its eastern side elevation. Its orientation and irregular-shaped plot also means that the appeal property is located partially to the rear of the adjacent property to the north (no. 10), which also has an irregular triangular-shaped plot.
5. The rest of the properties on the cul-de-sac comprise large detached dwellings of varied design styles having either integral or attached side garages. The surrounding area is predominately residential consisting of a mixture of dwelling types including detached and semi-detached properties many of which have front and back gardens.
6. The Council have stated that should it have determined the original application, that the decision would have been a refusal to grant planning permission due to concerns in relation to the potential adverse visual impact of the proposal on the street scene due to its scale, massing and design.
7. Section 4.17 of the Croydon Suburban Design Guide Supplementary Planning Document 2019 (SPD) sets out the circumstances when proposed two-storey side extensions are considered appropriate stating that they must consider the surrounding context and ensure: the existing rhythm of the street, including for example characteristic gaps between properties, would not be unreasonably interrupted; they do not result in an overly wide or poorly proportioned elevation facing the street; and they do not exceed the eaves **and** roof ridge line of the existing house, amongst other considerations.
8. The proposed two-storey side extension would extend outwards covering the existing footprint of the attached single-storey garage meaning that its front elevation would be set back from the existing front building line (a factor in favour of the proposal as per the SPD¹). In relation to its height, even though it would exceed that of the eaves of the existing house, it would not exceed that of the existing roof ridge meaning that it would appear subservient to the host property in a similar fashion to the examples cited by the SPD².

¹ See paragraph 4.17.1 third bullet point.

² See paragraph 4.3.1, paragraph 4.17.1 (fourth bullet point), and figure 4.17c.

9. Whilst I acknowledge the Council's point that the proposal would result in a wider front elevation facing the street, given that the host property is set back a considerable distance from the highway I consider that it would not be overly-wide or poorly proportioned. Furthermore, as the host property is set at an angle in relation to no.8 and would not extend beyond the footprint of the existing garage, I consider that it would not reduce this gap and therefore not unreasonably interrupt the existing rhythm of the street. Moreover, given its orientation and location in relation to no. 10, I also consider that the proposal would not interrupt the existing rhythm of the street in this regard either. Moreover, given that the overall design of the proposal and the materials to be used to be complementary to the existing dwelling in accordance with the SPD³ and for the above reasons, I consider that the proposal would not unacceptably harm the character and appearance of the area.
10. The Council have also made the point that the proposal would conflict with the SPD guidance in relation to roof extensions. However, given the nature of the proposal (and the Council's revised description of it) I consider the SPD's guidance on side extensions to be that most appropriate to this case.
11. I also note the Council's points that the proposal: would not be consistent with and would detract from the distinct character of the road; would result in a dwelling that would be foreign to the rest of the dwellings situated within the street thereby having a detrimental effect on the character of the street scene. However, given the above considerations (such as the proposal's subservient design, complementary materials, location and orientation in relation to neighbouring properties) and the varied styles and designs of dwellings both within the cul-de-sac and also the wider area, I consider that it would be in keeping with the established character of the area.
12. I therefore conclude, on this main issue that the proposed development would accord with Policies SP4.1 and DM10 of the Croydon Local Plan (CLP) (adopted September 2018) as supported by the SPD (adopted April 2019) and Policies 7.4 and 7.6 of the London Plan Spatial Development Strategy for London Consolidated with Alterations since 2011 (London Plan) (adopted March 2016) which aim to ensure that development proposals are of a high quality design that respects and compliments local character, amongst other considerations.

Living Conditions

13. The Council have also raised concerns in relation to the potentially harmful effect that the proposal would have on the living conditions of the occupiers of no. 10 due to its size and location. They have stated that as the host property is set back from the rear building line of no. 10 and close to its western shared boundary, the front elevation of no. 9 is visible from the garden of no. 10 and consequently that the proposal (given its height would cause harm to its occupiers in relation to outlook and light).
14. However, even though the proposal would have a height greater than the eaves of the existing dwelling, it would not exceed that of the existing roof ridge. This in combination with the orientation of the proposal and its location (set-back from the existing dwelling's front building line and on the south-western elevation furthest away from no. 10) leads me to consider that it would not have a harmful effect on the living conditions of its occupiers with

³ See paragraph 4.5.2

particular regard to outlook and light. Furthermore, no objections to the proposal were received from neighbouring occupiers indicating that they have no concerns in relation to any potential impact on their living conditions.

15. I therefore conclude, on this main issue, that the proposed development would accord with Policies SP4.2 and DM10.6 of the Croydon Local Plan (CLP) (adopted September 2018) as supported by the SPD (adopted April 2019) and Policy 7.6 of the London Plan (adopted March 2016) which aim to protect the amenity and well-being of residential occupiers, and 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.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR