



Appeal Decision

Site visit made on 16 March 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2020

Appeal Ref: APP/L5240/W/19/3243711

30 Coombe Road, Croydon CR0 1BP

- 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 Grahame Ralph, Lionheart Estates Limited against the Council of the London Borough of Croydon.
 - The application Ref 19/04517/FUL, is dated 20 September 2019.
 - The development proposed is three storey rear extension, rear dormer extension and formation of an additional unit at lower ground floor level.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. The Council has produced a decision notice dated 19 March 2020. As this post-dates the lodging of the appeal, it does not constitute a formal refusal of the application. I have therefore determined the appeal on the basis of the Council's failure to give notice within the prescribed period of a decision on an application for planning permission. However, I have had regard to the decision notice and the accompanying delegated officer report in so far as it provides clarity on the reasons why the Council would have refused planning permission had it been able to do so.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the Chatsworth Road Conservation Area (CA);
 - ii) the effect of the proposal on the living conditions of the occupiers of 28 and 32 Coombe Road with particular regard to outlook, light and privacy;
 - iii) whether or not the proposal would provide acceptable living conditions for future occupiers of the additional dwelling with particular regard to outlook, light and the provision of outdoor private amenity space, communal space and play space; and
 - iv) whether or not the proposal would provide adequate refuse and cycle storage.

Reasons

Character and Appearance of the Conservation Area

4. The appeal site is located within the Chatsworth Road CA, an area comprising a substantial grouping of late Victorian and Edwardian houses, many of which are of a high architectural quality. The Chatsworth Road CA Appraisal and Management Plan Supplementary Planning Document 2008 (CAAMP) highlights a number of common architectural characteristics and features across the CA, including steeply pitched roofs with gable ends, brick chimney stacks and decorative architectural features such as motifs, door surrounds and barge boards. These common elements provide for architectural cohesion and group value of buildings, and add to the overall character and appearance and thus significance of the area.
5. The appeal site is on the southern side of Coombe Road where the CAAMP notes that the scale and rhythm of the buildings creates an important southern boundary to the CA. In common with many of the buildings on this part of Coombe Road, there are existing extensions to the rear of the building. These are of mixed designs and materials, and there are views of the rear of the building from Temple Road behind the site. However, the original form and scale of the building remains readable, and it retains features characteristic of the CA such as the pitched roof slope and brick chimney stacks. Above lower ground floor level, the depth of the extensions beyond the rear of the attached neighbour is also fairly limited, reducing the prominence of the development on the appeal site. For these reasons, I agree with the CAAMP which indicates that together with the adjoining semi-detached property, the building on the appeal site makes a neutral contribution to the CA overall.
6. As the site is within the Chatsworth Road CA, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of that area in accordance with the statutory duty under s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The development proposes to increase the size of the existing rear dormer, but because of its limited height, width and depth it would remain clearly subordinate to the host roof slope. The proposed flat roof is not a characteristic form within the wider CA. Nevertheless, it reflects the design of the existing dormer on the site, and many nearby buildings including both neighbours include larger dormers with flat roofs. In this context, the proposed extension to the dormer would not be out of keeping or disrupt any consistent roofscape.
8. Turning to consider the proposed three-storey rear extension, its maximum depth would be comparable to the existing conservatory extension. However, this is at lower ground level only and is a predominantly glazed structure which does not extend across the full width of the building. In contrast, the proposed extension would cover the full width of the building and would project well beyond the original rear building line of the host building, as well as the rear of both neighbouring buildings at lower ground and ground floor levels with a bulky flat roof. The first-floor level of the extension would be of lesser depth, but would still further add to the large overall bulk and mass of the development.
9. As a consequence, the extension would be an oversized and disproportionate addition which would dominate the appeal building to the detriment of its

character. The visual impact of the scale and depth of the proposed extension would be further exacerbated by the stark contrast with the more modest scale of the neighbouring buildings.

10. Moreover, while there is a small flat roof area to the existing building, the proposal would incorporate significant areas of flat roof. The resulting roof design would be a jarring and incongruous feature and would be out of keeping with the host building and the more typical pitched roof form of buildings within the wider CA. Furthermore, the flat roof to the first-floor part of the extension would disrupt the eaves of the existing roofslope. Together with the loss of the brick chimney stack which is currently a prominent feature of the main roofslope, this would further compound the unsympathetic nature of the development.
11. I acknowledge the proposed rear extension would be of a more unified design and materials than the existing extensions and that Policy DM10.1 of the Croydon Local Plan 2018 (CLP) advises that proposals should seek to achieve a minimum height of 3 storeys. However, this principle is caveated by a requirement for development to also respect factors including scale, massing and the existing built features of the surrounding area. In this regard, the proposed rear extension would be an unsightly feature which would be unsympathetic to the character and proportions of the host building. The development would disrupt the scale of the buildings to the south of Coombe Road and would be plainly visible from neighbouring gardens and windows, as well as from Temple Road to the rear of the site where it would erode the contribution the appeal site makes to the southern boundary of the CA.
12. For these reasons, I find that the proposed development would have a detrimental impact on the character and appearance of the Chatsworth Road CA and therefore its significance. The National Planning Policy Framework (the Framework) advises that heritage assets such as conservation areas are an irreplaceable resource, and that great weight should be given to the conservation of a designated heritage asset when considering the impact of a development on its significance. Given the relatively localised impact of the proposal, in the terms of the Framework, the harm that the development would cause to the significance of the CA would be less than substantial. Paragraph 196 of the Framework therefore indicates that this harm should be weighed against the public benefits of the proposal.
13. In terms of benefits, the proposal would make effective use of the previously developed site within an area benefitting from good public transport accessibility, and would contribute an additional dwelling to the supply of housing locally. These are facets which are strongly supported by the Framework, the London Plan – The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP), and the CLP. Given the small scale of the proposal, the contribution to housing supply would be modest, but this would nevertheless be a public benefit to which I give some weight. The development would also enlarge the existing flats on the site seeking to meet space standards which are outlined within the LP, and would offer improved living conditions for occupiers of these dwellings. This is a further benefit of the development to which I give some weight.
14. The harm to the significance of the CA would be less than substantial, but I nevertheless give this harm considerable importance and weight in accordance

with the Framework. In this context, I find that the public benefits of the proposal would not outweigh the harm that it would cause.

15. In conclusion on this main issue, I find that the development would fail to preserve the character and appearance of the Chatsworth Road CA. It would conflict with CLP Policies SP4.1, DM10 and DM18 and Policy 7.4 of the LP which collectively broadly require high quality development which reinforces and is sympathetic to local character, and which conserves and enhances heritage assets. There would also be conflict with guidance within the Conservation Area General Guidance Supplementary Planning Document 2013 and the CAAMP which together seek development that preserves or enhances the special character and appearance of the CA.

Living Conditions – Neighbouring Occupiers

16. The proposed three-storey rear extension would project significantly beyond the rear building line of 28 Coombe Road which includes windows at all levels set fairly close to the boundary. It would also be deeper at ground and lower ground floor levels than the attached neighbour at 32 Coombe Road, close to the ground floor level windows to this building.
17. Combined with its close proximity to the boundaries with Nos 28 and 32, the considerable bulk and massing of the proposed extension and significant depth at lower ground and ground floor levels would result in a dominant and intrusive feature as seen from these neighbouring buildings. From the perspective of occupiers of No 28, the additional depth at first floor level would further increase the overall bulk and mass of the development and therefore its imposing effect, particularly on rear windows within its ground and lower ground floor levels. As a consequence, the development would create a greater sense of enclosure and would adversely affect outlook from the lower ground and ground floor levels of No 28 and from the ground floor level of No 32.
18. Given the orientation of the appeal site, the proximity of the extension to neighbouring windows and its overall scale and depth beyond these windows, the development would also be likely to result in a loss of daylight and sunlight to these rooms for at least part of the day. No technical assessment has been provided by the appellant to demonstrate that levels of daylight and sunlight for neighbouring occupiers would not be unacceptably reduced.
19. The appeal also proposes that part of the flat roof of the extension would be used as a balcony for the flat to the rear of the building at first floor level. This would have views of the gardens to the rear of Nos 28 and 32, but these would not be significantly different to views available from the existing first floor balcony to the appeal site. Additionally, these buildings are occupied as flats and while I cannot be certain from the information before me whether or not the gardens are shared, they are in any case already overlooked by other flats within the same building. Given this, I find that any additional overlooking from the appeal site would not cause a harmful loss of privacy.
20. However, the projection of this balcony beyond the equivalent storey of both adjacent buildings and its position close to the boundaries would permit direct views towards the windows within the rear of these neighbours which would result in harmful overlooking. I note the appellant's suggestion that this could be addressed by a condition to require privacy screens, but this would further add to the scale of the development. Given I have already found that there

would be a detrimental impact on outlook and light for neighbouring occupiers, this would not therefore provide a satisfactory solution.

21. I conclude on this main issue that the proposal would cause unacceptable harm to the living conditions of the occupiers of 28 and 32 Coombe Road by reason of loss of outlook, light and privacy. Consequently, it would conflict with Policy DM10.6 of the CLP which seeks, amongst other things, protection for the amenity of the occupiers of adjoining buildings. There would also be conflict with the Suburban Design Guide Supplementary Planning Document 2019 which similarly seeks to minimise impacts of development on neighbouring occupiers.

Living Conditions – Future Occupiers

22. As part of the development, an additional dwelling would be created within the front part of the building at lower ground floor level referred to as 'Flat 7' on the drawings. This would comprise a studio flat with an open plan kitchen and living space, a separate bathroom and a store room. It would be served by 2 windows which would face onto the side access and boundary with No 28.
23. The boundary with No 28 currently predominantly comprises fencing atop a brick wall, but land levels along the side access are proposed to be reduced and full details of any proposed treatment to the boundary have not been provided. However, the very close proximity of the proposed windows to the boundary, together with their position below the level of ground to the front of the building, would result in a significant sense of enclosure and would severely compromise light and outlook for these windows. Even if there were no formal boundary treatment, views would be of the imposing side of No 28 at very close quarters, and so there would be little improvement in either outlook or light levels. These windows would be the sole sources of natural light and outlook for the proposed dwelling. Levels of both would fall far short of what could reasonably be expected by occupiers, and the development would not therefore offer satisfactory living conditions.
24. The appellant has commented that an existing window would be enlarged to serve the dwelling, but this currently serves a store room rather than main living space as is proposed. I also acknowledge that there is an existing bedroom window to the side of Flat 6 which faces the boundary with No 28. However, this flat also benefits from windows to the rear with outlook onto the garden and so does not offer a direct comparison for the proposed dwelling.
25. Where flatted development is proposed, CLP Policy DM10.4 advises that there should be provision of a minimum of 10sqm per child of new play space, and Policy DM10.5 further requires high quality communal outdoor amenity space which is flexible, multifunctional, accessible and inclusive. The appellant has suggested that there would be a shared garden for the flats on the site to the rear of the building, although no provision for play space is indicated. I note that land levels fall towards the rear of this space, but it currently provides a garden for the existing lower ground floor flat, and I see no reason it could not similarly offer usable space as a communal garden with details sought by an appropriately worded condition. Given that the proposed studio flat is unlikely to be occupied by families with children, I do not find that the lack of play space would cause any significant harm to future occupiers.

26. However, CLP Policy DM10.4 also requires new residential development to provide high quality and functional private amenity space with a minimum of 5sqm private amenity space per 1-2 persons. No outdoor private amenity space is indicated for the proposed new dwelling, and this would add to the poor living conditions for occupiers of Flat 7.
27. While I find that provision for play space would be unnecessary and that there would be suitable provision for communal space, I conclude on this main issue that the proposal would fail to provide acceptable living conditions for future occupiers of the additional dwelling with regard to outlook, light, and the provision of outdoor private amenity space. Accordingly, the proposal would conflict with Policies SP2.8 and DM10.4 of the CLP, and Policy 3.5 of the LP. Amongst other things, these policies seek homes that are fit for purpose and which meet the needs of residents, including through provision of adequate levels of sunlight, daylight and private outdoor amenity space.

Provision of Refuse and Cycle Storage

28. I have not been provided with any detailed guidelines to support the Council's suggestion that bulk bins would be required to serve the development. However, CLP Policy DM13 requires suitable space to store refuse and recycling to meet demand from future occupiers, including space for the temporary storage of bulky waste, and advises that this should be sensitively integrated within the building envelope or site so as to avoid visual intrusion.
29. At my visit, I saw 5 wheeled bins as well as a large number of recycling boxes grouped along the front boundary of the site with 28 Coombe Road. As part of the appeal, an enclosure for 7 refuse and recycling bins is proposed in this same broad location. This would hold 2 additional bins to those that were present at my visit, but storage for recycling boxes is not clear and there is no space shown for temporary storage of bulky waste. It has not therefore been demonstrated that the required refuse and recycling storage to serve the development would be suitably accommodated. Moreover, while I acknowledge the current presence of refuse and recycling storage on this part of the site, additional capacity would be required to serve the proposed development. This would increase the extent of storage in a location which is highly visible from the street scene and within the CA. I therefore find that refuse storage has not been treated as an integral element of the proposed development, and it would not be appropriate to defer consideration for this to a planning condition.
30. A secure bicycle store is proposed to the rear of the appeal building. The Council have commented that this would be of insufficient size to accommodate the required level of cycle storage and have referred to space requirements for Sheffield stands. However, the requirement for provision of cycle spaces in accordance with standards specified by the LP which is outlined by CLP Policies SP8.7 and DM30 would only apply to the proposed additional dwelling, and these policies do not impose a requirement to make use of Sheffield stands. The information before me does not clearly demonstrate that the proposed store would provide sufficient space for cycle parking required by the additional dwelling, but given its scale I am satisfied that further details could be sought by an appropriately worded condition. Nevertheless, the siting of the proposed refuse store very close to the top of the steps leading to the rear garden would be likely to inhibit convenient access to the cycle store. This would discourage

use by occupiers, contrary to the requirement within the CLP to make provision for cyclists.

31. I therefore conclude on this main issue that it has not been demonstrated that the proposal would provide adequate refuse storage and support for cycling. As a consequence, it would conflict with CLP Policies SP8.7, DM13 and DM30.

Other Matters

32. No additional parking is proposed within the appeal site, but it has a PTAL rating of 5 which indicates good public transport accessibility, and is located within a controlled parking zone which restricts on street parking between 0800 and 0000 7 days a week. The Council have not raised an objection to the lack of parking and have suggested that a legal agreement or planning condition could restrict on street parking for future residents. However, as I am dismissing the appeal for other reasons, it is not necessary for me to further consider the need to restrict on street parking by occupiers of the development or the appropriate mechanism to secure this, as this would not alter the overall outcome of the appeal.

Conclusion

33. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations which outweigh this conflict. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR