The Planning Inspectorate

Appeal Decision

Site visit made on 15 September 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/L5240/W/20/3252912
33 Montacute Road, Croydon, Surrey CR0 0JF

- 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 Dawid Cichon against the decision of the Council of the London Borough of Croydon.
- The application Ref 19/05738/FUL, dated 13 December 2019, was refused by notice dated 27 February 2020.
- The development proposed was initially described as "division of dwelling house into two dwelling houses and additional living space to be provided at rear".

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form, albeit parts of the original description have been removed where they referred to matters that do not constitute development. At Part E of the appeal form it is stated that the description of development has not changed but a different wording has been entered which reflects that used by the Council in their decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used a version of the one given on the original application.

3. The evidence before me indicates that the use of the building at the appeal site as two dwellings has already commenced but, as the building has not been extended or altered in the manner that is shown on the submitted plans, I have not considered the development on a retrospective basis.

Main Issues

4. The main issues are the effect of the development on:

    - The living conditions of future occupiers with particular regard to the provision of private garden space;
    - The character and appearance of the site and the surrounding area; and
    - The adjacent street tree.

Reasons

Living Conditions

5. The proposal would involve the extension and alteration of the existing building at the appeal site and the use of the resultant building as two dwellings with areas of

garden to the front, rear and side of the building. The extension at the rear of the building and the shape of the plot results in the gardens at the rear of the building being small in area. That space would be divided between the two properties.

6. Whilst both main parties have identified that the garden space to serve the proposed dwellings would be of sufficient size to accord with the size standards set out within Policy DM10 of the Croydon Local Plan 2018 (The CLP), the private garden space for the one bedroom dwelling would be of limited usability due to its shape and it being extensively enclosed by the building at the appeal site, substantial fences and the neighbouring property.

7. Although the one bedroom dwelling would have a large area of outdoor space at the front and side of the building and glazed doors at the side elevation to make that space usable, views of that garden area would be available to people within the public domain. As such, even allowing for the screening provided by the proposed timber fence, the porch extension and the hedge at the frontage of the site, the ability for this area to be looked into would prevent it being high quality private garden space. I have no basis to conclude that the availability of public open space within the vicinity of the site would be sufficient to compensate for the shortcoming in this respect.

8. For these reasons, the development would have an unacceptable effect on the living conditions of future occupiers with particular regard to the provision of private garden space. The proposal would, therefore, be contrary to policies SP4 and DM10 of The CLP which require that development enhances well-being and provides amenity space that is of high quality and is functional and respectful of local character. The proposal would also be contrary to Policy 3.5 of the London Plan (2016)(The LP) which requires that development is of the highest external quality and creates homes that are a place of retreat. The proposal would also fail to accord with the Mayor of London's Housing Supplementary Planning Guidance (2016) which requires that private open space is of practical shape and utility to ensure that the space offers good amenity.

Character and Appearance

9. The appeal site is located within a residential area that has the impression of being a planned estate as a result of the dwellings being formally arranged, with most buildings being set back from the road by a consistent amount. The corner plots adjacent to road junctions feature pairs of dwellings that are arranged at an angle. Many of the dwellings within the vicinity of the site have been the subject of extensions including a variety of porches and two storey extensions to the side of the dwellings at the corner plots.

10. The appeal site is one of the abovementioned corner plots and features a semi-detached building that has been the subject of a side extension. The proposal would involve the removal of the existing porch, the provision of extensions at the side and rear and the sub-division of the building to create two dwellings.

11. Given that two and single storey side projections are a feature of the existing dwelling and the similar dwellings of the surrounding area, the combination of the existing and proposed extensions would not result in the built form at the site being out-of-keeping with its context. Whilst the porch extension would project further forward of the building line of the adjacent dwellings of Montacute Road than the existing two storey side extension, this arrangement would be comparable to the other properties at corner plots within the vicinity of the site. Furthermore, as single storey projections at the side of two storey side extensions and porches

are an established feature of the dwellings within the locality, the proposed additions to the existing building would not have an incongruous appearance.

12. The proposed rear extension would have a discreet visual effect due to it being largely masked from the public domain. From where it would be visible, including within neighbouring properties, the proposed rear extension would be of appropriate scale, form and design that would not detract from the appearance of the building or the area more generally.

13. The division of the dwelling would be noticeable as a result of the creation of a second front door at the front elevation and the introduction of additional domestic paraphernalia as would be expected of a dwelling. However, whilst the site is located within an area of mostly semi-detached dwellings, the visual effect of the sub-division of the building and the creation of a terrace would be limited and would not cause the harmful erosion of the residential character of the area.

14. For these reasons, the proposal would have an acceptable effect on the character and appearance of the site and the surrounding area. Consequently, the development would accord with those parts of Policies SP4 and DM10 of The CLP which require that development is of high quality design that respects the development pattern and layout of an area and the scale, height, massing and appearance of the buildings within the surrounding area. The proposal would also accord with policies 7.4 and 7.6 of The LP which require that developments are of the highest architectural quality that have regard to the pattern and grain of existing space and streets in orientation, scale and mass and comprise of details and materials that complement local architectural character. The proposal would also accord with the Council's Suburban Design Guide Supplementary Planning Document (2019) which seeks to optimise the use of land to provide housing where doing so would not cause significant change to the character of an area.

The Adjacent Street Tree

15. The resultant pair of dwellings would be served by two parking spaces with a repositioned access being provided in closer proximity to a street tree than the existing access. Whilst no evidence has been provided to demonstrate that the tree would not be affected, as is required by Policy DM28 of The CLP, the distance between the crossover and the tree would be sufficient to ensure that the tree would be able to be retained and would not need to be excessively pruned.

16. Having regard to paragraph 54 of The National Planning Policy Framework, if I were minded to allow the appeal, a condition could be imposed to ensure the retention and protection of the street tree. Such a condition would ensure that the street tree would continue to contribute positively to the character of the locality.

17. Consequently, as the proposed access would not cause the removal of the tree and it could be afforded suitable protection, the proposal would not have an unacceptable effect on the existing street tree. The development would, therefore, accord with Policies DM10 and DM28 of The CLP which, together, seek to retain existing trees and require that development does not cause the avoidable loss or excessive pruning of trees that contribute to the character of the area. The proposal would also accord with policies 7.4 and 7.21 of The LP which require that existing trees of value are retained and that developments have a positive relationship with natural features.

Planning Balance and Conclusion

18. The proposal would represent a minor boost to the supply of housing which the appellant has identified would also be likely to bring about some economic and

social benefits. However, as the extent and nature of those other benefits has not been clarified and as the proposal only relates to a single dwelling, I have no reason to conclude that the benefits in each of these respects would be more than limited.

19. Consequently, whilst I have found the development acceptable in some respects and acknowledge that limited benefits would arise from the proposal, those factors do not outweigh the harm caused to the living conditions of future occupiers and the associated conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR