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## Appeal Decision

Site visit made on 17 November 2020

**by Michael Evans BA MA MPhil DipTP MRTPI**

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

**Decision date: 07 December 2020**

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**Appeal Ref: APP/L5240/D/20/3256547**

**8 Valley Road, Kenley CR8 5DG**

- 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 Dhiren Patel against the decision of the Council of the London Borough of Croydon.
  - The application Ref 20/01751/HSE, dated 21 April 2020, was refused by notice dated 22 June 2020.
  - The development proposed is described on the planning application form as "construction of a part1/part2 double/single storey side and rear extension, with 1 no of front dormers, roof alterations and all associated works".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - The effect on the character and appearance of the host dwelling and the streetscene.
  - The effect on the living conditions of the occupiers of the adjacent dwelling at 8A Valley Road, with regard to outlook.

### Reasons

3. The appeal concerns one of a group of three adjacent detached dwellings of a highly similar design. These have catslide roofs at the front with a single dormer addition. There are fairly generous gaps between the flank walls of these properties that reflect a similar general standard found in the vicinity. These make a positive contribution to the streetscene as they provide visual relief to the built form. Moreover, the gap between the dwellings at no. 8 and 6A enables an attractive view of the vegetation and rising topography to the rear. The proposal includes enlargement to the side next to 6A. At the front this would only have a storey below eaves level, with two full storeys at the back. The development is not therefore strictly either two storey or single storey.
4. Nevertheless, the Council's Suburban Design Guide, Supplementary Planning Document (SPD), 2019, indicates in relation to both single and two storey side extensions that space between dwellings can form part of the character of the street and that the impact on the appearance of the street should be

- considered. The SPD therefore confirms that this is a significant issue, regardless of how the development might be categorised.
5. The space between the side of the adjacent dwelling at 6A and the mutual boundary is less generous than that currently found at the appeal site. The Appellant indicates that the enlargement to the side would result in a gap of only 300mm being retained to the boundary. In consequence, the resulting space between the properties would be unduly restricted. This would disrupt the spacious nature of the street, while unacceptably detracting from its visual quality by significantly diminishing the attractive view.
  6. There is a hedge between 8 and 6A and the Appellant makes reference to the possibility of it being upgraded, reduced or removed. However, there are no details of any additional planting and I have no reason to believe that any of these options in relation to the hedge would prevent or significantly alleviate the detrimental impact.
  7. The enlarged dwelling would have noticeably deeper side elevations than at present with the main pitched roof replaced with one having a fairly wide flat top. These factors would result in a somewhat poorly proportioned, squat and unduly bulky appearance. This would also give rise to a jarring and discordant contrast with the pitched roof and more slender gable of the dwelling at 6A, highlighted by the relatively close proximity.
  8. The Council suggests that the side extension would not be subservient to the host dwelling, having regard to the advice in the SPD concerning two storey side extensions. However, the associated photographs in the relevant part of the SPD make it clear that it is concerned with development having a full two storeys below eaves level at the front, whereas in this case there would only be a single storey. Consequently, the advice is not applicable in this case.
  9. It is acknowledged that there is a significant diversity in relation to matters such as dwelling design, scale and materials in the wider streetscene. The site is not in a Conservation Area and the appeal does not raise any Listed Building issues. The enlarged dwelling would only have a single dormer addition, with low eaves and a fairly modest set back in the position of the garage at the front. The facing materials used would match those of the existing dwelling. The Appellant also indicates that the eaves level and top of the roof would be at the same height as those of the existing property.
  10. Nevertheless, despite these factors it is concluded that the proposal would harm the character and appearance of the host dwelling and the streetscene. The development would conflict with Policies SP4 and DM10 of the Croydon Local Plan 2018 and Policies 7.4 and 7.6 of the London Plan. These intend, among other things, that development respects local character, is appropriate to its context and of high quality design, which would not be achieved in this case.
  11. The rear extension would not project beyond lines taken at 45 degrees from the rear facing windows at the immediately adjacent dwellings. The degree of backward projection and position of this addition would prevent any undue impact in relation to the gardens and rear facing windows at the neighbouring properties. However, that at 8A has a window in its flank elevation facing towards the side of the house at the appeal site. This appears to serve a room that also has a window in the rear elevation but that to the side is significantly

- larger and therefore more important to the quality of the accommodation. Moreover, this opening currently faces towards the end of the two storey flank wall at no. 8, so that a fairly open outlook can be obtained to the side of this.
12. The extension at the back would project 3.5m rearwards at two storey height. The adjacent window would only be set back from the side boundary fairly modestly. Because of its full two storey height, depth and proximity, the rear addition would result in an unduly oppressive sense of enclosure to the outlook from the flank window. Despite the suburban location and double aspect, this would reflect an unreasonably poor relationship.
  13. Although the development complies with the advice in the SPD regarding a 45 degree line from rear facing windows, because of the effect in relation to the side facing window it is concluded that the living conditions of the occupiers of the adjacent dwelling would be harmed. The proposal would therefore be contrary to Local Plan Policy DM10.6 and London Plan Policy 7.6 which, among other things, seek to prevent such detrimental effects.
  14. I am reinforced in my view regarding the adverse impact and unacceptable nature of the development by the importance placed on design and amenity in the National Planning Policy Framework (The Framework). This indicates that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and good design is a key aspect of sustainable development. It also indicates that planning decisions should ensure that developments create a high standard of amenity for existing users. In this case, due to the failure to achieve a suitable standard of design and resulting poor amenity for adjacent occupiers, there would also be conflict with Government policy in the Framework.
  15. It is noted that the proposal seeks to address the concerns raised by the Council when refusing planning permission for a previous scheme. However, this does not, in itself, confer acceptability and I have considered the current proposal on its own merits. The ownership of the adjacent dwelling at 6A by the Appellant does not alter my view and this could change anyway. In this instance the additional accommodation to meet the needs of a growing family would be achieved at the undue expense of the quality of the built environment.
  16. Taking account of all other matters raised, because of the harm that I have found it is determined that the appeal fails. In reaching this decision I have considered the representations made by members of the public.

*M Evans*

INSPECTOR