



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

Appeal Ref: APP/L5240/D/20/3253016 34 Portnalls Road, Coulsdon CR5 3DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr K Khan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/00123/CONR, dated 12 January 2020, was refused by notice dated 1 May 2020.
 - The application sought planning permission for the erection of single/two storey front/side/rear extensions and enlargement of the roof to facilitate a loft conversion without complying with a condition attached to planning permission Ref 19/02887/HSE, dated 25 October 2019.
 - The condition in dispute is No. 1 which states that: The development shall be carried out entirely in accordance with the following documents and drawings: P06 Rev B6, P04 Rev B, P08 Rev P1, P05 Rev P2, P03 Rev P1, P01 Rev P1.
 - The reason given for the condition is: To ensure an acceptable standard of development.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect on the character and appearance of the host dwelling and streetscene.

Reasons

3. It is explained in the Planning Practice Guidance that "An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied". It then goes on to state that "There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved".
4. The appeal concerns a two storey semi-detached dwelling where work to implement a previously granted planning permission had started. However, this was not carried out in accordance with the approved plans. As a result,

the application the subject of this appeal was submitted, which seeks to amend the original scheme.

5. The approved scheme shows two rooflights facing the street whereas the amended scheme would have five. They would be set in a part of the dwelling with only a fairly limited set back from the front gable. As a result of this and despite the roof slope being angled upwards, the rooflights would be readily seen from the street. The roof lights would be flush with the roof slope, while being of the same size and shape with a horizontal alignment. However, the restricted nature of the host roof slopes mean that they would have fairly limited areas of roof visible around them. The extent of roof below and above them would be particularly limited. Moreover, the three additional lights would be especially close together.
6. The streetscene is fairly diverse in terms of dwelling design but even in this context the presence of rooflights, especially in such numbers, would be fairly unusual. Rather than being suitably small and conventional features, the rooflights would result in an unacceptably cluttered appearance that would be visually intrusive.
7. The consented scheme includes a rear projection with two storeys below the eaves and second floor accommodation in the roof above. This would have a roof sloping down to the rear and to the sides from a flat top. These factors would appreciably mitigate the perceived bulk of this part of the dwelling and sympathetically reflect the two storey character of the host dwelling and the attached property. However, the proposed scheme would extend the rear wall vertically upwards from first floor level in this part of the enlarged dwelling. There would be two rear facing windows in this wall, rather than the two rooflights previously proposed at this level in the end of the rear projection. The flat top of the roof would also be significantly wider.
8. Rather than being suitably modest in size, these changes to the approved scheme would result in the rearward projection appearing as a three storey feature of excessive bulk, scale and mass, causing it to be a top heavy and overly dominant feature. It would also provide a jarring and abrupt contrast with the adjacent two storey dwelling. Due to these substantial differences in scale and nature, the appeal scheme would not comprise a minor material amendment to the original permission, which, as the Appellant indicates, comprises a fall-back position.
9. The part of the development at the back would not be seen from the street. Nevertheless, it would be apparent from the gardens of adjacent dwellings, as well as from that at the appeal site itself. In any event, the suggestion that acceptability should be conferred on the basis of restricted visibility seems to me to represent an implicit acknowledgement of the unacceptable nature of the development.
10. The Appellant draws attention to alterations at the rear of dwellings in the street that include dormer additions, crown roofs and flat roofs and I have considered the submitted aerial photograph. However, I have not been provided with the full details and background of any individual schemes that might enable any meaningful comparison with the current proposal.
11. It is accepted that there is no objection to the principle of development and the dwelling is not located in a Conservation Area and is not a Listed Building. It is

acknowledged that the Council has not referred to any policy or guidance specifically concerned with roof extensions and alterations.

12. Nevertheless, despite the above factors, I conclude that the proposal would harm the character and appearance of the host dwelling and 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 makes a positive contribution to the streetscape, is appropriate to its context and of high quality design.
13. I am reinforced in my view regarding the adverse impact of the development by the importance placed on design 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. The failure to achieve good design in this case means there would also be conflict with the Framework.
14. In this case the additional accommodation would be achieved at the undue expense of the quality of the built environment. Because of matters such as the position of windows and of the roof enlargement proposed, the Council raises no objection to the effect on the living conditions of the adjacent occupiers. I see no reason to take a different view. There is no technical evidence before me to justify rejecting the development because of car parking concerns.
15. Nevertheless, taking account of all other matters raised, because of the harm that would result 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