

## Appeal Decision

Site visit made on 4 December 2020

**by D Cramond** BSc MRTPI

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

**Decision date: 04 January 2021**

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**Appeal Ref: APP/L5240/W/20/3252077**

**64 Foxley Lane, Purley, CR8 3EE**

- 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 Richard Cole against the decision of London Borough of Croydon.
  - The application Ref 20/00146/FUL, dated 8 January 2020, was refused by notice dated 11 March 2020.
  - The development proposed is alterations, erection of a rear balcony and screening at first floor level.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues are the effects of the proposal on:-
  - character and appearance of the locality; and
  - living conditions for neighbours.

### Reasons

3. The appeal property is a large semi-detached building originally a single dwelling but now extended and converted into flats. The site is located on a relatively busy road within an area of residential character. Property types vary but are generally large with generous grounds leading to the locality being an attractive one.
4. The proposal is as described above and is effectively to use part of an existing flat roofed extension for narrow but lengthy balcony areas to serve two flats with each one having two separate glazed doors giving access outward.

#### *Character and appearance*

5. The area is undergoing some change as a number of properties are converted or redeveloped for flats but this has not presently arisen on either side of the appeal property and the local sense is one of generous suburban property with subtle design and traditional features.
  6. To my mind the proposed balcony would be out of keeping with this scene. The arrangement would be one which was visually ill at ease. Using a seemingly arbitrary part of the depth of the flat-roofed area, set in from one side at a contrived angle and not all at the other, and with a lack of any subtlety of design or use of well-chosen materials. The development would
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simply not echo the type of development one would expect in a high quality and currently traditional suburban setting. It would not be in character and would be jarring in appearance.

7. For these reasons I conclude that the proposal would run contrary to Policies DM10.1, DM10.6 and DM10.7 of the Croydon Local Plan 2018 (LP), 7.6 of the London Plan (TLP) and Croydon's Suburban Design Guide SPD (2019) (SPD) which all aim to ensure that new development is aesthetically appropriate.

#### *Living conditions*

8. Amongst other matters the Council is concerned that use of the planned balcony area would lead to undue increases in noise and disturbance harmful to neighbours. I am not convinced about this. Controls though legislation outside planning law are available for use in difficult situations and one has to say that noise from within a room from a (permitted) Juliet balcony being in open use could be quite comparable to a balcony in any event. There is though some point of perception to be made in that neighbours in a high quality suburban scene would not expect there to be adjoining scope for balcony use by numbers of people.
9. More seriously, on other questions of amenity; the attached dwelling (66) has a bay window at the proposed balcony level almost on the side boundary with the appeal property. The other side has a dwelling (62) which is set some distance away but at a markedly lower level and with clear inter-visibility. Even with vegetation, which is not necessarily permanent, both these properties would face the prospect of increased overlooking of rear gardens upon use of the balcony area with the latter able to be subject to views into some of its rear living area if one was leaning on the balcony railing. The side screen would clearly reduce the scope for this but by reason of its siting and scale would increase the massing of the building when seen from No. 62 and thus add to the uncomfortable feeling of dominance of this higher building. For No. 66 the sense of its bay window being screened would be palpable even with the angling and set-in which is proposed for the nearest side screen.
10. The originally planned arrangement of Juliet balconies would simply be more neighbourly and the appeal proposal both functionally and physically pushes matters too far.
11. Given the foregoing I therefore conclude that the scheme would conflict with LP Policies DM10.1, DM10.6 and DM23, LTP Policy 7.6 and the SPD. Taken together and amongst other matters, these all seek to protect residential amenity. The SPD does include some discouragement for balconies but it must be said it could not be expected to cover every eventuality and each scheme must be assessed on its merits and the nature of the surrounds at any one time.

#### *Other matters*

12. I recognise that neighbours did not object to the scheme but I have to look beyond the reaction of individual occupiers or owners at look in the round using planning policy and physical circumstances as a basis. I do appreciate that the Appellant was not tied to the materials shown and had I been minded to approve the scheme a planning condition could have enabled a fresh choice to be agreed. It is important that occupiers of flats have good scope for amenity and outside space and in an ideal world that would be 'on the doorstep'. However it does seem to me in this instance that there is a generous rear

garden area and I did note that upper flats relied on this combined with Juliet balconies and that seemed to me to be a reasonable arrangement. I do appreciate that the immediate area is potentially one of change and intensification and it may be in the future that different surrounding circumstances will apply. However, I have to assess the design quality of the individual proposal which is put forward and also take this within a context that presently exists.

13. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
14. I confirm that policies in the National Planning Policy Framework have been considered. Key objectives of the document are to safeguard qualities of the built environment and living conditions for people and the development plan policies and guidance to which I refer mirror this.

*Overall conclusion*

15. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the locality and on living conditions for neighbours. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR