The Planning Inspectorate

Appeal Decision

Site visit made on 24 November 2020

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 February 2021.

Appeal Ref: APP/L5240/W/20/3256443
20 Biggin Way, Upper Norwood, London, SE19 3XF

- 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 Tahir Fazal against the decision of the Council of the London Borough of Croydon.
- The application Ref 20/00907/HSE dated 24 February 2020 was refused by notice dated 26 May 2020.
- The development proposed is the partial excavation of garden for side/rear extension for connection between main dwelling and outbuilding.

Decision

1. The appeal is allowed and planning permission is granted for the partial excavation of garden for side/rear extension for connection between main dwelling and outbuilding at 20 Biggin Way, Upper Norwood, London, SE19 3XF in accordance with the terms of the application Ref 20/00907/HSE dated 24 February 2020 subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Map (2019/004/04), Proposed Block Plan (2019/003/03), Existing and Proposed Floor Plans (Revised) (REV - 2020/001/01), Existing and Proposed Front Elevations (2020/002/02), Existing and Proposed Side Elevations (2019/002/02), Proposed Roof Plan (2019/005/05) and Revised Side Elevation and Section (REV – 2020/005/05).

    2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing main dwelling.

Procedural Matters

2. I have utilised the description of the development from the refusal notice as I consider this more accurately reflects the proposal. Although construction works were ongoing at the time of my visit and the development was largely complete externally, for clarity, I am considering the appeal based on the submitted plans.

Main Issues

3. The main issues are the effect of the proposal on (1) the character and appearance of the host property and the area and (2) the living conditions of the occupiers of No. 22 Biggin Way with reference to daylight and outlook.

Reasons

Character and Appearance

4. The appeal site comprises of a semi-detached property that is situated in a residential area that comprises of similar dwellings with common features such as hipped roofs. These are generally closely spaced together and those on the northern side of Biggin Way are set slightly elevated from the road. Some of the nearby properties have been subject to alterations, including side extensions and front porch additions. A variety of hardstanding areas can be seen to the front of properties providing parking areas, although the presence of vegetation in front gardens, as well as street trees, gives the area an open, pleasant character.

5. The proposal seeks to connect the main dwelling with an outbuilding at the rear through a linear extension running along the boundary between the appeal property and No. 22. Biggin Way. The rear garden would be partly excavated and the extension set down. The Council acknowledge that the extension would not have an impact on the streetscene, but raise concerns on the length of the extension along the rear garden to the outbuilding being out of keeping for the area.

6. I acknowledge the appeal development does have a long, linear form, but the section to the rear is nevertheless set down, with the majority of the garden remaining open. Its height would also ensure it has a subordinate appearance to the main dwellinghouse. As such, I do not consider the size or design of the subject extension would be visually harmful to the character of the host property or the open character of the area.

7. I therefore conclude that the proposal would not adversely harm the character and appearance of the host property or the area and would not be contrary to Policies SP4 or DM10 of the Croydon Local Plan 2018 (Local Plan), Policies 7.4 or 7.6 of The London Plan or the aims of the Suburban Design Guide Supplementary Planning Document (SPD).

Living Conditions

8. The proposed extension would extend between the main dwelling and the outbuilding which is situated at the end of the rear garden. I note that siting of the extension relative to the common boundary between the appeal property and No. 22 and the level changes to the rear. My attention has been drawn to the SPD, which states that single storey rear extensions should be designed to ensure that they are not deeper than 3.5m from the rear elevation of the original dwelling on semi-detached properties. Whilst the appeal development would be in excess of this, given that it would be for most of its length along the rear garden set down into the ground due to the partial excavation, I do not consider it would have a markedly different impact on the occupiers of No. 22 to typical boundary treatment which separate the rear gardens. The neighbouring property owner at No. 22 confirms that the majority of the extension along the boundary is lower than their garden fence.

9. The height of the extension does increase, but this higher section would be furthest to the rear, adjoining the existing outbuilding and some distant from the rear of the neighbouring property at No. 22. I do not therefore consider that the appeal proposal would unduly restrict the outlook of these

neighbouring occupants or appear visually intrusive from their nearest habitable windows. It would also for these reasons not result in an unacceptable loss of daylight.

10. I therefore conclude that the proposed development would not have an unacceptably detrimental impact on the living conditions of the occupiers of No. 22 Biggin Way. It would not be contrary to Policy DM10 of the Local Plan or Policy 7.6 of The London Plan which I consider to be of most relevance to this element of the appeal. Although the proposal would not be compliant with certain specific guidance within the SPD, it would not conflict with its underlying aims, which include the need to protect neighbouring amenity.

Conclusion

11. For the reasons set out above and having taken into account all other matters raised, I conclude the appeal should be allowed.

Conditions

12. Given that the development has already commenced, a condition relating to commencement, as suggested by the Council, is not required. A condition requiring compliance with the approved plans is necessary for the avoidance of doubt and a condition requiring matching materials is required in order to ensure that the subject extension would have an acceptable appearance.

F Rafiq

INSPECTOR