

Appeal Decision

Site visit made on 18 December 2020

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2021

Appeal Ref: APP/L5240/D/20/3261335

13 Clifton Road, Coulsdon CR5 2DW

- 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 Mrs Maria Cornwell against the decision of the Council of the London Borough of Croydon.
 - The application, Ref. 20/01854/HSE, dated 28 April 2020 was refused by notice dated 28 September 2020.
 - The development proposed is a proposed 2 storey side extension / single storey rear wrap-around extension and loft conversion.
-

Decision

1. The appeal is dismissed insofar as it relates to the raised decking but allowed and planning permission granted for a 2 storey side extension / single storey rear wrap-around extension and loft conversion at 13 Clifton Road, Coulsdon in accordance with the terms of the application, Ref. 20/01854/HSE 20/01854/HSE dated 28 April 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) With the exception of the rear decking which is not permitted, the development shall be carried out in accordance with the following approved plans: Drawing Nos. 2SSE/13CR /01 & 2SSE/13CR/02;
 - 3) Other than as specified on the application form, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building;
 - 4) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or amenity area and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no alterations shall be carried out to create access to it.

Procedural Matter

2. The description of the proposal on the application form is as stated in the final bullet point of the header above. In the appeal form this was changed to 'Demolition of existing garage, erection of two storey side extension, single storey rear extension, raised decking and rooflights to facilitate loft conversion'.
-

Main Issue

3. The Council has raised no objections to the main elements of the proposal but is concerned as to the impact of the raised decking, which I refer to in more detail below. I have read the objections of neighbours in relation to the scheme as a whole, including in respect of matters such as the development's alleged obtrusive design, effect on noise, not being in keeping with the area, overdevelopment, and the effect on traffic. However, I agree with the Council's view that subject to the suggested conditions, the extensions and rooflights / loft conversion are acceptable. Accordingly, the main issue in the appeal is the effect of the proposed decking on the living conditions for the occupiers of Nos. 11 & 15 Clifton Road in terms of privacy and outlook.

Reasons

4. The Council's position in respect of the proposed raised decking is that the application as submitted does not include privacy screens, but in any event if erected they would be overbearing for the neighbours at Nos. 11 and 15.
5. In principle I see no objection to the addition of an area of rear decking to the property, considering it already occurs on a number of properties on this side of Clifton Road. With the steep fall in land level away from the houses, this facility enables easy access to an outside area with its advantages of fresh air, sunlight and views.
6. However, in this case the decking would extend the full width of the existing house plus the side extension and as such it would be in very close proximity to the side boundaries of the gardens of Nos. 11 and 15, in particular the latter. In my view, some measure of the decking being clearly offset from both boundaries is necessary to avoid the adjoining occupiers' reasonable perception of (i) being overlooked and (ii) having an outlook unduly restricted to the extent that the combination of decking and screening on the falling land would be overbearing.
7. I am therefore of the view that the effect on both privacy and outlook cannot be sufficiently mitigated with the existing width of decking, whilst as regards mitigation it is also important for there to be room for the existing hedge screening to be retained or replaced (or partially retained and supplemented) - in either case secured by a condition.
8. There is a reference in the grounds of appeal to an updated plan that lowers part of the decking. I have not had access to this document and cannot take it into account. The proposed amendment may well play a useful part in any fresh application but in any event, for the reasons explained, I consider that at least some reduction in the extent of the decking on both sides of the property is essential.
9. In summary, whilst the majority of the proposal is acceptable and in accord with Policy DM10 of the Croydon Local Plan 2018 and the National Planning Policy Framework 2019, the decking requires further consideration and a fresh application. Accordingly, I have issued a split decision as set out in paragraph 1 above.

10. As regards the permission, a condition in respect of compliance with the submitted plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring matching external materials will ensure a harmonious form of development and safeguard the character and appearance of the host dwelling and its surroundings. Finally, a condition precluding the use of the roof of the rear extension will safeguard the privacy of neighbours.

Martin Andrews

INSPECTOR