



Appeal Decision

Site Visit made on 16 March 2021

by Paul Clark MA MRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/L5240/W/20/3256088

21 Kensington Avenue, Thornton Heath, CR7 8BT

- 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 Ahmet Kose & Mrs Hanife Kose against the decision of the London Borough of Croydon.
- The application Ref 20/00831/FUL, dated 20 February 2020, was refused by notice dated 15 April 2020.
- The development proposed is extension/remodelling and conversion of an existing terrace House to create 2 No. flats with private garden amenity.

Decision

1. The appeal is allowed and planning permission is granted for extension/remodelling and conversion of an existing terrace house to create 2 No. flats with private garden amenity at 21 Kensington Avenue, Thornton Heath, CR7 8BT in accordance with the terms of the application, Ref 20/00831/FUL, dated 20 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 272-D-00-REV-A, 272-D-07-REV-A, 272-D-08-REV-A, 272-D-09-REV-A, 272-D-10-REV-A, 272-D-11-REV-A, 272-D-12-REV-A, 272-D-13-REV-A, 272-D-14-REV-A, 20-036/301
 - 3) No part of the development hereby permitted shall be occupied until the removal of the shed in the rear garden and the provision of bicycle storage and refuse bin stores shall have been completed in accordance with details shown on submitted plans no. 272-D-07-REV-A and 272-D-14-REV-A.
 - 4) No part of the development hereby permitted shall be occupied until details of the fencing to subdivide the rear garden and of any necessary making good of fencing on the boundary with number 23 have been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.

Main Issues

2. There are two. They are the effect of the proposal on;
 - the character and appearance of the area and on
 - the living conditions of neighbours in terms of outlook and light.

Reasons

Character and appearance

3. Much of Kensington Avenue comprises a mid-twentieth century estate, probably built as Council housing, in a simplified arts and crafts style. Two storey houses predominate, with painted rendered facades under hipped roofs, some with sprocketed eaves. They are arranged either in pairs with brick faced gabled bays or in short terraces of three or four, some with projecting two storey bays. Number 21 is one of a terrace of four. It has a ginnel leading through the building to its rear garden. The proposed extension would be sited at its rear and is unlikely to be visible from the street.
4. The rear facades of these properties would originally have been uniformly flat and aligned but over the years many have acquired flat-roofed loft extensions, single storey additions of varying depths up to about 6m and some two-storey extensions of about 3m deep. Examples of properties with both 6m ground floor and 3m first floor extensions combined at numbers 29 and 33 Kensington Avenue and 57 Hawthorn Avenue, the former including a large roof extension, can be seen from the rear garden of number 21, so the principle of what is proposed in this appeal would not be uncharacteristic of the area and would comply with policy DM10.1 of the adopted Croydon Plan 2018. This requires development to respect the development pattern, layout and siting, scale height, massing and density of the surrounding area.

Living conditions of neighbours

5. The appeal property has an existing single storey rear extension about 3.5m deep and a little under 3m high which extends nearly to the boundary on either side. To this is attached a roofed open-fronted verandah which extends a further 3m into the garden. It has enclosed sides on each boundary which rise to about 2.2m high. The proposed single storey extension would be deeper, at about 8m from the original rear wall of the house, and would be about 3m high. But, it would be set off the boundary on each side; by about 1.5m from number 23 to the west and by about 1m from number 19 to the east.
6. Number 19 has sheds and other constructions which extend along the common boundary to a greater depth than that of the appeal proposal and so, the proposal would cause no adverse effect on the outlook from, or daylight to, that property. Number 23 currently has no rear extension and so its present outlook is onto the flank wall of number 21's existing 3m high rear extension and verandah, the enclosed flank of which extends to a depth of 6m, 2.2m high, positioned on the boundary. The proposal would alter this to an outlook onto a conventional garden boundary, which currently has a 2m high fence, and beyond that, but set back by about 1.5m, the flank wall of the extension proposed, 8m deep, 3m high.
7. Although the extension would be deep, the combination of its limited height above the garden fence and the 1.5m set-back from the boundary would combine to minimise its visibility from number 23 and so cause no harm to outlook enjoyed or to daylight received. Sufficient garden area would remain at number 21 to serve the needs of the two flats proposed and so would continue to provide a green and open outlook for adjoining neighbours beyond the extension proposed.

8. The first floor extension would be limited to a depth of 3m and would have lowered eaves. Consequently, it would not impinge upon 45° horizontal or vertical lines of view from neighbours windows, which is normally considered to provide for adequate light and outlook to be enjoyed by neighbours.
9. For all the above reasons I conclude that the proposal would have no unacceptable effect on the living conditions of neighbours in terms of light or outlook. The proposal would comply with policy DM10.6 of the adopted Croydon Plan 2018. This requires development proposals to ensure that the amenity of the occupants of adjoining buildings is protected and that they do not result in significant loss of existing sunlight or daylight levels for adjoining occupants.

Conditions

10. In the event of the appeal being allowed, the Council has suggested five conditions may be necessary. I do not impose a condition about materials because details are adequately stated on the drawings, compliance with which would be required by a different condition. Nor do I impose a condition to require the submission of details of cycle parking and refuse storage since these are adequately shown on the drawings; a condition requiring their implementation before occupancy is sufficient. Details of the boundary treatment to be constructed, both along the opened boundary with number 23 and in the subdivision of the garden between the two flats proposed is not shown on the drawings and so a condition is needed to ensure their submission for approval.

Conclusion

11. With the conditions in place, the proposal would comply with the development plan and so should be approved accordingly.

Paul Clark

INSPECTOR