



Appeal Decision

Site visit made on 19 April 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021.

Appeal Ref: APP/L5240/W/20/3264043

74 Sumner Road, Croydon, CR0 3LJ

- 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 D Warner against the decision of London Borough of Croydon Council.
 - The application Ref 20/03208/HSE dated 5 August 2020, was refused by notice dated 29 September 2020.
 - The development proposed is new garage with a upper level for office space and storage area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Appeal APP/L5240/W/20/3265742 is the lead case to this appeal and was determined at the same time following the same site visit, however, each proposal is considered on its own merits and the appeal decisions are separate.
3. Since the determination of this application the London Plan 2021 (a Replacement Plan) has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to within the refusal reason are no longer in force. The draft new London Plan (intend to publish) is clearly referred to within the Council's submissions. Two policies from the London Plan 2016 are cited within the refusal reason. Given the nature of the refusal reason, the main issue and the other Local Plan policies upon which the refusal reason is based it is not considered on this occasion that the publication of the new London Plan directly changes the assessment of this appeal.

Main Issue

4. The main issue is the impact of the amenity of occupiers at 72 Sumner Road with regard to light, outlook and sense of enclosure.

Reasons

5. The appeal site is a semi-detached property which fronts onto the A213 (Sumner Road) within a predominately residential area. Pedestrian access is gained from Sumner Road. Vehicular access is from Lambeth Road to the West, with the curtilage of the appeal site essentially wrapping around adjoining no. 76, as can be seen from the submitted block plan (74922/02). Whilst there is a mix of flatted developments, commercial premises and terrace

and semi-detached dwellings in the area the appeal site is within a row of residential properties. The appeal proposal would be to the rear of the site.

6. The appeal site currently benefits from a modest, single storey, outbuilding. The rear elevation is adjacent to the site boundary which is shared with no. 72 Sumner Road (plan ref: 74222/05). The existing elevation, which faces no. 72, is demonstrated on the existing elevations (plan ref: 74222/03). The proposed elevations (plan ref: 74222/10) demonstrate a significant increase in height, adjacent to the boundary. The proposal would be located immediately to the rear elevation of no. 72 (within 400mm) where there is a ground floor rear window which would experience a significant loss of both light and outlook. It would introduce two storey built form along the boundary which is immediately next to the garden space closest to the rear of no. 72 which would very clearly be visible for occupiers both within the garden and from the adjoining windows resulting in a dominant and enclosing structure.
7. The combination of the scale and position of the proposal and the proximity of the neighbouring dwelling at no. 72 I find would cause the proposal to have an unacceptable impact upon the amenities of the neighbouring occupiers at no. 72 Sumner Road with regard to light, outlook and sense of enclosure within the garden. The proposal would be contrary to Croydon Local Plan 2018 (LP) Policy DM10 which requires proposals to ensure that the amenity of the occupiers of adjoining buildings are protected and do not result in significant loss of sunlight or daylight levels of adjoining occupiers.
8. The Council's refusal reason refers to LP Policy SP2, however, this is a policy which relates to new housing development (quantities, location and affordable housing). The Council have not provided any explanation as to the relevance of this policy to the appeal proposal which is for a domestic outbuilding so it is assumed this is a typographical error given the policies stated in the summary of the Council's report.

Other Matters

9. The appellant has suggested movement of the proposal within their appeal submissions and has submitted revisions to the design/roof pitch however, it is not within the scope of this appeal to consider alternative proposals nor those from additional options which are materially different. The original proposal, as considered by the Council, is the subject of this appeal only to ensure a fair, open and transparent system in which interested parties and the Council can both consider specific proposals upon their own merits.
10. The appellant has stated that no. 72 has an application (20/05673/GPDO) for a single storey rear extension with a flat roof, however, I have no confirmation of approval nor any further details other than the appellant's description and the reference number stated before me. As a result of this I am able to attribute little weight to this within the determination of this appeal.
11. There are objections from third parties to this proposal. I have dealt with matters relating to outlook and sense of enclosure earlier within this decision. Comments relating to the window in the front elevation are noted. The plans propose wooden plastic composite plastic at 110mm spacing in between vertical blinds in order to reduce overlooking into the neighbour's garden. The Council acknowledge this louvre feature to restrict views out and conclude there would be no harmful overlooking of any neighbour. They have not raised

matters relating to overlooking or privacy within their refusal reason and I have no evidence before me to conclude differently.

12. Potential breach of Party Wall Regulations are a private matter, however, had the proposal been acceptable in other regards a third party wall agreement could have been sought. Matters relating to damp and damage to existing property, as a result of the existing outbuilding, are private matters outside the scope of this appeal and had the proposal been approved it would have been subject to Building Regulations.

Conclusion

13. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR