



Appeal Decision

Site visit made on 17 May 2021

by **J D Westbrook BSc(Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th June 2021

Appeal Ref: APP/L5240/W/20/3260388

67 Orchard Avenue, Croydon, SURREY, CR0 7NE.

- 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 N J Roberts Properties Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 20/01997/FUL, dated 7 May 2020, was refused by notice dated 31 July 2020.
 - The development proposed is described as the demolition of existing garage; erection of a two-storey side extension, a two-storey rear extension, a loft conversion with roof lights in the front roof slope and dormers in the rear roof slope, the construction of balconies at first floor and second floor level, and the construction of rear basement with terrace area and external staircase. Conversion of resultant building into 6 flats with provision of car parking, refuse and recycling store, soft landscaping and new vehicular access onto Woodland Way.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the alterations and conversion on:
 - The character and appearance of the area around Orchard Avenue and Woodland Way,
 - The living conditions of the occupiers of the proposed flats by way of amenity space, privacy and outlook, and
 - Highway safety along Orchard Avenue and Woodland Way.

Reasons

3. No 67 Orchard Avenue is a detached house situated on the western side of the road. The plot extends between Orchard Avenue to the front of the dwelling and Woodland Way to the rear, such that the existing dwelling is visible from both roads. The proposed development would involve alterations and extensions to the existing house to enable its conversion into 6 flats, including the construction of a two-storey side/rear extension, a loft conversion, and the creation of a basement flat.

Character and appearance

4. The area around Orchard Avenue and Woodland Way is characterised largely by detached houses with some semi-detached houses and some bungalows. There is a wide variety of architectural designs and types.
5. Policy DM10.1 of the Council's Local Plan (LP) indicates that new development should respect the appearance, materials and built features of the surrounding area. Policy DM10.7 of the LP indicates that developments should use high quality, durable and sustainable materials that respond to local character.
6. Section 4.21 of the Council's Suburban Design Guide: Supplementary Planning Document (SPD) relates to alterations and extensions to roofs. It indicates that choice of materials, windows and doors is important for roof extensions due to their visibility, the need to avoid creating an overbearing appearance, and the potential to add design interest through materials and detailed design. It also indicates that they should include generously sized windows that are generally best if positioned to relate to the existing doors and windows on the floor below.
7. In this case, the proposals would involve the construction of a two-storey side/rear extension with a loft conversion in the extended roof area; the creation of a new basement flat; and the construction of balconies at first- and second-floor levels to provide private amenity space for three of the flats. The side extension would have roof ridge slightly below that of the main house and this would enable the extension to appear subservient to the main house when viewed from Orchard Avenue. However, from the rear, the roof area would include a large balcony and small dormer extension which would appear in combination as somewhat incongruous and dominant features when seen from Woodland Way. They would make the building appear top-heavy, and the doors and windows in the roof space would not relate well to the position of the doors and windows on the floor below.
8. Section 2.26 of the SPD relates to balconies and indicates that glass balustrades can dominate the appearance of a development as their reflectivity can cause them to stand out, therefore their use will generally be unacceptable. Where glass balustrades are proposed, it must be part of a compelling design and should avoid using tinted glass. In addition, frosted glass screens are generally unacceptable as the material appearance often contrasts with the material of the building envelope, making a feature that is not traditionally characteristic of suburban settings.
9. The Council contends that the impact of the inclusion of glass balustrades and glazed privacy screens at the rear of the property, around the bridge at ground floor level, and off the balconies at first and second floor level would not comply with guidance in the SPD. The appellants contend that the balconies would provide a greater visual variety and would have a neutral visual impact on the locality.
10. In my opinion, the scale and design of the glazing and glazed elements in the rear elevation of the property would appear alien to the general character and appearance of both the host property and the surrounding area. This is particularly the case, given that the rear elevation of the property is the prominent element of the property when viewed from Woodland Way, and it would be a significant feature in the street scene.

11. In conclusion on this issue, I find that the extent of the use of glazed elements in the rear elevation, coupled with the somewhat top-heavy and dominant appearance of the extended roof and loft conversion, would be harmful to the character and appearance of the host property and the area around Orchard Avenue and Woodland Way. It would conflict with Policies DM10.1 and DM10.7 of the LP, and with guidance on balconies and use of glazing in the SPD.

Living conditions

12. The extension and conversion of the existing house would result in the creation of three, one-bedroom, two person flats; two two-bedroom, three person flats; and one, three-bedroom, four person flat. One of the one-bedroom flats would be in a new basement. All of the flats appear to meet the internal space requirements as outlined in the government's 'Technical housing standards – nationally described space standard'.
13. Policy DM10.4 of the LP indicates that all proposals for new residential development will need to provide private amenity space that is of high-quality design, and enhances and respects the local character. The private amenity space should provide functional space and a specified minimum amount of private amenity space. Policy DM10.5 of the LP indicates that in addition to the provision of private amenity space, proposals for new flatted development will also need to incorporate high quality communal outdoor amenity space that is designed to be flexible, multifunctional, accessible and inclusive. Policy DM10.6 of the LP indicates that developments should ensure that the amenity of the occupiers of adjoining buildings are protected, and that they do not result in direct overlooking of private outdoor space within 10m perpendicular to the rear elevation of a dwelling.
14. Section 2.34 of the SPD relates to outdoor amenity space and it indicates, amongst other things, that in exceptional circumstances where directly accessible private outdoor amenity space is not possible, extra emphasis will be placed on the provision of high quality shared outdoor amenity space. Where shared outdoor amenity space is provided, units with direct access should include an area of semi-defensible private space. Finally, shared outdoor amenity space should be designed to accommodate a series of different uses, with quieter seating areas along with family orientated areas, and should seek to include a mixture of grassed and planted areas as a minimum, and a shared patio area.
15. In this case, the basement flat, together with the first-floor and second-floor flats, all provide at least the minimum private amenity space in the form of a patio or balcony. However, the two ground-floor flats do not have any private amenity space. All flats have direct access to a small communal area of outdoor amenity space located between the property and the rear car parking area.
16. The Council contends that the proposed development would result in poor quality and substandard living accommodation for future residents of the basement flat by virtue of poor-quality outlook, and that there is insufficient private amenity space for the ground floor flats. The appellants make particular note of the existence of the communal area of outdoor amenity space for use by occupants of the basement flat and the ground floor flats.

17. Policy DM10.4 applies to all proposals for new residential development while DM10.5 indicates that communal outdoor amenity space should be in addition to the private amenity space standard. The proposal as regards the ground floor flats does not comply with these policies. In addition, I consider the space available as communal outdoor amenity space to be insufficient to accommodate a range of different uses, as required by Policy DM10.5 and Section 2.34 of the SPD, particularly given the lack of exclusive or semi-defensible private space for two of the flats.
18. The appellants contend that the Council has not made specific reference to privacy issues in the decision notice. However, reference is made to a poor-quality outlook from the basement flat and this is, in part, due to the need for privacy balustrades around the flat, including along the access bridge over the basement amenity area. These privacy design elements, when combined with the height of the retaining walls around the basement area, would result in an oppressive outlook and would be harmful to the living conditions of the occupiers of the flat. Furthermore, it would appear likely that there would be direct overlooking of the private amenity space at the basement flat from the kitchen/dining/living room windows in the ground floor flats.
19. In conclusion on this issue, I find that the alterations and conversion would result in harm to the living conditions of the proposed flats by way of inadequate outdoor amenity space, and also by way of potential privacy issues and an oppressive outlook from the basement flat. The proposal would conflict with Policies DM10.4, DM10.5 and DM10.6 of the LP, and also with guidance in the SPD.

Highway Safety

20. The proposal makes provision for the parking of 6 cars – 4 at the rear with access directly from Woodland Way, and 2 at the front with access from Orchard Avenue. The parking area at the rear would be separated from the communal outdoor amenity area by fencing. It would appear that there is sufficient space at both the front and rear of the property to provide adequate sight lines.
21. The Council has expressed concerns that there is an absence of swept path analysis relating to manoeuvring in the parking areas to enable cars to enter and exit in forward gear. Whilst there is space for the parking of cars, I also have concerns regarding the ability of cars to manoeuvre adequately within the allocated areas. There would appear to be enough space within the plot to deal with any resulting issues, but this may have implications for the amount of amenity space provided and the visual impact of the car parking provision.
22. In conclusion on this issue, I find that the proposed car parking provision would be unlikely to result in harm to highway safety of pedestrians or road users along Orchard Avenue and Woodland Way. It may have implications for other aspects of the development, including amenity space and visual appearance, but it would not directly conflict with Policies DM29 or DM30 of the LP, which relate to issues of parking and reducing congestion.

Other Matter

23. There is reference in the submitted materials to No 67A Orchard Avenue, which has received planning permission for conversion from a single dwelling to flats.

I have no detailed information about this case, but it would appear that it involves conversion to only two flats, and could not, therefore, be seen as a precedent for this proposal. In any case, I have treated the scheme at No 67 on its own merits.

Conclusion

24. I find that the proposed development would be harmful to the character and appearance of the area around Orchard Avenue and Woodland Way. It would also be harmful to the living conditions of the occupiers of the proposed flats by way of inadequate outdoor amenity space, privacy and outlook. I do not consider that the proposal would be likely to result in any significant harm to highway safety in the vicinity, but this lack of harm does not compensate for the other harm identified. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR