



Appeal Decision

Site visit made on 5 July 2021

by J E Jolly BA (Hons) MA MSc CIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th July 2021

Appeal Ref: APP/L5240/D/21/3271080

1 St Mary's Road, South Norwood, London SE25 6UT

- 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 N Chaudhry against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/06419/HSE, dated 13 December 2020, was refused by notice dated 26 February 2021.
 - The proposal is a retrospective planning application for the retention of a rear external raised patio.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of a rear external raised patio at 1 St Mary's Road, South Norwood, London SE25 6UT in accordance with the terms of the application, Ref 20/06419/HSE, dated 13 December 2020, and the plans submitted with it, subject to the condition set out in Annex A.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers.

Reasons

3. The appeal property is an end of terrace dwelling located in a dense residential area of brick and tile dwellings. No 1 St Mary's Road is a two-storey dwelling with a front court-yard garden/parking area set back from the highway as it slopes down towards the main road at Whitehorse Lane. To the left-hand side of the host dwelling, when viewed from the highway, there is a gated pathway that runs between No 1 and the neighbouring property known as 'Trevilla' to the generous host garden beyond, which is separated on this side of the dwelling by fencing and hedges. The other properties on this side of St Mary's Road, including No 3, have similar sized back-gardens to the appeal dwelling from which views of the elevated properties found on Parry Road can be seen.
4. To the rear of the host property there is a white-coloured, single-storey extension which opens onto a patio area. The patio area has a stepped access to the host garden plot which slopes down to meet with the rear boundaries of the properties that lie on Egerton Road.

5. I noted at my site visit that the development has been completed on part of the back garden of No 1 adjacent to the single-storey extension of the host dwelling. The development is a raised patio with decorative tiles to the floor and steps that has been finished in white-render to match the white elevations of the single-storey extension. The patio extends across the width of the host dwelling, and new planting has been established in integral raised-beds to the front and corners of the development.
6. The development is located in an established residential area. As such, the principle of development is accepted. Nonetheless, I acknowledge that the boundary with No 3 is modest in comparison to the boundary pathway, fencing and hedging adjacent to 'Trevilla', and that the patio is somewhat raised as a consequence of the natural topography of St Mary's Road. However, any residential-type activity associated with the simple white-rendered patio development, and its proximity to the neighbouring dwellings is not unexpected in this urban back garden location which is surrounded by development to the side and rear. Moreover, in the interests of amenity and outlook generally, the carefully set out patio, which covers a relatively small part of the long host garden, has been softened by the addition of planting and the use of attractive decorative tiles.
7. Accordingly, I conclude that the proposal meets with the requirements of Policies DM10.1 and DM10.7 of the Croydon Local Plan 2018 as supported by the Croydon Council Suburban Design Guide Supplementary Planning Document 2019, which say amongst other things that proposals should be of high quality.
8. For similar reasons, the proposal accords with Paragraph 127 (f) of the *National Planning Policy Framework* (the Framework), which seeks to ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users.

Conditions

9. I have considered the Council's suggested conditions against Paragraph 55 of the Framework and the national Planning Policy Guidance (PPG), and imposed the following condition; a condition requiring that the development is retained in accordance with the approved plans.
10. A standard time and a materials condition is not necessary as the development has been completed. Bearing in mind the PPG and the 'Wheatcroft Principles' in respect of evolving a scheme through the appeals process, and given my findings above, I have also not imposed the Council's suggested condition for a new boundary treatment.

Conclusions

11. For the reasons given above I conclude that the appeal should succeed subject to the conditions set out in Annex A.

J E JOLLY

INSPECTOR

Annex A – Conditions:

- 1) The development hereby permitted shall be retained in accordance with the following approved plans:
 - Drawing TP07 - Pre-existing ground floor plan, dated December 2020
 - Drawing TP08 - Pre-existing rear elevation, dated December 2020
 - Drawing TP09 – Pre-existing side elevation, dated December 2020
 - Drawing TP10 – Existing ground floor plan, dated November 2020
 - Drawing TP11 – Existing rear elevation, dated November 2020
 - Drawing TP12 – Existing side elevation, dated November 2020
 - Location Plan

*****End of Conditions*****