



Appeal Decision

Site visit made on 15 June 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2021.

Appeal Ref: APP/L5240/W/20/3263884

62 Brighton Road, Purley, CR8 2LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Sol International Developments Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/03765/CONR, dated 14 August 2020, was refused by notice dated 15 October 2020.
 - The application sought planning permission for alterations and conversion to form 4 two bedroom flats, erection of single/two storey side/rear extensions and dormer extension in the rear roof slope and provision of associated parking without complying with Condition 1 attached to planning permission Ref 20/01729/CONR, dated 19 June 2020.
 - The condition in dispute states:
The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below: YPPLN/290616/DA-000, YPPLN/290616/DA-001, 439-IM/003-Revision 2, 439-IM/002-Revision 2 and 439-IM/005-Revision 2 (received 20/04/2020), 439-IM/004-Revision 2 and 439-IM/006-Revision 2 (received 03/06/2020).
 - The reason given for the condition is: *For the avoidance of doubt, and to ensure that the development is carried out in full accordance with the approved plans in the interests of proper planning.*
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Decision

1. The appeal is allowed and planning permission is granted for alterations and conversion to form 4 two bedroom flats, erection of single/two storey side/rear extensions and dormer extension in the rear roof slope and provision of associated parking at 62 Brighton Road, Purley, CR8 2LJ in accordance with the terms of the application, Ref 20/03765/CONR, dated 14 August 2020, and drawing nos YPPLN/290616/DA-000, 439-IM/004-R2, 439-IM/005-R2 and 439-IM/006-R9, subject to the conditions in the attached schedule.

Preliminary Matters

2. The application sought a change to the design of the windows in the front and side elevations of the development permitted. As part of the appeal the appellant has submitted a revised drawing omitting glazing bars from the upper sections of the windows at the front of the original property. The Council has not objected to this substitution and because the change would be minimal no prejudice would be caused to interested parties. The appeal will therefore be determined on the basis of drawing no 439-IM/006-R9.

Main Issue

3. The development has been completed and the fenestration that is the subject of this appeal has been installed. The flats appear to be occupied. The main issue is the effect of the proposed windows on the character and appearance of the area.

Reasons

4. This part of Brighton Road is characterised by lines of suburban housing on both sides. There is a mix of styles and materials and flatted development has taken place. The environment is somewhat dominated by the volume of traffic along Brighton Road.
5. The originally permitted windows would have been smaller and more faithful to those in the existing building. However, in setting design principles for extensions and alterations, the Council's Suburban Design Guide of 2019 allows for an innovative approach. For two storey side extensions an example is highlighted at Figure 4.17c that introduces contemporary windows to help distinguish the new from the existing. That is exactly what is proposed here. A similar arrangement has been accepted nearby at 46 Brighton Road although neither the original house nor the extension with its modern windows are identical to the appeal proposal. Neither advice nor practice therefore requires a slavish 'copying' of fenestration details in all circumstances.
6. The façade of the side extension is set back from the main building so that the existing and proposed windows are not seen in the same plane. The openings are larger than those retained and there is no horizontal alignment. However, this is a deliberate device which clearly differentiates the extension from the original building. Furthermore, the use of black frames and white render for the walls reflects its 'mock tudor' appearance. There is therefore a degree of harmony between new and old. The side windows can only be seen at an oblique angle as they are largely obscured by the adjoining development at No 60 and therefore have no significant impact on the street scene.
7. Given the variety of development along Brighton Road, the advice in the Design Guide that supports modern detailing and the way that the design of the main building has been echoed, the proposed windows do not harm the character and appearance of the area. Furthermore there is no conflict with Policies SP4.1 and DM10 of the Croydon Local Plan which require development to be of a high quality.

Conditions

8. Planning Practice Guidance indicates that when granting permission under section 73, decisions should restate the conditions imposed on earlier permissions that continue to have effect. Because development has been carried out contrary to the originally approved drawings this appeal is dealt with under section 73A. Nevertheless similar principles apply.
9. Subject to some re-wording to ensure effectiveness, the conditions that seek on-going control of side windows and the roof area are necessary to safeguard future privacy. The large flank windows would directly face the development underway at No 60 and as the stairwell is a place where residents would be unlikely to linger there is no need to insist on obscure glazing.

10. Details of refuse and cycle storage and landscaping have been submitted pursuant to permission 20/01729/CONR. However, there is no certainty that these will be approved and so conditions in those respects are necessary to ensure the development functions properly and in the interests of the appearance of the area. However, the wording of the conditions should be adjusted to reflect the implementation of the development and simplified to reflect the circumstances of the case. The relevant drawings are referred to in the decision above rather than by condition.

Conclusion

11. Changing the design of the windows as proposed complements the design of the original building and enables the side addition to be understood as a separate element. No visual harm is caused to the surroundings and the proposal is in accordance with the development plan. There are no other considerations to outweigh that finding. Therefore the appeal should succeed and a further planning permission should be granted.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows above ground floor level shall be inserted in the side elevation of the two-storey extension hereby permitted.
- 2) The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no alterations shall be carried out to create access to it.
- 3) Within 2 months of the date of this decision, details of cycle and refuse storage shall be submitted for approval to the local planning authority. The approved details shall be implemented in accordance with a timetable specified by the local planning authority and shall thereafter be retained.
- 4) Within 2 months of the date of this decision, details of hard and soft landscaping including boundary treatments shall be submitted for approval to the local planning authority. The approved landscaping shall be carried out in accordance with a timetable specified by the local planning authority. Any new trees or shrubs which, within a period of 5 years from planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season by those of similar size and species.