

Appeal Decision

Site visit made on 6 July 2021

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2021

Appeal Ref: APP/L5240/W/20/3261126

30 Chipstead Valley Road, Coulsdon, CR5 2RA

- 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 Murat Varisli against the decision of London Borough of Croydon.
 - The application Ref 20/03099/FUL, dated 9 July 2020, was refused by notice dated 10 September 2020.
 - The development proposed is the construction of a two-storey 2B4P dwelling to the rear of 30 Chipstead Valley Road
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I use the Council's description of development which concisely describes the scheme; I note the Appellant also uses this on the appeal form.

Main Issues

3. I consider the main issues are the effects of the proposal on:
 - living conditions for neighbours, and
 - living conditions for future occupiers.

Reasons

4. The appeal property is terrace in a tightly knit varied commercial area with food take-away operation at ground floor and residential over. The environment behind the terrace of premises is uninspiring and typical of such settings with a range of outriggers, extensions, external stairs, yards, and single storey adjuncts. There is a poor condition unmade pedestrian pathway along the rear of the terrace of properties which leads out to the highway.
5. The proposal is as described above and would effectively create a pedestrian-accessible linked flat roofed dwelling in the yard area to the rear of the premises.

Living conditions for neighbours

6. The new two storey element would be set a little back from the main outrigger of the existing building on the site and neighbouring upper-level premises. This separation would accommodate an outside amenity area on the flat roof of the single storey link. This would mean that the amenity area would be
-

abutting the kitchen window and rear elevation of the upstairs flat in the appeal premises and very close to living space at adjoining No 32. The relationship between this space and neighbours would be a poor one. I am in no doubt that use of this space would lead to privacy, disturbance and overlooking issues for immediate residents.

7. At the same time a main bedroom window would face 'back' towards the other accommodation and would unduly intrude upon privacy. Contrary to the Appellant's suggestion, for reasons of amenity for the new householders, I do not believe that use of obscure glazing should be countenanced for a main bedroom in this setting. Outlook from the rear of existing premises is generally towards single storey and then undeveloped areas. This plan would appreciably change the scene with windows and outside space in close proximity having a new first floor as a vista which would be uncomfortably overbearing and create an undue sense of enclosure.
8. For these reasons I conclude that the proposal would run contrary to Policy DM10 of the Croydon Local Plan 2018 (LP), Policy 7.6 of the London Plan (TLP) and Croydon's Suburban Design Guide SPD (2019) (SPD) which all aim to ensure that new development protects living conditions for local residents.

Living conditions for future occupiers

9. In parallel with the planned outside amenity space abutting another household's kitchen window and causing privacy issues in that direction so the opposite would apply; the amenity space would have little or no privacy for new residents from this and other adjacent internal and external living areas and activity. Furthermore, the proposed space itself would be dominated by a large extractor arrangement from the hot food premises and visually, as well as potentially smell and noise-wise, this would be intrusive to the outside space and most likely the nearest bedroom.
10. Internally, whilst there has been some creative thinking on planned layout, I am not satisfied that a living room based on two high-level passageway windows and roof lights on a flat roof between two storey elements would offer sufficient natural daylight, outlook and amenity generally within that room. The north facing only aspect for a bedroom and the kitchen and proximity to boundary and storage would also be regrettable in daylight and sunlight terms and not count in favour, or counter-balance, other living condition flaws with this scheme.
11. Given the foregoing I conclude that the scheme would conflict with LP Policy DM10.4, LTP Policy 3.5 and the SPD. Taken together and amongst other matters, these all seek to ensure well designed homes offering good standards of residential amenity.

Other matters

12. The Council raises concerns over refuse storage arrangements. However, this is a secondary matter to my mind, does have some reference on submitted plans, could be the subject of a suitable condition if I was minded to allow the appeal, and ultimately would not conflict with development plan policies. The issue is thus neutral.
13. I do readily appreciate the Appellant's thrust of making good use of accessible urban land and providing new homes were practicable but one cannot set aside the need to protect and provide suitable living conditions even in this context.

I agree that the proposed internal space taken in its own right and measured mathematically would be to a suitable standard but assessment of amenity has to be more than arithmetically based and I have identified flaws in future living conditions for this scheme.

14. I have examined the other cases drawn to my attention. I find none to be directly applicable given variations in location, scale and form and in any event, I must determine the case before me on its own merits.
15. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above.
16. I confirm that policies in the National Planning Policy Framework have been considered. Key objectives of the document are to safeguard existing residential amenity and for new residents to have good quality living conditions and the development plan policies and guidance to which I refer mirror this.

Overall conclusion

17. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on living conditions for neighbours and future occupiers. Accordingly, the appeal is dismissed.

D Cramond

INSPECTOR