



Appeal Decision

Site visit made on 23 November 2021

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2021

Appeal Ref: APP/L5240/D/21/3279432

469 Brighton Road, South Croydon CR2 6EW

- 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 Mrs Carol Martin against the decision of London Borough of Croydon Council.
 - The application Ref 21/00674/HSE, dated 12 February 2021, was refused by notice dated 13 May 2021.
 - The development proposed is a ground floor wraparound extension, floor plan redesign and all associated works at 469 Brighton Road.
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Decision

1. The appeal is allowed and planning permission is granted for a ground floor wraparound extension, floor plan redesign and all associated works at 469 Brighton Road, South Croydon CR2 6EW, in accordance with the terms of the application, Ref 21/00674/HSE dated 12 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TQRQM21008151307724, 70029-1500A, 70029-1100A, 70029-1200A, 70029-1201A, 70029-1300A, 70029-3500A, 70029-3100A, 70029-3200A, 70029-3201A, 70029-3300A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development proposed on the living conditions of the occupants of 471 Brighton Road, with particular reference to light and outlook.

Preliminary Matters

3. Notwithstanding that there is a decision notice in respect of application Ref 21/0067/HSE dated 13 May 2021 entitled 'Grant of planning permission', an appeal is before me where the dispute between the main parties focuses on the reasons for refusal given in that notice.

4. The appellant has requested that I consider different alternative plans in the event that I were to determine the scheme as submitted was unacceptable. However, setting aside my subsequent reasoning, an appeal should not be used to evolve a proposal, and my decision is based on the plans which the Council considered in reaching a decision.

Reasons

5. The appeal site is the southern half of a semi-detached pair which form part of a group of period properties of similar character on the eastern side of Brighton Road. The properties within this group have projecting rear elements creating a staggered rear building line.
6. Number 471 Brighton Road neighbours the appeal site to the south. There are a number of windows in the rear of number 471 of which the most likely to be affected by the proposal are those at ground floor level. In particular this includes a window in the side elevation of the projecting element which faces directly towards the appeal site, and a raised rear facing window in the main rear elevation of the building. The proposal would inevitably result in some degree of change in those locations.
7. The side window which directly faces the appeal site is, however, entirely obscure glazed and only the top half appears to be openable. Therefore the window would appear not to provide any significant outlook for the occupants of that property. The effect of the proposed development would not therefore cause unacceptable harm to outlook from this window, nor in respect of an undue sense of enclosure. By reason of its enclosed position, broadly north facing orientation, and as the proposed extension would be set back from the boundary, I also do not consider that the proposals would cause an unacceptable loss of sunlight or daylight received by that window.
8. The other window, being rear facing and in the recessed part of the rear elevation of number 471, would appear likely to serve a habitable room. I note that the development would likely breach a 45 degree line on plan form taken from the centre of this window (based on methodology as described in the Croydon Council Suburban Design Guide Supplementary Planning Document 2019).
9. However its position in the elevation is higher than that of the other ground floor windows. Due to its raised position and the set back of proposed extension from the boundary, I do not consider that the change in outlook from the window would be harmful. Similarly, due to its enclosed location and as the proposed extension would be to the north of that window, I do not consider that any loss of sunlight or daylight would be significant. Furthermore, while the boundary treatment between numbers 471 and 469 is currently of a height which allows visibility between the gardens, there is no indication before me that the boundary could not be augmented over time by either party, resulting in some additional enclosure and loss of light in any event.
10. The other windows and doors in the end of the projecting part of the rear elevation of number 471 would not experience any significant adverse impacts from the development as a result of their distance from the boundary. Taken as a whole, given the various windows and aspects from number 471, along with its relatively lengthy rear garden, the effect of the proposal would be acceptable.

11. For the reasons described above, I find that the proposed development would not cause unacceptable harm to the light or outlook experienced by the occupants of number 471. While the development conflicts with the guidance of the SPD my assessment is based on the site specific circumstances of this case and, inevitably, the SPD provides guidelines that must be interpreted with reference to specific proposals.
12. Consequently, I conclude that the development would comply with policies DM10 and SP4 of the Croydon Local Plan 2018 which seek, amongst other things, to protect the amenities of adjoining occupiers and enhance social cohesion and well-being, and policy D3 of the London Plan 2021 which requires development to deliver appropriate outlook.

Conclusion

13. For the reasons discussed above, having taken account of the development plan as a whole along with all other relevant material considerations, I conclude that the appeal should be allowed. I have imposed conditions requiring compliance with the supporting plans, that matching materials are used in the extension as in the existing building for certainty, so as to ensure that the scheme is implemented as I have assessed it, and in order that the proposal integrates suitably with its surroundings.

C Shearing

INSPECTOR