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## 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: 16 December 2021**

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**Appeal Ref: APP/L5240/D/21/3282605**

**21 Sandilands, Croydon CR0 5DF**

- 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 Michelle McPherson against the decision of the London Borough of Croydon Council.
  - The application Ref 21/02492/HSE, dated 6 May 2021, was refused by notice dated 5 August 2021.
  - The development proposed is a ground floor rear extension/ orangery.
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### Decision

1. The appeal is allowed and planning permission is granted for a ground floor rear extension/ orangery at 21 Sandilands, Croydon CR0 5DF, in accordance with the terms of the application, Ref 21/02492/HSE dated 6 May 2021, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with approved plan P/01.
  - 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 19 Sandilands, with particular reference to outlook.

### Reasons

3. The area is characterised by detached houses set within generous plots with regular spacing. Numbers 19 and 21 Sandilands are both set back from their shared boundary by a fair distance and are separated by close boarded timber fencing which runs the full length of the boundary. Where it runs next to the house the fencing is set above brickwork to respond to the change in ground levels. Given that such boundary treatments are commonplace, in all likelihood similar screening would continue to exist between the two. The area is

characterised by a relatively low density pattern of development with a spacious and open feel, resulting in good levels of outlook at present.

4. The proposed rear extension would be located to the northern side of the plot close to the boundary shared with number 19. The extension would maintain a gap to the side boundary and would not project any closer to it than the side elevation of the existing house. I understand there are no habitable room windows within the side elevation of number 19 which would directly face the proposal. There are a number of habitable room windows in the rear elevation of number 19, however these are set away from the boundary.
5. I accept that the appellant has not demonstrated compliance with the 45 degree angle test in respect of natural light (articulated in the Council's Suburban Design Guide Supplementary Planning Document 2019). Nevertheless, given the separation distance between numbers 21 and 19, the spaciousness of plots, and as outlook is achieved from either property via multiple windows, I am not of the view that some transgression of that guideline in this instance (were that to occur) would be unacceptable. Moreover as discussed above the boundary fencing would, in all likelihood, remain in the future and would serve to moderate effects of the proposal.
6. Given the particular nature of the development proposed and its surrounding context, I therefore 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**

7. For these reasons, having taken account of the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed. I have imposed conditions requiring compliance with the supporting plans and that matching materials are used in the extension as in the existing building accordingly.

*C Shearing*

INSPECTOR