



Appeal Decision

Site visit made on 17 January 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/L5240/W/21/3278171

125 Windmill Road, Croydon CR0 2XS

- 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 Zahoor Ahmed of Daisy's Property Management Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/00072/FUL, dated 7 January 2021, was refused by notice dated 29 March 2021.
 - The development proposed is rear first floor and roof extensions with associated alterations to convert the building into four flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as stated on the Council's decision notice, rather than that given on the application form, as this is more precise and includes all elements of the development proposed. The appellant raises no specific objection to that description, which they have subsequently used in their appeal statement.
3. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). However, the revised Framework does not materially alter the national policy approach in respect of the issues raised in this appeal.

Main Issues

4. The main issues are:
 - The effect of the development proposed on the character and appearance of the host property and the surrounding area;
 - The effect of the proposal on the living conditions of the neighbouring occupiers of 127 Windmill Road, with particular regard to outlook and light; and,
 - Whether the proposal would provide for a satisfactory standard of accommodation for occupiers of the rear ground floor flat, with regard to light.

Reasons

Character and appearance

5. The appeal site comprises a semi-detached two storey building with accommodation within the roofspace, which is currently in use as three self contained flats. The building fronts onto the northern side of Windmill Road and its long flank elevation faces Windmill Grove. It includes a part two storey, part single storey rear outrigger. To the rear of the site there is a public open space which includes a number of trees, beyond which is a playground and a recreation ground.
6. The surrounding area is of mixed character which includes a variety of building sizes and styles, including two and three storey terraced properties and a custody centre on the opposite side of the road which is of more contemporary design. There are a range of different uses, including residential properties and retail and other commercial uses. The appeal property has recently been altered internally and externally as part of the works to convert it into flats. However, the building largely retains its form and design and there is a degree of symmetry between it and the attached neighbouring property, No 127.
7. The proposed first floor extension would be located above an existing ground floor flat located within a single storey rear outrigger. The extension would include a flat roof and also a pitched roof over the full width of the outrigger. This extension would be rendered and painted white to match the existing building. According to the Council, the proposed dormer extensions are as approved under a previous application¹.
8. Given its size and scale, the first floor extension would significantly elongate the two storey rear outrigger. The proposal would be partially visible from Windmill Road and highly prominent from Windmill Grove and from the area of public open space to the rear. From these areas the proposal would be an unduly dominant feature which would not reflect the scale of the host property and would have an unbalancing effect on the semi-detached pair.
9. The large flat roof element would appear as an uncharacteristic feature which would sit uncomfortably against the host property and surrounding neighbouring properties, which are characterised by pitched roofs. I acknowledge that the existing rear outrigger has a flat roof. However, as a single storey structure it is considerably less bulky and reads as a subservient addition. The adverse visual effects of the proposal would be exacerbated by the combination of different pitched roofs and the flat roof, which would result in a disjointed and awkward appearance.
10. In coming to this view, I acknowledge the mixed character and appearance of properties on Windmill Road and the variety and height of roof designs. However, I consider that the bulk and massing of the first floor extension would be out of keeping with the host property and the wider area, which would detract from the appearance of the building itself and cause harm to the character and appearance of the locality. Whilst the Council also raises concerns with the use of white painted render, I noted during my site visit that this finish is relatively common in the surrounding area and therefore its use would not in my view represent a sufficient reason to withhold permission.

¹ Council ref 20/04355/FUL

11. The appellant contends that other developments in the area, including the surrounding rear façade, constitute a precedent. The photographs provided indicate that the scale, design and specific site circumstances of the other developments are not comparable to the appeal scheme. Therefore, the examples referred to do not provide compelling justification for allowing the appeal scheme. The appellant also draws my attention to other developments approved elsewhere on Windmill Road. However, no substantive details have been provided. Accordingly, I cannot draw any direct comparison between these and the appeal proposal and so cannot be sure they represent a direct parallel to the proposal. In any case, I have determined the appeal on its own merits in accordance with the requirements of the current development plan.
12. For the above reasons, I conclude that the development proposed would be harmful to the character and appearance of the host property and the surrounding area. Accordingly, the proposal would fail to accord with Policies SP4 and DM10 of the Croydon Local Plan (2018) (Local Plan), Policies D1 and D4 of the London Plan (2021) and the Council's Supplementary Planning Document – Suburban Design Guide (2019). Amongst other things, these policies and guidance seek to ensure that development proposals are of a high quality of design with appropriate scale, height and massing which respects local character. Policy DM18 of the Local Plan, which the Council consider to be relevant, refers to heritage assets and conservation which I do not find pertinent in this appeal.

Living conditions of neighbouring occupiers

13. As I understand it, the attached neighbouring property, No 127, comprises two flats, one on the ground floor and another on the upper levels. There is a part two storey, part single storey rear outrigger which includes a kitchen window to the side elevation serving the ground floor flat, which faces the appeal site, together with a further window on the rear elevation of the two storey outrigger. On the rear elevation of the main building there are further windows at ground and first floor levels. The ground floor rear window appears to serve a bedroom. There is a narrow external amenity space between the side of the neighbouring outrigger and the appeal site.
14. The proposed first floor rear extension would project a significant distance from the rear of the host property. It would rise substantially above the existing single storey outrigger. The proposal includes a pitched roof to that part closest to the boundary with the neighbour which would be lower in height than the flat roof part. Nevertheless, due to its length and height the proposal would appear as an imposing feature viewed from the neighbours' windows, particularly the ground floor kitchen window and rear facing window in the main building, as well as from the external amenity space.
15. During my site visit I observed that the existing two storey and single storey rear outrigger reduces the outlook and light from the neighbours' windows and external amenity space. However, given the height and rear projection of the proposed first floor extension and its proximity to the boundary, there would likely be a further reduction in the amount of light received by the neighbours' rear windows. The outlook from these windows would be further compromised, resulting in an unacceptable overbearing impact and undue sense of enclosure.
16. I therefore conclude that the appeal scheme would be harmful to the living conditions of the occupiers of 127 Windmill Road, with regard to its effect on outlook and light. The proposal would therefore conflict with Policy DM10 of the

Local Plan and Policy D6 of the London Plan which, amongst other things, seek to protect the amenities of adjoining occupiers.

Standard of accommodation

17. The existing ground floor flat to the rear of the building is a one bedroom unit with an open plan lounge and kitchen. It is currently served by a number of windows to the side elevation facing Windmill Grove and by roof lights in the flat roof. The proposed first floor extension would be constructed above this flat which would result in the removal of the existing roof lights and consequently some light would be lost to the lounge, kitchen and bedroom.
18. However, the existing ground floor flat would still continue to receive light from the windows to the side elevation, with the plans showing two windows to the bedroom and two to the open plan lounge and kitchen, all of which would be of a reasonable size. On this basis I consider that the habitable rooms of the ground floor flat would be provided with adequate natural light.
19. For these reasons, I consider that the proposal would provide for a satisfactory standard of accommodation for occupiers of the rear ground floor flat, having regard to light. The proposal would therefore not conflict with Policy DM10 of the Local Plan and Policy D6 of the London Plan, where these seek to ensure that development proposals provide adequate daylight for potential future occupants.

Other Matters

20. The development would offer potential benefits in terms of providing additional housing in a sustainable location. It would also have economic benefits through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. However, given the modest scale of the development proposed, the weight attributable to these matters is limited.
21. Although the appellant considers that the proposal would make more effective use of a property which they consider to be currently underutilised, I have found that in the manner proposed this would be at the expense of the character and appearance of the host building, the surrounding area and the living conditions of neighbouring occupiers. Therefore, this consideration would not outweigh the harm that I have identified.

Conclusion

22. I have found that the development proposed would provide satisfactory living conditions for future occupiers of the rear ground floor flat with regard to light. However, the lack of harm in respect of this matter would not outweigh the harm that I have identified above.
23. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR