



Appeal Decision

Site visit made on 8 February 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 FEBRUARY 2022

Appeal Ref: APP/L5240/D/21/3282649

24 Fairdene Road, Coulsdon CR5 1RA

- 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 Jennie Davidson against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01196/HSE, dated 11 March 2021, was refused by notice dated 18 June 2021.
 - The development proposed is for the construction of single storey rear and two storey side extensions and roof space conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of the occupiers of Number 24A Fairdene Road with particular reference to loss of privacy.

Reasons

Character and appearance

3. The appeal property forms one pair of two-storey semi-detached dwellings. It is of part red brick part white render construction and sits under a hipped tile roof facing onto Fairdene Road. The surrounding character of the area is predominantly residential with two-storey detached and semi-detached properties with no particular design features or construction material prevailing.
4. The appeal proposal is for the erection of a two-storey side extension to the existing dwelling, and a single-storey rear extension behind the existing two storey rear projection (the rear outrigger). It is also proposed to incorporate alterations to the roof of the existing two-storey rear outrigger to create a second floor of accommodation and install a rear dormer window into the existing roof adjacent to the rear outrigger.

5. The Council has raised no objection in respect of the choice in materials, the two-storey side extension, or the single storey rear extension. Therefore, my decision will focus on the combined impact of the proposed second floor extension over the existing two-storey rear outrigger and the proposed rear dormer window.
6. The proposed rear dormer would have a flat roof with a 'box' appearance, and it would occupy much of the width and height of the host dwelling's rear roof plane. The appeal proposal would also alter the existing hipped pitched roof above the two-storey rear outrigger by removing the roof and adding a further floor of accommodation with a flat roof above the two-storey outrigger.
7. While I have not been provided with any policy specifically advising against constructing over a rear outrigger, in this case, when viewed against the host dwelling this addition in combination with the existing rear outrigger would read as a three-storey flat roofed projection extending off a two-storey host dwelling.
8. Policy DM10 of the Croydon Local Plan 2018 (the Local Plan) and the Suburban Design Guide 2019 (the SPD) seek to ensure extensions are subservient, proportionate in design and respond to the character of the host dwelling. The 3-storey height, bulk, and design of the roof alterations to the rear outrigger fail to take its design cues from the pitched roof detail and two storey scale of the host dwelling. This contrast would therefore jar with the scale and character of the host dwelling and this harm is further compounded by the proposed dormer window which occupies a substantial portion of the rear roof plane. These two features, cumulatively, would read as a poorly proportioned top-heavy feature therefore failing to be subservient to the host dwelling, detracting from the character and appearance of the host dwelling.
9. While I accept there would be limited views of these proposed features from public vantage points within Fairdene Road, the appeal property sits on higher land, than that to the rear, and given its elevated position views would be clearly possible between 23 and 25 Reddown Road, when stood in that road to the rear. However, even if that was not the case, Policy DM10 of Local Plan states that development in the grounds of an existing building, which is to be retained, shall be subservient to that existing building. The policy test is not dependant on public views and the highlighted cumulative elements of the proposal are substantially unsympathetic, incongruous, and detrimental to the character and appearance of the host building. This, therefore, does not alter my findings set out above.
10. My attention has been drawn to examples of other development in the road, however, none of these have higher scaled flat roof projections in combination with a large dormer window set in the context of a contrasting hipped roof lower scaled host building. My assessment of this appeal is based on the site-specific circumstances including the design of this proposal and its relationship with the specific character and appearance of the host dwelling. These supplied examples are not directly comparable to the appeal proposal. Consequently, this does not alter my findings set out above.
11. I am advised that the roof alterations qualify as Permitted Development under the General Permitted Development Order. However, as these alterations form part of the overall proposed development, including the two-storey side extension and single-storey rear extension, it all forms a single development.

Consequently, for the purposes of considering whether it is permitted development, it cannot be considered in isolation. As part of the proposed entire development is not permitted development this results in all of it not being permitted development. Therefore, this matter has no bearing on my findings.

12. The proposed development would therefore harm the character and appearance of the surrounding area. Accordingly, I find conflict with the relevant provisions of Policies DM10.1 and DM10.7 of the Local Plan and the SPD all of which, amongst other things, seek to ensure that development is appropriate and sympathetic in relation to the character and appearance of the area.

Living conditions

13. Two full length glazed doors behind a Juliette balcony are proposed on the second floor of the side elevation of the three-storey outrigger. These are proposed facing 24A Fairdene Road and these glazed doors would afford opportunities to overlook the rear garden of No 24A. These glazed doors would serve a shower room and while the Council state that a condition could not be imposed to fix shut the doors and obscure glaze these doors, the Council has not expanded on the reasoning as to why such a condition would not be possible.
14. If I were to find the scheme acceptable in all other regards, I have not been persuaded that a condition could not be imposed to fix shut the doors and obscure glaze the doors. Such conditions are commonly used on windows and this logic could be extended to full length doors. As such, a condition would ensure that the scheme would not cause overlooking to No 24A.
15. While interested parties have raised concern about overlooking of other properties, given the site layout, separation, screening, and existing patterns of overlooking, I would agree with the Council that other occupiers of neighbouring properties would not be adversely affected in respect to any overlooking.
16. I conclude that the proposed development, subject to imposition of conditions, would not have a harmful effect upon the living conditions of No 24A with regard to privacy. The proposal in this regard accords with the relevant provisions of Policy DM10.6 of the Local Plan, the SPD and Policy D3 of the London Plan (2021) all of which seek to, amongst other things, protect the living conditions of neighbouring residents.

Other Matters

17. The Council was unable to give pre-application advice, however, the Covid-19 restrictions in force at the time explain why the Council was offering less services than are usually expected. While the appellant is disappointed with some aspects of the service they received from the Council, this does not change my findings on the main issues, and I have determined the appeal on its merits.

Conclusion

18. The proposal would add more useable floorspace to the property and I have found no harm in respect to the living conditions of neighbouring occupiers. Nevertheless, clear harm would arise in respect of its impacts upon character and appearance in conflict with relevant provisions of the development plan. For the above reasons, having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

N Praine

INSPECTOR