The Planning Inspectorate

Appeal Decision

Site visit made on 22 February 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2022

Appeal Ref: APP/L5240/D/21/3285653
184 Parchmore Road, Thornton Heath CR7 8HA

- 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 Ms Debbie Dwyer against the decision of the Council of the London Borough of Croydon.
- The application Ref 21/02565/HSE, dated 13 May 2021, was refused by notice dated 23 August 2021.
- The development proposed is described on the application form as "a first-floor rear extension (retrospective) to form part of two-storey rear extension".

Decision

1. The appeal is dismissed.

Procedural Matter

2. As described in the banner heading above, the development for which planning permission is sought has already been constructed, and I was able to view it at the time of my site visit.

Main Issues

3. The main issues are the effect of the proposed development on:

   - The character and appearance of the area; and
   - Living conditions for neighbouring occupiers of Nos 182 and 186 Parchmore Road, with particular regard to overshadowing and loss of privacy.

Reasons

Character and appearance

4. The appeal site is a semi-detached house on a long and narrow plot on the north-east side of Parchmore Road. To the north, No 186 forms the other half of the semi-detached pair; to the south lies a modern four storey block of flats at No 182 Parchmore Road, beyond which (and also adjoining the rear garden of the appeal property) is Queensbury Court, a development of two three-storey blocks of flats on either side of a grassed courtyard. The surrounding area is predominantly residential, although there are some community and commercial uses, including tyre and vehicle repair/MOT garages opposite the appeal site.

5. The appeal property has been extended to the rear in various stages, including a dormer extension and detached outbuilding for which a certificate of lawful

development was granted[1], and alterations to form a single storey side and rear extension which was granted planning permission in 2017[2]. The appellant now seeks planning permission for the retention of a first-floor rear extension, which it is stated has been in place since 2015. This comprises a flat-roofed extension above the property's original rear outrigger, connected to a large first-floor rear extension with a side-facing pitched gable roof. The development was previously the subject of an appeal in respect of an enforcement notice which had been served in 2016, which was dismissed in December of that year ("the 2016 appeal")[3].

6. The Council's 2018 Suburban Design Guide Supplementary Planning Document ("the SPD") provides guidance in respect of residential extensions and alterations, with the aim of ensuring that they do not have a detrimental effect on the character and appearance of either the host property or the wider area. This includes advising that extensions should respond to the character of the area and the existing dwelling, should generally be subservient in scale to the existing property. It also advises that windows and doors should be designed to avoid poorly proportioned, positioned and detailed openings, and that architectural details and decorations should respond to existing features.

7. The extension which has been built is a substantial addition to the appeal property. Although it is partly obscured by the four-storey flats at No 182 it is nevertheless visible from Parchmore Road. The two-storey rear gable is also a prominent feature when seen from the courtyard of Queensbury Court; the extension is therefore prominent in public and semi-public views in the area. The bulk and massing of the extension mean that it dominates and overwhelms the original dwelling. The rear gable roof gives the extension the impression of being barely related to the original property, while the detailing, notably the size, scale and positioning of the windows on the rear extension, also bears little relation to the features of the original building. From Queensbury Court in particular, the extension therefore gives the impression of being a separate property. An additional side extension – not shown in the submitted drawings – has the appearance of a conservatory at first-floor level, adding to the chaotic visual impact of the property.

8. In upholding the Council's enforcement notice, the Inspector in the 2016 appeal described the rear extension as having a "squat form", and the overall massing of the development as being "neither balanced nor subservient". They described the window detailing as "haphazard" and "visually unsettling", and other detailing and decoration as "clumsy and ill-matched". I concur with all of these observations; in my view, the bulk, massing, design and detailing of the extension make it overbearing and incongruous, and it detracts from the original restrained and modest character and appearance of the host property.

9. Since the decision of the Inspector in the 2016 appeal, the appellant argues that there are now "exceptional and extenuating circumstances […] relating to the site and its surroundings, that suggest that planning permission must be granted". In particular, the appellant is aggrieved that the Council has granted planning permission for development at both 182 and 186 Parchmore Road, while refusing planning permission for the development of the appeal property.

[1] LPA Ref: 09/00882/LP
[2] LPA Ref: 17/01198/FUL
[3] PINS Ref: APP/L5240/C/16/3150489

10. In respect of character and appearance, the appellant's arguments centre on a development of single- and two-storey side and rear extensions at No 186, for which planning permission was granted in January 2019[4]. The extensions at No 186 have not yet been constructed, however, the submitted drawings which the appellant has provided show that it would have a two-storey rear extension with a side-facing pitched gable roof, and would be connected to the existing dwelling by a flat-roofed extension at first-floor level. It would therefore, in bulk and massing at least, reflect the extension already built at the appeal property.

11. If the only harm caused by the extension at the appeal property were as a consequence of its bulk and massing, the Council's subsequent decision in respect of No 186 would in my view be likely to justify allowing the appeal, notwithstanding my misgivings which I have set out above. However, the submitted drawings show that the fenestration and other detailing proposed at No 186 would be more in keeping with the original property than is the case in this appeal. The harm which I have found arising from the poor detailing and subsequent very weak visual relationship between the extension and the original appeal property would remain. While the grant of planning permission for a similar development at No 186 is a material consideration which carries some weight in favour of the appeal scheme, in my view it does not outweigh all of the harm which I have found in respect of character and appearance, nor does it therefore justify allowing this appeal.

12. I conclude that the extension for which planning permission is sought is, because of its bulk, massing and detailed design, harmful to the character and appearance of the area. The development therefore conflicts with Policies SP4 and DM10 of the 2018 Croydon Local Plan ("the CLP"), and with Policy D3 of the London Plan 2021; together these policies seek to ensure that development is well-designed, and that its design and detailing contributes positively to local character.

Living conditions

13. The extension at the rear of the appeal property stands directly to the south of the rear garden of No 184. Although my site visit was carried out on an overcast and rainy day and therefore there was no visible overshadowing, I note the observations of the Inspector in the 2016 appeal that "in the late morning of a sunny November day, the tall, wide extension cast deep shadows over the whole width of garden immediately to the rear of the attached house", and that although it would be less pronounced in the summer months "the [overshadowing] effect is seriously harmful". Clearly the relative orientation of the properties has not changed, and there is no reason for me to take a different view to my predecessor on the facts of this matter.

14. The first-floor side and rear windows on the extension overlook the courtyard of Queensbury Court, and the side windows overlook the small rear garden of No 182. There is consequently a loss of privacy for the occupiers of both of those neighbouring properties; in respect of Queensbury Court, the separation distances are such that, given the communal nature of the courtyard, I do not consider this to be seriously harmful. However, the direct overlooking of the garden at the rear of No 182 from a very short distance seriously and adversely harms privacy for the occupiers of that block.

[4] LPA Ref: 18/05948/HSE

15. In respect of No 186, I do not accept the appellant's assertion that "the approved extension on that property exhibits the exact same relationship as that of the appeal scheme"; the proposed extension at No 186 would be to the north of the appeal site, and therefore regardless of similarities in bulk and scale there could be no overshadowing. At the same time, while I note the Council's observation that the extension there has not been built, again the permission is a material consideration, and again were the effects of the extension on No 186 the only point of conflict it might well have led my decision in a different direction. However, that an extension is likely to be built at the rear of No 186 could not mitigate the effects of the appeal property in respect of No 182, and the harm in respect of loss of privacy would remain.

16. In respect of No 182, the appellant has commented that "it is somewhat perverse of the Council to suggest that there is overlooking of the rear amenity space to these flats. To the contrary, the appellant has experienced a severe loss of outlook, daylight and sunlight, and loss of privacy, as a result of the construction of these flats". The flats replaced a bungalow which previously stood at No 182, and from the rear garden of the appeal property I saw that not only is the block visually overbearing and dominant, it must also have significantly increased overshadowing and reduced privacy in the appellant's rear garden compared to the situation previously. I therefore have considerable sympathy with the point made by the appellant in respect of No 182. However, that another harmful development has been permitted nearby, even as close as next door, does not justify allowing the further harm to living conditions which arises from this scheme.

17. I conclude that, because of its harmful effect on privacy in the rear garden of No 182, the appeal scheme causes significant harm to living conditions for the occupiers of that property. The development therefore conflicts with Policies SP4.1 and DM10 of the CLP and Policy D3 of the London Plan 2021, as well as advice in the SPD, which among other things seek to ensure that development protects the amenity of occupiers of adjoining buildings.

Conclusion

18. The appellant argues that the extension has been in existence for several years and that there are considerable extenuating circumstances. That the extension has been constructed without planning permission has not had a bearing on my decision; however, I have found that it causes material harm to the character and appearance of the area, and to neighbours' living conditions.

19. The scheme therefore conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector