



Appeal Decision

Site visit made on 29 March 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 APRIL 2022

Appeal Ref: APP/L5240/D/21/3289747

106 Littleheath Rd, South Croydon CR2 7SE

- 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 Fenner against the decision of London Borough of Croydon.
 - The application Ref 21/04229/HSE, dated 11 August 2021, was refused by notice dated 6 October 2021.
 - The development proposed is described as "a 2-storey side and rear extension to existing dwelling and reconfiguration of internal building layout to provide 'granny annex-style' living accommodation for elderly family member with separate access to front, including new family areas suitable to modern living and improved relationship to rear garden".
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Decision

1. The appeal is allowed and planning permission is granted for a 2 storey side and rear extension to existing dwelling and reconfiguration of internal building layout to provide 'granny annex-style' living accommodation for elderly family member with separate access to front, including new family areas suitable to modern living and improved relationship to rear garden at 106 Littleheath Rd, South Croydon, CR2 7SE in accordance with the terms of the application, Ref 21/04229/HSE, dated 11 August 2021, subject to the conditions within the attached schedule.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupants of 108 Littleheath Road in relation to outlook.

Reasons

3. The appeal property is set back behind the building line of its neighbours and its frontage slopes down to the road. To the rear the garden is stepped up to even out the slope. Until very recently there was a single storey garage between the flank elevation of the appeal property (wrongly annotated on the plans as the south elevation) and the boundary with 108 Littleheath Road. No 108 extends up to the shared boundary and is set at a lower level than the appeal property. It too has a rear garden at a higher level and a single storey rear extension has been built up to the retaining wall of the garden.
4. The proposal would create a 2-storey side extension up to the boundary with No 108, with a single storey element to the rear. Due to the width of No 108 and the relatively open aspect and verdant nature of its rear garden and boundaries, the proposal would not harm the outlook from the rear facing first

floor windows or from the garden. On visiting the site, it was evident that the rearward outlook from the ground floor of No 108 has already been heavily compromised by the proximity of the garden retaining wall which also limits views towards the appeal property. The proposal would therefore not be overly visible, nor would it contribute to the already enclosed nature of the ground floor windows as it would be positioned beyond the existing retaining wall and to the side. The proposal would not, therefore, harm the existing outlook from the ground floor windows.

5. The proposed development would not harm the living conditions of the occupants of 108 Littleheath Road in relation to outlook for the reasons set out. As such it would comply with Policy D3 of the London Plan (2021), Policies SP4 and DM10.6 of the Croydon Local Plan (2018) and the Suburban Design Guide SPD (2019) insofar as they relate to the protection of the amenity of occupiers of adjoining buildings through the design of new development.

Conditions

6. In addition to securing commencement within the relevant statutory timeframe, I have also imposed conditions requiring adherence to the approved plans and that materials matching the appeal property should be used to ensure the proposal integrates acceptably.
7. The Council have suggested limitations to permitted development and this can commonly be addressed by condition. Given the nature of the proposed development I am satisfied that a condition preventing additional doors and windows in the flank elevations (condition 4) would be necessary and proportionate to protect the privacy of the occupants of adjacent properties. However, a condition preventing the use of the flat roof as a balcony or roof garden, is not necessary. Such an alteration would not be considered permitted development.
8. The proposed surface water drainage may be an improvement on the current situation. However, as it does not seem a specific problem and is not a matter on which the Council refused planning permission, a drainage condition would be unnecessary. This is because it would fall short of the tests set out in paragraph 56 of the National Planning Policy Framework (2021) (the Framework).

Conclusion

9. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be allowed.

RJ Redford

INSPECTOR

Schedule of 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 the following approved plans:
 - Site and Location Plan 2336-CAL-XX-XX-DR-A-0100-S3-P1
 - Proposed Floor Plans 2336-CAL-XX-XX-DR-A-0110-S4-P3
 - Proposed Roof Plan 2336-CAL-XX-XX-DR-A-0113-S3-P3
 - Proposed South Elevation and North Section A-A 2336-CAL-XX-XX-DR-A-0112-S3-P3
 - Proposed East (Front) and West (Rear) Elevations 2336-CAL-XX-XX-DR-A-0111-S3-P3
- 3) The external surfaces of the development hereby permitted shall be constructed in materials to match those used on the host dwelling.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no doors or windows/dormer windows other than those expressly authorised by this permission shall be constructed on the south or north elevations of the development hereby permitted.