



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/21/3289019

82 Hartley Down, Purley CR8 4EB

- 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 Thambipilai Mahendran against the decision of the London Borough of Croydon.
 - The application Ref 21/03937/HSE, dated 22 July 2021, was refused by notice dated 28 October 2021.
 - The development proposed is described as the construction of a first floor, single/two storey front/side extensions with terrace area to form a two-storey dwelling. Construction of a rear roof extension with balcony and installation of 4 front and 2 rooflights to each side roof slope and associated alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For clarity the description of development has been taken from the Council's decision notice. The application was submitted retrospectively to regulate alterations to a previously approved scheme (reference 19/04864/HSE). On visiting the site there appeared to be several discrepancies between that being built and the plans submitted. I have therefore made my decision with respect to the submitted plans.
3. The appellant has referred to the National Planning Policy Framework (the Framework) 2019. The Framework was revised in 2021, however I consider the sections pertinent to this appeal have not materially altered. I have therefore referenced the revised version in my decision.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of the occupants of 80 and 84 Hartley Down in relation to privacy.

Reasons

Character and Appearance

5. Hartley Down is within a suburban residential area characterised in the main by well-proportioned detached and semi-detached, two-storey properties all similar in age and size. The properties follow a defined building line both to the

- front and back and are positioned reasonably close together with good sized rear gardens. The consistency of building scale, height and spacing contributes positively to the character and appearance of the area.
6. The appeal property is on the western side of Hartley Down where the ground slopes away from the road. This means the dwellings, including the appeal property, have raised ground floors to the rear, often with terraces facing out over the gardens and allotments beyond.
 7. I understand that, prior to works taking place, the appeal property was single storey when viewed from the front with a lower ground floor facing onto the rear garden. The proposed development has added a first floor to align with its neighbours and provided a second floor of accommodation in the roof space. From the front the property therefore looks like a 2 storey detached dwelling which is in keeping with the character of Hartley Down.
 8. However, the additional balconies linked to the first and second floor have materially altered the scale and appearance of the property when viewed from the rear. It presents more akin to a 4 storey building with no discernible visual difference between the roof space accommodation and the rest of the building. This is at odds to the appearance of the surrounding properties, where any roof conversions have in general retained the form of the roof both front and back, thereby retaining the proportions of the host dwelling. The rear elevation of the appeal property is overly dominated by the balconies and is thus out of proportion to its surroundings. The slope of the land means the rear elevation is visible from a wider area and not sufficiently screened from view. Therefore, the awkward relationship between the proposed development and the regular cadence created by the other rear elevations of the properties along this side of Hartley Down is obvious.
 9. The appellant has referred to several further policies from the London Plan (2021) and various paragraphs from the Framework, relating to effective use of land, and site optimisation. There is also an extant permission for alterations to the property and that the appellant finds benefit in using the balconies as awnings for the lower floors. I have had regard to these matters but do not consider that they overcome the harm found.
 10. The proposal would harm the character and appearance of the surrounding area for the reasons I have set out. It would be contrary to Policies SP4.1 and DM10 of the Croydon Local Plan (2018) (Local Plan), the Croydon Suburban Design Guide (2019) (SDG) and paragraph 130 of the Framework insofar as they relate to character and appearance.

Living Conditions

11. Due to the slope of the land and the boundary treatments, there is a moderate level of inter-visibility between adjacent properties along Hartley Down. In the case of the appeal property and Nos 80 and 84 this is mainly between the central parts of the rear gardens. The two balconies, however, provide unrestricted views of the whole of Nos 80 and 84's rear gardens including the more heavily used and private areas immediately behind the properties.
12. The proposal includes obscure glazed screening panels to the sides of the balconies, replicating that already installed on the ground floor terrace. On visiting the site, I am satisfied this would provide adequate privacy for the

occupants of both 80 and 84 in relation to the first floor balcony. However, it is evident that the proposed screening would fail to mitigate the additional overlooking, both actual and perceived, from the elevated height of the second floor balcony.

13. The lack of harm to the living conditions of the occupants of Nos 80 and 84 in relation to light does not mediate the harm caused to privacy and is considered a neutral matter. The appellant has referred to the planning approval at 32 Hartley Down (ref 18/5364/CONR) which includes accommodation in the roof space, and a first-floor balcony. However, it does not include a balcony for the roof space accommodation so is not directly comparable, therefore does not alter my findings.
14. With this in mind, the proposed development, specifically the second floor balcony, would harm the living conditions of the occupants of 80 and 84 Hartley Down in relation to privacy. This would be contrary to Policy D3 of the London Plan (2021), Policies SP4.2 and DM10.6 of the Local Plan and the SDG insofar as they relate to living conditions.

Conclusion

15. The appeal scheme would conflict with the development plan for the reasons given above. There are no sufficiently weighted material considerations, including the approach in the Framework, that would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR