



Appeal Decision

Site visit made on 3 May 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th May 2022

Appeal Ref: APP/L5240/W/22/3290624

159 Sumner Road South, Croydon CR0 3LY

- 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 Gifty Nmaju against the decision of London Borough of Croydon.
 - The application Ref 21/04061/FUL, dated 30 July 2021, was refused by notice dated 30 December 2021.
 - The development proposed is the erection of a new attached 2-bedroom, 3 person dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new attached 2-bedroom, 3 person dwelling at 159 Sumner Road South, Croydon CR0 3LY in accordance with the terms of the application, Ref 21/04061/FUL, dated 30 July 2021, subject to the following 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: 1859 P01, 1859 P02, 1859 P04 A, 1859 P05 and 1859 P06.
 - 3) No development above ground level shall commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
 - 4) No development above ground level shall commence until detailed plans for the proposed car parking area, including visibility splays, are submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.
 - 5) No development above ground level shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i. means of enclosure and retaining structures;
 - ii. boundary treatments;
 - iii. hard surfacing materials;The landscaping works shall be carried out in accordance with the approved details before the dwelling is first occupied.

Main Issues

2. The main issues in the appeal are:

- Whether the proposed development would result in satisfactory living conditions for the occupiers of the host dwelling, with regard to private outdoor space.
- the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with regard to outlook and light, and
- whether sufficient details have been provided with regard to fire safety.

Reasons

Living Conditions – Private Amenity Space

3. The appeal site is occupied by a two-storey end of terrace dwelling with parking to the front and a garden to the side and rear. The Council have stated that the existing garden is 122m² in size, which is not contended by the appellant.
4. Policy DM10.4 of the Croydon Local Plan (2018) states that for development in the grounds of an existing building which is retained, a minimum length of 10m and no less than half of 200m² (whichever is smaller) of the existing garden area is retained for the host property, after the subdivision of the garden. After the proposed development has been constructed, the resultant garden of the host dwelling, 159 Sumner Road South, at approximately 52m² would be less than half of the original garden and therefore would be contrary to this policy.
5. The appellant has stated that the layout could be changed to facilitate a larger garden for the host dwelling. However, the resultant garden would still provide a functional space for its occupiers and would not be significantly smaller than what is expected for a dwelling of this size. It would also be in keeping with the size of other gardens within the area.
6. Therefore, whilst the proposed development would not explicitly comply with Policy DM10.4, it would still provide satisfactory living conditions for the occupiers of No.159, with regard to the provision of private outdoor space. The Suburban Design Guide Supplementary Planning Document (SPD) (2019) makes no comment on this issue and is therefore not relevant.

Living Conditions – Outlook and Light

7. The host dwelling, No.159, has a single storey rear extension and during my site visit I noted that a first-floor extension was being constructed above this. If this is to be constructed in accordance with the first-floor extension detailed on the submitted plans, which has previously been granted planning permission, the rear elevation of the dwelling at No.159 would be level with the rear elevation of the proposed dwelling at first floor level. Therefore, the proposal would have no impact on the outlook from the first-floor rear window closest to the proposed dwelling.
8. Nevertheless, it is noted that both bedrooms in the original dwelling are also served by windows on the front elevation. Therefore, regardless of the first-floor extension and the positioning of the proposed dwelling, the first-floor bedrooms of No.159 would still receive sufficient daylight and outlook via these alternative windows.

9. The proposal would be located directly adjacent to the boundary with 155 and 157 Sumner Road South. Whilst the building containing these neighbouring properties is set back a sufficient distance from this shared boundary, the garden and driveway of No.157 would run alongside the proposed dwelling. However, although closer to the boundary than the host dwelling, the proposal would be no greater in height and would therefore not result in any further overshadowing of this neighbouring garden or that of No.155 than at present.
10. Consequently, the proposed development would not harm the living conditions of the occupiers of the neighbouring dwelling and would accord with Policy D3 of The London Plan (2021) and Policy DM10.6 of the Croydon Local Plan (2018). These policies seek to ensure that new development delivers appropriate outlook, privacy and amenity and does not result in a significant loss of existing sunlight or daylight levels to adjoining occupiers.
11. The proposal would also comply with The Suburban Design Guide SPD (2019) insofar that it requires development in suburban locations to minimise the impact on neighbouring amenity as far as possible.

Fire Safety

12. Policy D12 of The London Plan (2021) requires a fire statement to be submitted with all major development proposals. However, as the proposal before me would not be considered major development, this would not be necessary. Therefore, due to the nature and scale of the proposal, as a single end of terrace dwelling, explicit details regarding fire safety would not be required.

Conditions

13. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. Conditions requiring the submission of samples of the materials to be used and hard and soft landscaping details are also necessary to ensure an appropriate appearance for the development. A condition requiring the submission of details pertinent to car parking and visibility splays is necessary to ensure highway safety.
14. A condition relating to the removal of permitted development rights, requested by the Council, has not been included as it is not considered that such a condition is necessary to protect the living conditions of neighbouring occupiers or the character and appearance of the area. Furthermore, conditions relating to water usage and carbon emission targets have not been included as it has not been demonstrated that there is a policy requirement for these.

Conclusion

15. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR