



Appeal Decision

Site visit made on 24 May 2022

by C Shearing BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/L5240/W/21/3279092

335 Lower Addiscombe Road, Croydon CR0 6RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
 - The appeal is made by Mr A Dato of ATF Construction Ltd against the decision of the London Borough of Croydon Council.
 - The application Ref 21/01535/GPDO, dated 23 March 2021, was refused by notice dated 13 May 2021.
 - The development proposed is erection of 4th floor to create 4 additional, independent residential units.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr A Dato of ATF Construction Ltd against the decision of the London Borough of Croydon Council. This application is the subject of a separate decision.

Background and Main Issue

3. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GDPO), planning permission is granted for new dwellings on detached buildings in commercial or mixed use, subject to limitations and conditions, including the need for an application for prior approval as to the matters listed, which includes the external appearance of the building.
4. The Council accept that their assessment was carried out under the wrong part of the GDPO. The parties agree that the development proposed falls to be considered under Schedule 2, Part 20, Class AA of the GDPO, and I have assessed the appeal on this basis.
5. The Council accept that the second part of their reason for refusal, which relates to non-compliance with other parts of Schedule 2, Part 1, Class AA, was given in error. The Council state that their concern relates only to criteria e) of the conditions at paragraph AA.2 of Class AA, which relates to the external appearance of the building.
6. Consequently, the main issue is the effect of the proposed development on the external appearance of the building, including the design and architectural features of the principal elevation and any side elevation that fronts a highway.

Reasons

7. The appeal site is set back from the road behind an area of hard landscaping which includes a seating area and mature tree. As a result of the curve in the road in front of the appeal site, the building sits substantially behind the building line of properties to the east on Lower Addiscombe Road, but broadly level with the building line of properties to the west. The projecting elements of the front elevation including the prominent curved parapet to the tallest part of the building, however, sit forward of the main building line to the west.
8. The residential streets behind the appeal site to the north are characterised predominantly by two storey terraces with pitched roofs and projecting bay features. By comparison the buildings which front Lower Addiscombe Road, which include commercial uses at the ground floor level, are more varied in their appearance but continue to comprise predominantly two storeys. Some isolated examples of taller buildings on Lower Addiscombe Road exist a short distance from the appeal site. These include the adjacent former bank building of 3 storeys, a flat roof building of 4 storeys further west, and a historic building of 3 storeys plus rooms within the roofspace further to the east.
9. The proposed design of the additional storey would match the proportions and architectural detailing of the floor beneath it. It would also follow the same building lines with the exception of an area adjacent to the stairwell at the back of the building. The proposed development would therefore respect the design and architectural features of the elevations and would adequately respect the character and form of the building when viewed in isolation. However, given the characteristics of the building and its position in the street, the relationship of the building to its context is an important aspect of the building's external appearance.
10. The proposed additional storey would result in the building rising even further above the surrounding buildings. While the existing building may provide a focal point, the additional height which would include a new storey above the front projecting bays, would appear incongruous, somewhat looming in the street scene and thus jarring compared to the surrounding development. This would be particularly prominent in far reaching views from the west along Lower Addiscombe Road and in views from the north along Blackhorse Lane.
11. Consequently, the development proposed would cause harm to the external appearance of the building. This would conflict with the objectives of the National Planning Policy Framework (the Framework) in chapter 12, particularly paragraph 130 which, among other things, requires developments to add to the overall quality of the area and be sympathetic to local character including the surrounding built environment.
12. I have also had regard to the policies of the development plan only insofar as they are a material consideration relevant to the main issue. The development proposed would conflict with Policies SP4 and DM10 of the Croydon Local Plan 2018 which, among other things, require development to respect and enhance local character and contribute positively to the townscape. There is also conflict with the Croydon Suburban Design Guide Supplementary Planning Document 2019 insofar as it requires additional storeys on corner plots to be responsive to the massing of neighbouring properties.

Other Matters

13. My considerations under this appeal are limited to the subject matter and scope of the prior approval and the considerations listed within the relevant part of the GDPO. The Council have not raised objection under the other matters listed within condition AA.2 and, as the appeal is dismissed for matters relating to the external appearance, I do not need to consider these matters further.
14. The appellant has drawn my attention to a number of appeal decisions relating to prior approvals for additional storeys and their consideration of external appearance¹. Full details of those development proposals have not been submitted as evidence. However, my decision is made in the context of the high court judgement of February 2022² insofar as it related to the scope of prior approval matters. On the basis of the information before me, these earlier appeal decisions do not provide reason to alter my findings.

Conclusion

15. The proposal would not comply with one of the prior approval matters set out by Schedule 2, Part 20, Class AA of the GDPO. Namely that concerned with the external appearance of the building. It would not therefore benefit from the provisions thereof. As such, the appeal should be dismissed.

C Shearing

INSPECTOR

¹ APP/N5090/W/21/3267852, APP/T1410/W/20/3263486, APP/G3110/W/21/3269650 and APP/L5810/W/21/3267779

² Cab Housing Limited, Beis Noeh Limited, and Rotenbe v Secretary of State for Levelling Up, Housing and Communities, Broxbourne London Borough Council, and Haringey London Borough Council [2022] EWHC 208 (admin) (3 February 2022)