



Appeal Decision

Site visit made on 26 August 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 SEPTEMBER 2022

Appeal Ref: APP/L5240/W/22/3292817

Garages at Land Rear of 91 Clifton Road Fronting Rothesay Road, South Norwood, Croydon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Danny McCann against London Borough of Croydon.
 - The application Ref 21/05537/FUL, is dated 16 November 2021.
 - The development proposed is the demolition of two existing garages used for storage purposes and erection of a two-storey detached new build dwelling.
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Decision

1. The appeal is dismissed and planning permission for the demolition of two existing garages used for storage purposes and erection of a two-storey detached new build dwelling is refused.

Preliminary Matters

2. The Council have commented that had they determined the application they would have refused planning permission for the development as they consider that: it would be harmful to the character and appearance of the area by reason of its poor design and failure to respond to the existing pattern of development; and harm neighbouring living conditions through overshadowing and creation of a sense of enclosure.

Main Issues

3. The main issues are 1) the effect of the proposed development on the character and appearance of the area, and 2) the effect of the proposed development on the living conditions of occupants of neighbouring residential properties with specific regard to outlook and light.

Reasons

Character and appearance

4. The appeal site currently comprises two garages that are accessed via Rothesay Road. It sits to the rear of no. 91 Clifton Road in a predominantly residential area which is mainly formed of terraced properties that create a distinct uniform and linear arrangement that is a positive feature of the area.
 5. The proposed development involves the demolition of the existing garages and the construction of a two-storey detached dwelling with hipped roof. It is evident in the proposed design that the proposed dwelling incorporates many
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of the positive features of the existing dwellings in the street, including, bay window, horizontal banding, cill and lintel detailing and door surround. The dwelling would also be broadly of a similar height and mass to the existing dwellings.

6. Forming a detached dwelling, the proposed dwelling would notably depart from the established form of the street, that being made up of clearly defined terraced properties. For this reason, it would appear discordant and fail to successfully integrate into its surroundings. The arrangement is also exemplified in the misalignment of the appeal site with the adjacent plots whereby the side elevations of the building would present an angled form that would be at odds with the existing dwellings. This is despite the front elevation proposed to be on the same building line as the adjacent terrace.
7. The proposed hipped roof would also sit uncomfortably adjacent to the gable and pitched roof of the terrace, appearing incongruous and out of character in the street-scene. The proposed dwelling would also incorporate a markedly smaller area of private amenity space to the rear which would significantly and abruptly depart from the established make-up of surrounding properties which for the most part have generous amenity space provision that is a positive aspect of the area.
8. The proposed development would therefore cause harm to the character and appearance of the area and would be contrary to Policies DM10 and SP4.1 of the Croydon Local Plan (2018) and Policy D3 of The London Plan (2021). These policies require, amongst other things, that new development is of high-quality design that respects and enhances Croydon's varied character whilst respecting development pattern and layout of the surrounding area.
9. The proposed development would also be contrary to the Council's Suburban Design Guide (2019) which outlines, amongst other things, that developments should improve or positively contribute to local character.

Living conditions

10. The proposed dwelling would be sited to the rear of no. 91 Clifton Road. The existing rear windows of this property face towards the gable wall of no. 32 Rothesay Road. The proposed development would be sited adjacent to no. 32 Rothesay Road and would be closer to the rear of no. 91 Clifton Road than the existing arrangement. It appears however, that the closest windows in the outrigger do not serve habitable rooms. A reasonable separation would be maintained from the windows in the main section of the rear elevation of no. 91 Clifton Road to ensure that the development would not appear oppressive or overbearing to the occupiers of the property, and thus there would not be an unacceptable impact in terms of outlook.
11. The proposed dwelling would result in some overshadowing to the rear gardens of the closest properties on Clifton Road. However, due to the orientation of the proposed dwelling and the surrounding gardens, combined with the existing built environment, the impact would not be observed for a substantial part of the daytime. Therefore, although some impact would be evident, in this close urban area, it would not be unreasonable.
12. The proposed development would therefore not have an unacceptable effect on the living conditions of the occupants of surrounding properties with regard to

outlook and light. It would comply with Policy DM10 of the Croydon Local Plan (2018) and Policies D3 and D6 of The London Plan (2021). These policies require, amongst other things, that the amenity of the occupiers of adjoining buildings is protected.

Other Matters

13. The appellant has referred to what they consider similar approved applications in the borough. Aside from the application reference numbers and a brief description, I have not been provided with full details of these examples in order to give them significant weight in the appeal. I have, in any event, determined the appeal on its own individual planning merits.

Planning Balance and Conclusion

14. The Government's objective as set out in the National Planning Policy Framework (2021) is to support sustainable housing growth. The proposed development would result in a slight increase in the Council's overall housing number and would be in a sustainable location. It would also somewhat improve the appearance of the site and bring a small number of additional residents to the area who would contribute to the local economy. Collectively, I give these matters moderate weight in favour of the proposed development.
15. However, the harm that I have identified that would be caused to the character and appearance of the area attracts significant weight that outweighs the benefits associated with the proposed development.
16. The proposed development would therefore conflict with the development plan and there are no identified other considerations that outweigh this conflict.
17. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

A M Nilsson

INSPECTOR