

Appeal Decision

Site visit made on 25 July 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Reference: APP/L5240/D/22/3296118

36 Valley Road, Kenley CR8 5BQ

- 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 P Chilinski against the decision of the London Borough of Croydon.
 - The application (reference 21/06099/HSE, dated 30 November 2021) was refused by notice dated 4 February 2022.
 - The development proposed is described in the application form as a “proposed first floor extension to form house from bungalow”.
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Decision

1. The appeal is allowed and planning permission is granted for a “proposed first floor extension to form house from bungalow”, at 36 Valley Road, Kenley CR8 5BQ, in accordance with the terms of the application (reference 21/06099/HSE, dated 30 November 2021), subject to the conditions set out in the attached Schedule of Conditions.

Main issues

2. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or visual intrusion).

Reasons

3. The appeal site lies in a suburban area of Kenley, towards the eastern edge of the settlement, where it is marked by a railway line and a major road (the A22). The location is essentially residential in character but the houses are very mixed in terms of style and type. Traditional materials predominate but, typically, pitched roofs are combined with a mixture of rendered or brickwork external walls. Both bungalows and two-storey houses are to be found in the vicinity of the appeal site and a group of flats is located opposite. Along the north-eastern frontage of this part of Valley Road, detached homes predominate, however.
4. The character of the area is heavily influenced by the topography, since this part of the residential area has been built on a steeply sloping hillside.

5. Valley Road runs approximately parallel to the contours of the hill and the buildings are generally set back from their front boundaries. Properties to the south-west stand high above the road on rising ground and, by contrast, those along the north-east frontage are set well below the level of the road. Where these are two-storey houses, the first floor appears to be almost at the level of the highway, while the bungalows are also well below the road level, such that the view from the road effectively looks down on their roofs.
6. Number 36 Valley Road is one of a small group of bungalows that are set below the road level in this location. The front garden slopes down very steeply from the road to the dwelling, and the back garden also slopes away in stepped terraces, down to the rear boundary with the railway line. At the bottom of the garden, there is a large outbuilding that is used as a "cattery" (in the course of a business). The dwelling itself is a conventional bungalow, with a hipped, tiled roof above rendered (and pebble-dashed) external walls.
7. It is now proposed to build a first floor extension to the bungalow, to create a two-storey house.
8. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. It encourages the achievement of good design standards generally, which includes both protecting existing residential amenities and providing good standards of accommodation.
9. Policies in the Development Plan reflect these basic concerns. In particular, Policy D3 of 'The London Plan' (dated March 2021) promotes a "design-led approach" to development and identifies some important design criteria, including the need to "deliver appropriate outlook, privacy and amenity". Similarly, Policies SP4 and DM10 of the 'Croydon Local Plan 2018' focus on "urban design and local character" and "design and character", respectively.
10. The Council's 'Suburban Design Guide Supplementary Planning Document' (dated 2018) is also relevant but it does not have the force of the statutory Development Plan.
11. Currently, the appeal building is one of a small number of bungalows that form a distinct group in this part of Valley Road, in spite of the fact that there are some differences of style and materials even within the group. The proposed additional floor at number 36 would effectively create a two-storey house that would be very different from the existing bungalow or its immediate neighbours either side. The bulk of the finished design would make it stand out from its immediate neighbours, even though the proposed scheme would copy, or at least harmonise with, the materials and design details of the existing building and the surroundings.
12. On the other hand, the building would not be dissimilar in scale or character from two-storey houses a short way along the road and it would be in keeping with the character and appearance of the wider surroundings. I am not

convinced that the existing bungalows are of any particular architectural merit or that their "rhythm" ought to be protected. Thus, I do not believe that it would be necessary, or even desirable, to require adherence to the bungalow form in this part of Valley Road.

13. The finished building would be wholly unlike the existing bungalow, of course. In terms of its scale and mass, the effect of the proposed extension would be to alter its character and appearance to create a new form. The building is sited well below the level of the road, however, and the effect on the surroundings would not be unduly harmful, in my view. I have formed the opinion that the project would be acceptable in planning terms even though it would bring about a change in the townscape.
14. The proposed first floor extension would rise above the existing bungalow on the same footprint and could not be expected to have a materially adverse impact on the outlook of neighbours towards the front or rear.
15. There are some windows in the side elevations of adjoining properties that would be affected by the proposed increase in scale of the flank walls but I accept, from the evidence, that these windows generally serve rooms such as bathrooms or kitchens that would not be unduly sensitive, or that they serve secondary windows in rooms where a reasonable outlook would still be available. I am convinced that the amenities of the adjoining dwellings as a whole would not be harmed to an unacceptable degree as a result of overbearing appearance or visual intrusion caused by the proposed first floor extension. Nor would it generate an undue sense of enclosure, overbearing to the neighbouring properties.
16. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed extension would be a useful addition to the accommodation at number 36 Valley Road. The contribution that the appeal scheme would make to the provision of residential accommodation in the locality, even though it would be limited, weighs in favour of the appeal. I have concluded that the effect of the project on the host building and its surroundings would be acceptable in planning terms and that it would not cause undue harm to neighbours' amenities by reason of overbearing appearance or visual intrusion.
17. In short, the proposed development would not be in conflict with national or local planning policies (including the Development Plan) and I am persuaded that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
18. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications necessary, in my opinion, in the interests of clarity and enforceability.
19. In particular, I have concluded that conditions are necessary to define the planning permission and to ensure that quality is maintained. The materials to be used in the external surfaces of the building need further consideration (since there is a lack of clarity in the submissions) but a condition has been

imposed to control this. An additional condition is also required, as suggested by the Council, to prevent the insertion of new windows or other openings in the side elevations of the finished building, that might intrude on neighbour's privacy.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 4303/3 (Ordnance Survey site plan (1:1250));
 - drawing number 4303/3 (Existing Floor Plan and Elevations);
 - drawing number 4303/3 (Proposed Floor Plans and Elevations);
 - drawing number 4303/FS (Fire Strategy).
3. No materials shall be incorporated into the external surfaces of the development hereby permitted until samples or specifications of those materials and drawings (at appropriate scales) of the construction details to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, using the approved materials.
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 additional window, door or other opening shall be provided in the south-eastern or north-western (side) elevations of the finished building, other than those shown on the drawings that are hereby approved, without the express prior written approval of the local planning authority.