

# 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: 29 September 2022**

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**Appeal Reference: APP/L5240/D/22/3299993**  
**'Dene Hayes', Firs Road, Kenley CR8 5LD**

- 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 A White against the decision of the Council of the London Borough of Croydon.
  - The application (reference 22/00579/HSE, dated 13 February 2022) was refused by notice dated 4 April 2022.
  - The development proposed is described in the application form as follows: "loft conversion, roof hip, side and rear extensions".
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## Decision

1. The appeal is allowed and planning permission is granted for "alterations including demolition of existing detached garage and rear conservatory, and erection of a single storey side and rear extension, and loft conversion including hip to gable roof extensions, three rooflights to the front roofslope and a dormer to the rear roofslope", at 'Dene Hayes', Firs Road, Kenley CR8 5LD, in accordance with the terms of the application (reference 22/00579/HSE, dated 13 February 2022), subject to the conditions set out in the attached Schedule of Conditions.

## Preliminary points

2. Notwithstanding the description of the proposed development that was given in the application form, the nature of the proposal can more clearly be expressed as set out in the decision notice and the appeal form, as follows: "alterations including demolition of existing detached garage and rear conservatory, and erection of a single storey side and rear extension, and loft conversion including hip to gable roof extensions, three rooflights to the front roofslope and a dormer to the rear roofslope".

## Main issues

3. 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 it would have an oppressive effect on rooms at the rear of the property). It is also necessary to consider whether the finished building would be safe for users in the event of a fire.

## Reasons

4. The appeal site lies in an extensive residential area of Kenley, where there is a considerable range of house types in various styles and on different sizes of building plot. The homes are generally set in mature gardens and the townscape is characterised by established trees, bushes and hedges, as well as by the buildings. The road pattern is meandering and irregular and this section of Firs Road is part of a through route, serving side roads and culs-de-sac.
5. 'Dene Hayes' is one of a small group of three detached bungalows located together in Firs Road, on the southern frontage of the road, where the ground rises away from the highway. It is set back from the road, behind a high, dense hedge on the front boundary, although other properties have a more open outlook, including the immediate neighbour to the west, 'High View', which is also a bungalow.
6. 'Dene Hayes' sits on a wedge-shaped plot, on account of the geometry of the layout, between 'High View' and 'Firs Cottage'. The plot narrows towards the rear but the property has a pleasant and attractive back garden. The sloping front garden is generous in area and a garage is located alongside the bungalow (on the west), where the plot widens towards the frontage, providing extra space between 'Dene Hayes' and 'Firs Cottage'. Indeed, a large sycamore, which is protected by a Tree Preservation Order, stands in the front garden, though it would be unaffected by the proposed development.
7. A second garage is located on the opposite side of the dwelling (on the east), adjacent to the boundary with 'High View' and separated from the bungalow by a narrow gap. The bungalow itself is conventional in style, constructed of brickwork with a hipped, tiled roof.
8. It is now proposed to demolish the second detached garage (adjacent to the boundary with 'High View'), together with a conservatory that has been added to the rear of the bungalow, and to alter and extend the principal building. A single storey side and rear extension would be constructed up to the side boundary (where the existing garage would have been removed) and a new structure would, in effect, replace the existing roof, to increase its volume and create a gabled form with a rear dormer. Thus, new living space and a new master bedroom would be created on the ground floor with two new bedrooms and associated bathrooms at first floor level.
9. 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 development that adds to the overall quality of the area and is visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. Good design standards include protecting existing residential amenities and providing good standards of accommodation.
10. 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.

11. 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.
12. The proposed alterations would undoubtedly have the effect of altering the appearance of the existing building and a new architectural image would be created. Even so, the existing bungalow is not particularly distinguished architecturally and there is no real townscape merit in preserving the group of which it forms part. There is a considerable variety of scale and design in the buildings in the surrounding area and a new architectural approach in this location would be acceptable in design terms.
13. The proposed finished building would not be unduly large for its plot and it would be finished in traditional materials, based on conventional forms: brickwork with pitched roofs on the front elevation. The single-storey side extension, replacing an existing single-storey garage, would preserve a sense of space between 'Dene Hayes' and its neighbour at 'High View', in harmony with the existing streetscene. The single-storey rear extension and the dormer at the rear of the property would have only a very limited effect on wider views and, while the proposed "box-shaped" dormer would be somewhat ungainly, such dormers are now a very common construction feature, even in the vicinity of the appeal site.
14. In short, I am convinced that the proposals would not harm the character and appearance of the host building or its surroundings, even though they would be changed.
15. Turning to the effect of the proposed extension on 'High View', I note that this element of the proposals would be built up to the boundary with a relatively long side wall of blank brickwork. Even so, it would not be out of character in an urban or suburban area in its projection beyond the rear wall of the bungalow. Both bungalows face south, approximately, and the new single-storey side extension would not unduly overshadow or dominate the neighbouring property. Although it would have some effect, I do not accept that it could fairly be described as being oppressive and I am not persuaded that the effect would be so serious as to justify a refusal of planning permission.
16. In their decision notice, the Council have identified a concern about the safety of future users of the house in the event of a fire. I have noted, however, that the appellant would agree to a pre-commencement condition to deal with this issue, although the Council have not made any suggestions in relation to such a condition. I am conscious that this is a very modest project and I accept that a condition to require the submission and approval of a Fire Strategy, prior to commencement of development, would overcome the third reason for refusal given in the decision notice.
17. 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 'Hayes Dene'. 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.

18. I have formed the opinion that the scheme would not harm the character or appearance of the host building and its surroundings, nor would it have an unacceptable impact on the residential amenities of neighbours. I have concluded that the project would not be in conflict with national or local planning policies (including the Development Plan) and that the objection to the scheme based on fire safety concerns can be overcome by the imposition of a suitable condition.
19. Thus, I am persuaded that the scheme before me can properly be permitted, subject to conditions, and, 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.
20. 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. In particular, I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. I have also imposed a condition relating to fire safety, as explained elsewhere in this Decision.

*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:
  - unnumbered Ordnance Survey location plan (1:1250);
  - drawing number 754-01 (Existing Layout);
  - drawing number 754-02 (Floor Plans);
  - drawing number 754-03A (Elevations, Section and Site Plan).
3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
4. Prior to commencement of development (save for demolition and site clearance), a Fire Strategy shall be submitted to and approved in writing by the local planning authority to demonstrate how the development complies with London Plan (2021) Policy D12 Part A. The development shall be carried out in accordance with the approved details, using the approved materials, and shall not be occupied other than in accordance with the approved Fire Strategy.