



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: 30 October 2022

Appeal Ref: APP/L5240/W/22/3295470
75 Warwick Road, Thornton Heath CR7 7NN

- 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 Ola Adamson against the decision of London Borough of Croydon.
 - The application Ref 21/04673/FUL, dated 10 September 2021, was refused by notice dated 30 December 2021.
 - The development proposed is alterations, erection of L-Shaped Dormer extension to rear roof slope (with balcony/terrace) and rear outrigger to form a 3-bedroom HMO in roof space (in association with planning permission 20/06113/FUL for Alterations, Demolition of side garage/outbuilding, erection of two storey/part single storey side/rear extension, for use as 7 Bedroom House in Multiple Occupation (HMO), provision of associated refuse storage, cycle storage and off-street parking).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been undertaken. I am therefore considering the appeal retrospectively.
3. At the site visit I observed that the ground, first and second floors of the appeal property are separate units, contrary to the description relating to application 20/06113/FUL. I have, however, confined my assessment to the development as described above.
4. The Council's fourth reason for refusal was in relation to fire safety. The appellant has subsequently submitted a Fire Risk Assessment Report which the Council request that, in the event the appeal is allowed, a condition requiring compliance with the report is imposed. I have taken this to mean that, subject to the imposition of this condition, the Council are not now seeking to defend this reason for refusal. I have therefore considered the appeal against the three remaining reasons.

Main Issues

5. The main issues are 1) the effect of the rear dormer extension on the character and appearance of the area, 2) the effect of the development on the living conditions of occupants of surrounding residential properties in relation to privacy, noise and disturbance, and 3) whether the development provides acceptable access to amenity space, refuse storage and cycle storage.

Reasons

Character and appearance

6. The appeal property is a semi-detached property. It is located in a predominantly residential area where, although the majority of properties appear to be of a similar age and size, there are various different designs. Many of the properties in the area have been extended or altered, including the appeal property which has a previously approved two-storey side extension¹. There are also a number of dormer windows to properties in the area, including the adjacent property at no. 71 Warwick Road.
7. The dormer window has been installed to the rear of the property. Due to a large gap with the adjacent property at no. 71 Warwick Road, which contains a garage and a number of shipping containers, the side elevation of the dormer window is visible from the street-scene. This is however only for a small section of the street and due to the use of hanging tiles on the cheek of the dormer, which match those of the main roof of the property, combined with the setback from the edge of the roof, it does not appear incongruous.
8. The side elevation of the property, in a light-coloured render, is clearly distinguishable from the section of the dormer window that is visible. The vast majority of the dormer is not visible from the street-scene.
9. The dormer window has also been installed above the two-storey outrigger, creating an 'L' shape. There is a parapet wall with the adjoining property that creates a clear and distinct separation from the adjoining roof. The dormer sits below this parapet and the main ridge line of the property. It is also set back from the edges of the outrigger and incorporates hanging tiles to match those of the main roof of the property. For these collective reasons, I do not consider that there is unacceptable harm caused from the siting, width, massing or bulk of the dormer.
10. I acknowledge that the dormer and the roof terrace unbalance the property with the adjoining property at no. 77 Warwick Road, however this has also largely occurred due to the removal of the previous hipped roof and the addition of the side extension. I also recognise that the dormer presents a minor conflict with the Council's Suburban Design Guide Supplementary Planning Document (SPD) (2019) insofar that it covers more than two-thirds of the roof slope. This aspect is not, however, highly perceptible from any notable public vantage points, and due to existing trees and spacious rear gardens, it is not highly visible from surrounding residential properties.
11. I therefore find that the development does not cause unacceptable harm to the character and appearance of the area. It therefore complies with Policies SP4 and DM10 of the Croydon Local Plan (2018) and Policies D3 and D4 of The London Plan (2021). Collectively, these policies require that development is of a high quality of design that responds to the existing character of the area.

Living conditions

12. The Council consider that the development, involving the creation of an additional 3-bedroom unit, has an unacceptable impact in terms of noise and disturbance.

¹ Planning application 20/06113/FUL

13. The Council do not dispute that the property, under the previous planning consent, could accommodate up to 11 residents. The development subject to the appeal undoubtedly increases the number of occupants in the property as a whole, and thus the number of comings and goings and other activities associated with domestic life. The area is nevertheless an active residential area, and I observed that there is a three-storey block of flats nearby suggesting there is a varied occupancy in the area, including dwellinghouses.
14. Taking into account the previous planning consent to create a 7-bedroom HMO, there is no substantive evidence to suggest that the addition of a 3-bedroom unit at the second floor creates an unacceptable impact in terms of noise and disturbance, above that which is likely to already occur.
15. The development includes a roof terrace that has been installed at the second-floor level. I was able to experience the wide-ranging views from the terrace that include, most significantly, directly into the rear gardens of no. 77 Warwick Road and, to a lesser extent, no. 71 Warwick Road.
16. Due to its size and siting, the roof terrace allows for wider ranging views of the rear gardens of properties either side, from an elevated position. This results in an unacceptable level of overlooking, and perception of overlooking, leading to a significant loss of privacy to the gardens of surrounding properties.
17. The appellant has suggested that a screen could be installed to prevent overlooking, and this could be secured by an appropriately worded planning condition. In order to prevent harmful overlooking, such a screen would likely need to be considerably higher than the existing balustrade. This in turn would be likely to have significant implications on the character and appearance of the property, despite it not being highly visible from public viewpoints. Either way, an appropriate solution has not been put forward and in the absence of such details, for the reasons given above, it would not be appropriate that this was subject to a planning condition.
18. The appellant considers that the impact of the roof terrace is no different than the view from an upper floor window. Whilst I acknowledge that it is possible to see into the gardens of neighbouring properties, the development, projecting forward of the window allows for sitting out and wider ranging views from an elevated position. It also invites occupants of the appeal property to stand at the balustrade. Without doubt, it increases the perception of overlooking to the rear gardens of properties either side.
19. I acknowledge that the roof terrace provides a small amount of outdoor amenity space for the property it serves. Although this is a benefit of the development, it does not outweigh the harm I have identified.
20. I therefore conclude that, although the development does not have an unacceptable impact on the living conditions of occupants of surrounding properties in terms of noise and disturbance, the roof terrace causes significant harm to the living conditions of the occupants of adjacent properties with regard to privacy. It is therefore contrary to Policy DM10.6 of the Croydon Local Plan (2018) which requires that development protects the amenity of occupiers of adjoining buildings.
21. The development is also contrary to the Suburban Design Guide SPD which outlines that where a flat roof is proposed this should not normally be used as

a terrace, in order to protect the privacy of neighbours. The SPD further outlines that the introduction of screening devices to help prevent overlooking from terraces are generally not considered acceptable as these can be detrimental to suburban character.

Amenity space, refuse storage and cycle storage

22. The submitted plans show that amenity space, refuse storage and cycle storage can be provided in the rear garden of the appeal property. At the time of my visit, save for the provision of amenity space, this aspect of the development had not been implemented. Both parties confirm that these arrangements are similar to those approved under the previous planning consent.
23. The suggested arrangement would require occupants of the unit subject to the appeal to descend two floors of the appeal building, exit one of the front doors, re-enter the building down a corridor, and out into the rear garden where they may make use of the amenity space and access refuse and cycle storage facilities.
24. I accept that it would be preferable for the occupants to walk a shorter distance to access the facilities, and to have direct access as opposed to being required to exit the building and walk along a corridor. Nevertheless, I do not consider that the arrangement is unreasonable or unacceptable. It is not uncommon for occupiers of upper flats to have to leave their property and walk a short distance to amenity space, refuse and cycle storage. The arrangement here, for which a similar arrangement has previously been approved, could be required to be implemented through an appropriately worded planning condition were I to allow the appeal.
25. The Council have referred to the fact that the previous arrangement pre-dates the current London Plan and the London Cycle Design Standards, although I have not been presented with any substantive analysis of the changes since the previous consent. Regardless, the previous consent forms a viable fallback that is a material consideration of significant weight and I have found the proposed arrangements to be acceptable.
26. The access to the amenity space and refuse and cycle storage would therefore not be unacceptable for occupants of the unit subject to the appeal. The development therefore complies with the requirements of Policies SP4, DM10 and DM13 of the Croydon Local Plan (2018), Policies D3 and D6 of The London Plan (2021) and the Suburban Design Guide SPD as they relate to the provision of amenity space, refuse storage and cycle storage.

Planning Balance and Conclusion

27. The Government's objective as set out in the National Planning Policy Framework (2021) (the Framework) is to support sustainable housing growth. The development results in a small increase in the Council's overall housing number and is in a sustainable location. It also brings a number of additional residents to the area who contribute to the local economy. Collectively, I give these matters moderate weight in favour of the development.
28. However, the significant harm that the development has on the living conditions of the occupants of surrounding residential properties attracts significant weight that outweighs the benefits associated with the development.

29. The development therefore conflicts with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
30. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR