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## Appeal Decision

Site visit made on 16 August 2022

**by Philip Willmer BSc Dip Arch RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 October 2022.**

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**Appeal Ref: APP/L5240/D/22/3300767**

**8 Old Lodge Lane, Purley, Surrey, CR8 4DF.**

- 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 Paul Carr against the decision of the Council of the London Borough of Croydon.
  - The application Ref 22/00129/HSE, dated 16 December 2021, was refused by notice dated 21 March 2022.
  - The development proposed is a new pitched crown roof with 3 no new dormer windows to both side elevations together with the erection of an additional storey by extending upwards, corner infill to existing at rear of property and changes to fenestration design. Creation of new driveway access at front with modification to existing garage and minor changes to rear garden.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues in this appeal to be:
  - a) the effect of the proposed development on the architectural integrity of the host property and thereby the character and appearance of the area;
  - b) the potential impact of the proposal on the living conditions of neighbouring occupiers in terms of visual intrusion, overbearing impact, sense of enclosure and overlooking/loss of privacy; and,
  - c) the effect of the proposal on highway safety.

### Reasons

#### *Character and appearance*

3. The appeal property, 8 Old Lodge Lane, is a detached bungalow. It is sited in an elevated position above street level with a detached garage to the front at road level. It is located between 6B a bungalow and 10 Old Lodge Lane, both of which are also elevated well above the road level. As I saw the road is generally characterised by a variety two-storey houses of an eclectic mix of designs.
4. The existing bungalow is of a simple, elegant, 'arts and crafts' style design with a striking steep pitched roof and prominent stylish chimney stacks.
5. The appellant proposes the removal of the roof and the construction of a new first floor together with a second floor formed within a mansard (crown) style roof. The

design incorporates expressed gables, dormer windows and balconies. In addition, it is proposed to form a new vehicular access, new stepped pedestrian entrance along with changes to the existing garage to form a car port.

6. Given the scale, massing, three-dimensional form and fussy design detailing of what would, when built, be a three-storey house I do not consider that the development would respect the scale, massing, form or design detailing of the host property.
7. Furthermore, despite the new ridge height matching that of the present property the existing modest bungalow would be completely subsumed by the extension. The proposal would thereby cause significant harm to the architectural integrity of the host property.
8. Notwithstanding that the house would be set back from the road given its height, design and prominent elevated position the development would cause significant harm to the visual amenity of the street scene and the character and appearance of the wider area. It would therefore fail to accord with the objectives of Policy D3 of the London Plan (Adopted March 2021) (London Plan) and Policies SP4 and DM10 of the Croydon Local Plan 2018 (Adopted 27 February 2018) (LP) as they relate to, amongst other things, the need for high quality design and the requirement to enhance local context by delivering buildings and spaces that respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

#### *Living conditions*

9. The Council are concerned that the proposed side windows in the development would result in overlooking of the neighbouring properties leading to a loss of privacy.
10. From my inspection of the plans the windows at first floor level are all secondary and therefore could be obscure glazed and locked shut if necessary. The cill height of the second-floor dormer windows could also be controlled to avoid overlooking. Overlooking from the proposed second-floor balcony areas could be managed by the introduction of screening. These are all matters that if I were minded to allow the appeal could be addressed by suitably worded conditions. Accordingly, I do not consider that the living conditions of neighbouring residential occupiers would be harmed by reason of overlooking leading to a loss of privacy.
11. However, in my judgement, given the buildings proximity to the common boundaries, its three-dimensional form, mass and overall height the proposed dwelling as extended would have a significant overbearing impact on neighbouring residential occupiers resulting in a sense of enclosure. It would thereby cause harm to their living conditions.
12. I have found that concerns relating to overlooking leading to a loss of privacy could be overcome by conditions. However neighbouring occupiers living conditions would be harmed by the enlarged dwellings overbearing impact and sense of enclosure. I therefore conclude in respect of the second main issue that the proposal would be detrimental to residential living conditions contrary to the aims of London Plan Policy D3, LP Policies SP4 and DM10 and the SPD as they seek to protect residential living conditions.

### *Highway safety*

13. The appellant proposes altering the existing access to provide both off-street parking and on-site turning so that vehicles can enter and leave the site in a forward gear. Further it is intended that the current garage be altered to form a new carport.
14. The drawings before me are small scale and limited to plans only. They do not in my opinion either illustrate or describe this aspect of the development adequately. In particular they do not show, amongst other things, the existing cross over and thereby the need or otherwise to extend or alter it, site levels, existing street furniture, pedestrian and vehicle sightlines, the design of and access to the proposed car port.
15. Given the lack of detail I am not in a position to judge the likely impact of the proposed access on highway safety. Furthermore, were planning permission granted, it would be impossible for a contractor to know from the drawings what precisely had been permitted.
16. Accordingly, I find, in this respect, that the plans submitted are unclear and ambiguous. To consider the proposed alterations to the access without detailed drawings would be to disregard the need for the proposals to comply with London Plan Policies T4 and T6 and LP Policies SP8, DM29 and DM30 as they relate the need for the design of a new access to demonstrate that it would not impact on highway safety. Consequently, I conclude that in this respect the appeal fails.

### **Other Matters**

17. I am sympathetic to the appellant desire to increase the size of the accommodation to meet the needs of his growing family and their lifestyle. I also appreciate that in many respects, as identified by the appellant, the scheme complies with some elements of planning policy. However, these considerations alone do not outweigh the harm that I have identified.
18. The appellant has referred me to a recently constructed large, detached house at 50 Old Lodge Lane. Whatever the background to that case, the existence of a large replacement dwelling on a nearby site is not an appropriate justification for permitting another here.
19. The appellant has drawn to my attention his concerns relating to the apparent lack of dialogue with the Council. In particular it did not seek clarification and/or further details that in his view might have overcome its concerns. This is however not relevant to my consideration of the planning merits of this appeal.

### **Conclusion**

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Philip Willmer*

INSPECTOR