



Appeal Decision

Site visit made on 6 September 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2022

Appeal Ref: APP/L5240/W/21/3284022

5 Station Parade, Sanderstead Road, South Croydon CR2 0PH

- 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 Minara Begum against the decision of London Borough of Croydon.
 - The application Ref 20/05841/FUL, dated 10 November 2020, was refused by notice dated 15 June 2021.
 - The development proposed is alterations to internal layout, single storey rear extension, first floor rear addition including a loft conversion and formation of a dormer in rear roof slope, rear access via new stairs and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of the first floor flat at 4 Station Parade (No 4), having regard to outlook and privacy.

Reasons

3. 5 Station Parade (No 5) lies within a row of similar terraced properties containing a range of commercial units at ground floor and residential uses above. As well as the presence of outriggers the adjoining properties have been subject to an array of alterations and additions to the rear.
4. The appeal proposal includes the provision of an external staircase and first floor walkway above the ground floor extension to the rear of the property. This would provide pedestrian access to the first floor accommodation via a new door to the side elevation of the projecting element to the rear of the building. The neighbouring property at No 4 has a number of openings to its rear elevation. Whilst the first floor window to the side elevation facing No 5 serves a bathroom and is therefore obscure glazed, the first floor bedroom window to the rear elevation of No 4 lies immediately adjacent to the proposed first floor walkway and entrance door.
5. The proposal would consist of a flat platform which would form the walkway, with a steel handrail which would run along the full extent of both the staircase and platform. As a consequence of the modest height and open design of the proposed handrail, it would not appear unduly visually dominant when viewed from the first floor flat at No 4. As such the proposed staircase and walkway would not result in harm to the outlook of neighbouring first floor occupiers.

6. Furthermore, given the siting of the proposed staircase, which even at its full height would be some distance from the existing first floor windows at No 4, users would not be afforded direct views in close proximity of the existing windows at No 4. Therefore, the proposed staircase would not give rise to a loss of privacy to the first floor occupiers of No 4. However, the proposed first floor entrance door and walkway, which would run along the side boundary of the site, are located in much closer proximity to the first floor bedroom window at No 4, with the walkway in part, almost directly in front of it. This would allow users a direct view into the bedroom window, resulting in a loss of privacy to the occupiers of the neighbouring first floor flat.
7. It is suggested that the walkway would give rise to the possibility of transitory glimpses into the window only. Whilst the first floor walkway would not be large enough to be used as an external amenity area, there would be no control over the specific use of the platform, or that the use would be solely fleeting or short-term by individuals on the move. Furthermore, even the transient use of the walkway by those entering and egressing the new access door would result in direct overlooking into the rear-facing first floor bedroom window at No 4, which would unacceptably diminish the privacy of neighbouring occupiers.
8. I conclude therefore that the proposed development would cause harm to the living conditions of the occupiers of the first floor flat at No 4 through loss of privacy. The proposal would conflict with Policies D3 of the London Plan 2021 and DM10 of the Croydon Local Plan 2018, in so far as these policies require new development to protect amenity and to avoid direct overlooking at close range, as well as advice in the Council's Suburban Design Guide Supplementary Planning Guidance 2019 in so far as this guidance seeks to safeguard neighbouring amenity.

Other Matters

9. Whilst I note the appellant's willingness to consider the provision of a perforated privacy screen, the full details of such an installation are not before me such that I am unable to adjudge the potential suitability of this approach. In any event, the appeal process should not be used to evolve a scheme in the interests of not prejudicing the ability of main or other parties to make comment. I have therefore determined the appeal on the basis of the submitted plans.
10. My attention has been drawn to 9 Station Parade where pedestrian access has been provided to the rear of the building via an external staircase. However, the precise arrangements are not before me such that I am unable to draw direct comparisons with the appeal scheme. In any case, each development proposal must be considered on its own merits in recognition of the individual case and site circumstances to hand.
11. There is no compelling evidence before me that the proposal would offer benefits in terms of the appearance of the appeal property that would outweigh the harm I have identified, or that the proposed walkway specifically would be integral to deliver such benefits. The retention of any traditional features of the building would be a neutral factor.
12. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

13. For the reasons above the appeal is dismissed.

Emma Worley

INSPECTOR