



Appeal Decision

Site visit made on 5 October 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24/10/2022

Appeal Ref: APP/L5240/W/22/3295485

Grove Autos Ltd, 60 Leslie Park Road, Croydon CR0 6TP

- 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 D Biggs against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/02078/FUL, dated 19 April 2021, was refused by notice dated 18 November 2021.
 - The development proposed is retention of two storey portacabin structure for use as ancillary office/welfare space and alterations to main workshop building including removal of roof and replacement with roof of increased height.
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Decision

1. The appeal is dismissed insofar as it relates to two storey portacabin structure for use as ancillary office/welfare space.
2. The appeal is allowed insofar as it relates to alterations to main workshop building including removal of roof and replacement with roof of increased height; and planning permission is granted for alterations to main workshop building including removal of roof and replacement with roof of increased height at Grove Autos Ltd, 60 Leslie Park Road, Croydon CR0 6TP in accordance with the terms of the application Ref 21/02078/FUL, dated 19 April 2021, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2359/101, 2359/100 and 2359/103.

Preliminary Matters

3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. The appeal site address has also been replaced by an amended version on the appeal form. I consider those subsequent details accurately represent the proposal and I have therefore used them within this decision.
4. On the basis of the Council's officer report, I requested that I view the appeal site from 55A and 55B Leslie Park Road, but I was unable to gain access to these properties at the time of my visit. However, I was able to view the site from the rear of 54 Leslie Park Road and an access path to the side of Nos 55A and 55B which was sufficient to judge the effect of the proposal.

5. The application for the proposal was submitted retrospectively, and I have proceeded to determine the appeal on that basis. In my Decision, I have removed reference to the 'retention' of elements of the proposal as this is not an act of development.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of residents of 55A and 55B Leslie Park Road with regards to outlook.

Reasons

7. The appeal site is part of a group of commercial units located in a predominantly residential area.
8. Due to its height and massing, I saw that the two storey portacabin is prominent as an obtrusive and oppressive feature in views from neighbouring gardens, including those of Nos 55A and 55B which are closest to the site. Even allowing for the length of the rear gardens and the separation distance from dwellings, the structure projects along a significant extent of the appeal site boundary and is an overbearing feature in views from neighbouring gardens. The limited set-back from the boundary wall does little to mitigate the structure's harmful impact.
9. The gardens of Nos 55A and 55B are enclosed to an extent by existing buildings and the high boundary wall of the appeal site. However, even within this context it would not be appropriate to introduce a further feature which would exacerbate the sense of enclosure.
10. The proposals also include the replacement of the roof of the main workshop building with one of an increased height and the introduction of a parapet. The Council has concluded that this element of the proposal is acceptable due to its central position within the site and the separation distances from adjoining properties. On the basis of what I have seen and read I have no reason to disagree.
11. Notwithstanding my conclusions in respect of the alterations to the main workshop building, I conclude that the two storey portacabin structure would lead to significant harm to the living conditions of residents of Nos 55A and 55B in respect of outlook. The proposal would therefore be contrary to the amenity and social well-being considerations of policies SP4 and DM10.6 of the Croydon Local Plan 2019 and policy D3 of the London Plan 2021.

Other Matters

12. There are no windows in the elevations of the proposed development which face onto residential properties, and the proposal would therefore not harm the privacy of nearby residents. However, a lack of harm is not a benefit and this is a neutral factor in my overall consideration of the appeal.
13. I am mindful that the portacabin structure would provide welfare facilities for staff of the business, but this benefit is not sufficient to outweigh the significant harm that I have identified to neighbouring properties from that element of the proposal.
14. My attention has been drawn to an extract flue system and other equipment on the roof. However, these are not part of the proposal before me.

15. Reference has also been made to the quality of construction works and the disposal of waste material. However, these matters do not fall within the remit of this planning appeal.

Conclusion

16. I have concluded that the two storey portacabin structure would lead to significant harm to the living conditions of nearby residents.
17. However, I have also concluded that the proposed alterations to the main workshop building including removal of roof and replacement with roof of increased height would be acceptable. This element of the proposal is clearly severable from the portacabin structure. I shall therefore issue a split decision to dismiss the appeal in respect of the portacabin structure, but allow it in relation to the alterations to the main workshop building. The Council has indicated a condition it considers necessary, and I agree that a condition specifying the approved plans is required in the interests of certainty.

David Cross

INSPECTOR