
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: 24 October 2022

Appeal Ref: APP/L5240/W/22/3296191

Land adjoining 7 Heathhurst Road, South Croydon CR2 0BB

- 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 Benjamin Coburn against the decision of London Borough of Croydon.
 - The application Ref 21/05120/FUL, dated 6 October 2021, was refused by notice dated 26 January 2022.
 - The development proposed is the erection of 2 storey X 3 bedroom house on land adjoining 7 Heathhurst Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring residential properties at 7 and 9 Heathhurst Road, with particular regard to outlook; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

3. 7 Heathhurst Road (No 7) has windows at ground and first floor to the rear elevation. It has a canopy roof at ground floor to its side and rear elevations which creates a covered area, which is partly enclosed to the side elevation with glazing and is open to the rear. Due to the site levels 9 Heathhurst Road (No 9) comprises 3 storeys to the rear, with windows on all 3 floors in the rear elevation. The rear of No 9 is at a similar ground level to that of the proposed dwelling, with the lower ground floor windows to the rear of No 9 at a lower level than the ground floor windows at No 7.
4. The proposed dwelling would be of a split-level design. It would appear as a single storey dwelling from Heathhurst Road and the greatest bulk of the dwelling, comprising the 2 storey element, would make up the rear elevation. As a result of the position of the proposed dwelling on the site, it would project beyond the rear elevation of the adjoining properties at No 7 and No 9, in close proximity to the side boundaries of the site. Given the height and scale of the rear part of the dwelling, together with the distance it would project beyond the

rear elevation of Nos 7 and 9, as well as the limited separation distance between the dwellings, this part of the building would be conspicuous in views from the windows in the rear elevations of both of the adjoining properties. As such the proposal would have an overbearing effect on outlook from the rear windows of Nos 7 and 9.

5. The impact of the proposal upon the outlook from ground floor windows in the rear of No 7 is reduced to a degree as a consequence of their elevated position in relation to the ground level of the rear elevation of the proposed dwelling. The presence of the canopy roof would also obscure any direct outlook from the windows to an extent. However, as a result of the siting and scale of the proposed dwelling it would nevertheless appear as an unduly prominent feature in views from the rear ground floor windows of No 7.
6. I note the appellants suggestion that the projection beyond the rear of the adjoining properties would not be dissimilar to rear extensions to a dwelling on the adjoining land. However, the appeal proposal is for a new dwelling and not additions to an existing building and is determined accordingly.
7. For the foregoing reasons I conclude that the proposal would be visually dominant and overbearing when viewed from the rear windows of the properties at Nos 7 and 9. As such the proposal would harm the living conditions of the occupiers of those properties with particular regard to outlook. Accordingly, the proposal would conflict with Policies SP4.2 and DM10.6 of the Croydon Local Plan 2018 (CLP) in so far as they require development to enhance well-being and protect the amenity of occupiers of adjoining buildings. The proposal would also fail to accord with Policy D3 of the London Plan 2021 (LP) which requires development to follow a design-led approach to deliver among other things, appropriate outlook, and advice in the Council's Suburban Design Guide Supplementary Planning Document 2019 (SPD) in so far as it seeks to safeguard the amenity of existing residents.

Character and appearance

8. The appeal site is a rectangular parcel of land between Nos 7 and 9, it is currently occupied by a detached garage and concrete driveway. It is located in a residential area made up of a broad range of detached and semi-detached dwellings of varying architectural styles. Whilst a number of the surrounding dwellings sit in generous plots with wide frontages, others occupy more narrow plots not too dissimilar to the appeal site. The existing dwellings are set back a similar distance from the road, with front gardens including mature trees and shrubs, as well as mature street trees along the footpath. The spaces between the buildings, including the appeal site, together with the ground levels, which slope away to the rear of the site, provide views towards the rear of the properties. These factors contribute positively to the verdant and open character and appearance of the area.
9. The proposal would appear as a single storey dwelling when viewed from Heathurst Road. It would be lower in height than the adjoining 2 storey properties at Nos 7 and 9. The gable roof design to the front elevation would also reduce the massing of the building. It would therefore be subservient in scale to the existing dwellings on either side of the site. Despite the narrow width of the appeal site, the dwelling would be set in from the side boundaries, maintaining space between the proposed building and the adjoining dwellings. As a consequence, the proposal would not appear unduly cramped and would

maintain the spacious and open character of the area and glimpsed views between the properties.

10. Due to the width of the plot and the subsequent scale and design of the dwelling, the building would appear of very modest proportions when viewed from Heathurst Road. Nevertheless, the proposed dwelling would not be of such a scale and design that it would be read as an ancillary outbuilding but rather it would convey the appearance of a separate dwelling, albeit small. Whilst the resulting scale and mass of the dwelling would differ from that of the immediately adjoining dwellings, it would not be at odds with the prevailing character of the area, which includes a broad range of dwelling types of differing sizes and building heights, so as to harm the character and appearance of the area.
11. Furthermore, given the eclectic mix of dwellings in the existing street scape, particularly to this side of the road, the design and appearance of the dwelling would serve to add further variety and interest to the built form. The front gable would echo the established design themes, as would the use of sympathetic materials including render and timber cladding. The projecting gables to the front and rear, with the ridge projecting a greater distance than the eaves, together with the rear balcony, create an innovative design approach. Given the siting and scale of the pitched gable over the side entrance it would not be a visually prominent discordant feature or detract from the overall appearance of the dwelling.
12. In light of the above, I conclude that the proposal would not harm the character and appearance of the area by virtue of its scale, bulk, design or massing. In that regard the proposal would accord with Policies SP4.1, DM10.1 and DM10.7 of the CLP. Amongst other things, these require development to be of a high quality design which is sympathetic to and respects and enhances varied local character and contributes positively to townscape, having regard to development pattern, layout, siting; scale, height, massing and density. Furthermore, the proposal would comply with Policy D3 of the LP in so far as it requires development to make the best use of land by following a design-led approach that optimises the capacity of the site and to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness, as well as guidance in the SPD which encourages high quality design.

Other Matters

13. I note the housing targets for the area and that policies relating to the provision of housing seek to maximise the re-use of previously developed land and buildings. However, there is no substantive evidence before me of an imperative housing need at this time. Even if this were the case, being a proposal for a single dwelling, the contribution to housing supply would be modest. Even if the appeal site was suitable in terms of the location of new residential development having regard to transport links, the benefits associated with an additional family dwelling, including short-term during the construction phase and longer term relating to the contribution that future residents would make to the community, would be similarly limited.
14. I have taken careful account of the representations from third parties, and I acknowledge the support for the proposal as a whole, including that it would improve the appearance of the existing vacant plot and make the area safer.

While the current condition of the site may not make a positive contribution to the character and appearance of the area, I have found that the proposal would cause lasting demonstrable harm in terms of the living conditions of the occupiers of the adjoining properties. Furthermore, there is no compelling evidence before me that the existing site, if left undeveloped, would lead to antisocial behaviour.

15. The fact that the new dwelling would be designed to be energy efficient is a laudable approach but would not in itself, be sufficient to reduce the harm I have found.
16. The Council refers to previous appeal decisions on the site, however details of such are not before me. I have therefore determined the appeal based on the submitted proposals and using my own judgement. My attention is also drawn to the fact that there are other similar examples within the borough. As the precise details of each case are not before me I am unable to draw comparisons with the appeal scheme such that my conclusions thereon may change. In any case, each development proposal is to be considered on its own merits.

Conclusion

17. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Notwithstanding the other matters and my conclusion in relation to the second main issue, in light of my findings in relation to the first main issue I conclude the appeal should be dismissed.

Emma Worley

INSPECTOR