



Appeal Decision

Site visit made on 19 October 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2022

Appeal Ref: APP/L5240/W/22/3298618

29 Plough Lane, Purley CR8 3QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Rin Mottier Choi against London Borough of Croydon Council.
 - The application Ref 22/00616/HSE, is dated 14 February 2022.
 - The development proposed is existing side and rear extension to be partially demolished with the construction of a side 2 storey extension and loft space, and rear dormer window. Including the construction of a rear extension and material alteration of the existing rear extension and the infill construction of a front extension and re-positioned front entrance, and a rear terrace and all ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for existing side and rear extension to be partially demolished with the construction of a side 2 storey extension and loft space, and rear dormer window. Including the construction of a rear extension and material alteration of the existing rear extension and the infill construction of a front extension and re-positioned front entrance, and a rear terrace and all ancillary works at 29 Plough Lane, Purley CR8 3QG in accordance with the terms of the application, Ref 22/00616/HSE, dated 14 February 2022, subject to the following conditions:
 1. The development shall be begun within three years of the date of the permission.
 2. The development shall be carried out in accordance with the following documents and approved drawings: 2112-P-01-1000-ZXX-Rev1, 2112-P-01-1010-ZXX-Rev01, 2112-E-01-0001-Z00, 2112-E-01-0002-Z00, 2112-E-01-0003-Z00, 2112-P-01-0511-Z00-Rev01, 2112-E-01-0512-Z00-Rev01, 2112-E-01-0513-Z00-Rev01, 2112-P-01-0513-Z00-Rev01 and 2112-E-01-0515-Z00-Rev01.
 3. The proposed first floor window on the side elevation, as shown on drawing 2112-P-01-0513-Z00-Rev01, shall be set behind a Flemish bond brick screen which shall be provided and completed prior to the first occupation of the development, and retained thereafter unless otherwise approved in writing by the local planning authority.
 4. Prior to the commencement of above ground works, full details of the following shall be submitted to, and approved in the writing by, the local planning authority:
 - a. External facing materials, including samples of all facing materials and finishes;

- b. Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings (including vents and down pipes) in external wall.
- c. Use of a three-pallet mix of external brickwork
- d. Details of mortar type and bond

The development shall be carried out in accordance with the approved details.

Applications for costs

- 2. An application for costs was made by Rin Choi against London Borough of Croydon Council. This application is the subject of a separate decision.

Preliminary Matters

- 3. A Fire Safety Statement has been submitted with the appeal, and the Council and interested parties have had the opportunity to comment on it. The statement makes no change to the proposal, and I consider no party is prejudiced by its submission. I have therefore considered the appeal on that basis.

Context and Main Issues

- 4. The appeal was made prior to the Council's determination of the application. In its appeal correspondence, the Council states that it would have granted planning permission.
- 5. The main issues are the effect of the development on: (i) the character and appearance of the building; and (ii) the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

Character and appearance

- 6. The existing building is a detached dwelling in the 'Arts and Crafts' style. It first appears on the 1910 Ordnance Survey map, and is locally listed by the Council for its architectural interest.
- 7. The proposals would alter the original appearance of the front façade by infilling the ground floor under the gabled jetty, and the side extension is not set back from the front building line or set lower than the ridge. However, the front boundary hedgerow prevents visibility of much of the ground floor frontage, and the additions reflect the overall design of the building and are subservient in scale to it.
- 8. The development would therefore preserve the character and appearance of the building and would accord with Croydon Local Plan 2018 Policies DM10 and DM18, which require high quality design and seek to preserve and enhance the character, appearance and setting of locally listed buildings.

Living conditions

- 9. The existing building contains existing windows on its side elevation facing the neighbouring property at No.31 Plough Lane. The proposed extension would reduce the number of windows, but would be located closer to the boundary, facing the adjacent dwelling. The proposed first floor side window would be set behind a perforated brick screen, and would be located in the corner of the

room it would serve. The Council have recommended obscure glazing and no window opening but, despite the relatively large size of the proposed window, the perforated brick screen would sufficiently limit the extent of any overlooking of the neighbouring property.

10. Therefore, subject to a suitable planning condition requiring installation and retention of the perforated brick screen, the development would not harm the living conditions of neighbouring occupiers, with particular regard to privacy. It would accord with Croydon Local Plan 2018 Policy DM10, which supports proposals which protect the amenity of occupiers of adjoining buildings and do not result in direct overlooking.

Other Matters

11. An interested party is concerned about increased flood risk arising from the development. However, the Council confirm that the site is not located in an area identified as being at risk of surface water flooding.

Conditions

12. The Council has provided a list of suggested conditions, and the appellant has had the opportunity to comment on them. I have had regard to the approach in the Framework and the Planning Practice Guidance and have amended the phrasing of certain conditions proposed, without altering their fundamental aim.
13. I have imposed the standard time limit for implementation, and the approved plans for certainty. Installation and retention of the first-floor perforated brick screen is necessary for the reasons set out above.
14. The appellant's fire safety statement demonstrates that fire safety has been considered in the design of the development. The London Plan acknowledges that fire safety compliance is covered by Part B of the Building Regulations, and a planning condition is therefore not necessary.

Conclusion

15. For the reasons above, I conclude the development would accord with the development plan as a whole and the approach in the Framework. There are no other material considerations that would suggest a decision other than in accordance with the development plan would be appropriate, and the appeal should therefore be allowed.

Peter White

INSPECTOR