



Appeal Decision

Site visit made on 15 November 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/L5240/W/22/3298508

12A Oliver Avenue, South Norwood, London SE25 6TY

- 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 Ash Wali against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/00205/FUL, dated 19 January 2022, was refused by notice dated 16 March 2022.
 - The development proposed is described as 'the conversion of a single flat No. 12a Oliver Avenue into two independent flats, No. 12a and 12b Oliver Avenue'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has advised that since their original decision the Suburban Design Guide Supplementary Planning Document has been revoked. Accordingly, I make no further reference to it in this appeal.

Main Issues

3. The main issues are the effect of the proposed development on (a) the character and appearance of the building and wider area; and (b) the living conditions of future occupiers.

Reasons

Character and Appearance

4. The property is a semi-detached two storey building with pitched roof and projecting front bay windows. A gable above the bay helps to facilitate accommodation within the roof space. It is characterful of this part of Oliver Avenue which mainly consists of pairs of matching semi-detached properties, with minor variations. To the rear, these buildings commonly have two storey flat roof projections that sit below the eaves of the main roof of the building. The rear main roofs also contain a small, pitched dormer and a catslide dormer that extends from the ridge to the eaves.
5. In order to convert the upper floors into two separate units, the property is to be extended. These works would result in a large and dominant structure to the rear of the building. At second floor level the works would extend over the eaves of the main roof and beyond the rear elevation of the main part of the building. Although it would not extend as far out as the first or ground floor extensions, the overall outcome would be a very dominant and top-heavy

structure that would detract from the scale and proportions of the existing roof and building.

6. The first and second floors would be finished in render. Whilst this would match the existing first floor projection, at second floor level it would nevertheless appear incongruous against the roof of this and the neighbouring buildings, further accentuating the incongruous nature of the extension. Accordingly, the proposal as a whole would not appear as either sympathetic or subservient to the host building.
7. I appreciate that the works are at the rear of the property. However, they would be clearly visible from further along Oliver Avenue, which turns through 90 degrees after No.14. Not only would the proposal be visible within the street scene it would also be visually intrusive in views from neighbouring properties.
8. The proposal would cause harm to the character and appearance of the building and wider area. I therefore find it to be contrary to Policy DM10 of the Croydon Local Plan and Policies D3 and D4 of the London Plan which, amongst other things, seek to ensure new developments respect the design and appearance of existing buildings and are sympathetic to local character.

Living Conditions

9. The new three bed flat would accommodate up to five people and has a gross internal area of 82m². The London Plan sets out minimum space standards for new residential units, in order to help protect the living conditions of future occupiers. For a 3-bed/5-person unit the minimum floorspace should be 86m². I have not been presented with any mitigating reasons to justify a substandard sized unit in this instance.
10. Bedroom 1, which is a double bedroom, would be served by two side windows. Even if they were not obscurely glazed and acknowledging a 19% window opening to floor area ratio, their close proximity to the side elevation of No.14 would significantly compromise daylight to the room and limit outlook.
11. Whilst this is a bedroom as opposed to the main living area, it is nonetheless a habitable room. Given that this is a flat that could be occupied by a family, a bedroom might not necessarily be used only at night. I find that the lack of daylight and outlook would create a gloomy and enclosed space that would harm the living conditions of future occupiers.
12. An outside communal garden area would be available for the two new units. The space would not provide each new flat with its own private area. However, it is a large space and so I cannot rule out the possibility that it could be reconfigured to provide the appropriate provision to serve the development.
13. Notwithstanding my assessment in relation to the garden area, I conclude that overall, the proposal would be harmful to the living conditions of future occupants. Accordingly, it would be contrary to Policy DM10 of the Croydon Local Plan and Policy D6 of the London Plan which, amongst other things seek to ensure developments are of an appropriate size and provide an acceptable quality of accommodation.

Other Matters

14. The proposal is said to be a revised scheme to address similar reasons for refusal. I have not been provided with full details of the previous application, but the main parties disagree as to the efficacy of the revisions. Regardless of this, I have concluded that this revised scheme is not sufficient to overcome the harm caused to the character and appearance of the building or wider area, nor the effect on the living conditions of future occupiers.
15. The resultant building is said to accord with various factors such as the prevailing building lines and heights, not break any vistas, not breach the 45° guide or affect neighbours. However, these aspects do not overcome the harm that I have identified.
16. I noted on my site visit that a development of not dissimilar design to that which is before me is being undertaken to the rear of No.8 Oliver Avenue. However, I have no information to indicate that these nearby works have been approved by the Council or constitute permitted development. I cannot be sure that they represent a direct parallel to which I could attach weight. I have therefore determined the appeal on its own merits.

Conclusion

17. Although the proposal would not result in any additional bedrooms, it would result in the addition of one new unit of accommodation that is reasonably located to local facilities and transport links. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment. Given the size of the proposal the weight I could attach to these economic benefits and any social benefits would be limited.
18. Conversely the proposal would harm the character and appearance of the building and wider area as well as the living conditions of future occupiers. These harms would be considerable and long lasting. As such, the weight I attribute to them would significantly outweigh the benefits.
19. I have found that the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR