

Appeal Decision

Site visit made on 11 November 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/L5240/D/22/3299277

82 Dalmeny Avenue, Norbury, Croydon, London SW16 4RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr Vitor Machado dos Santos against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/00452/GPDO, dated 4 February 2022, was refused by notice dated 18 March 2022.
 - The development proposed is 'demolition of existing rear extension. Proposed ground floor rear extension 6m deep with maximum height of 3m'.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Paragraph A.1.(g) of Schedule 2, Part 1, Class A of the GPDO permits the enlargement of a non-detached dwellinghouse by the erection of a single storey extension that extends no more than 6m from the rear of the original dwellinghouse, subject to certain conditions. These include a requirement to provide details to the local planning authority before commencement, who in turn must notify neighbours. Where a neighbour objects, as has occurred, the prior approval of the local planning authority is required, on the basis of the proposal's impact on the amenity of any adjoining premises, taking into account any representations received.
3. There is no dispute between the parties that the proposal meets the relevant requirements of paragraphs A.1 and A.3. and therefore constitutes permitted development under Class A, subject to what is the main issue of the appeal, namely the consideration of the proposal's impact on the amenity of any adjoining premises, with particular reference to outlook, privacy and light.

Reasons

4. The appeal site is a mid-terrace dwelling with a deep rear garden. The rear elevations of the terrace face roughly to the north-east. There is an existing lean-to extension of some 2 metres in depth, which would be replaced by an extension of 6 metres in depth with a shallow pitched roof reaching a ridge height of 3 metres, with eaves at 2.8 metres.
5. The Council refers to its Suburban Design Guide Supplementary Planning Document (April 2019) (the SDG) which sets out an expectation that extensions are no more than 3.5 metres in depth. However, I am aware from other appeals I have dealt with in Croydon that the SDG has been revoked as of July 2022 and no longer forms a material planning consideration. So far as

they are material to the assessment of the proposal, Policy DM10.6 of the Croydon Local Plan (2018) and Policy D3 of the London Plan support development proposals that ensure that the amenity of the occupiers of adjoining buildings is protected, by delivering appropriate outlook and privacy.

6. No 80 does not have a rear extension. The ground floor rear windows lie to the south of the proposed extension, but face to the north-east. Given the sun's path, the position of the extension to the north of these windows would not cause demonstrable additional overshadowing. However, the windows would sit between the proposed extension and a lean-to conservatory to No 78 on the other side. The proposed extension would be considerably deeper than the existing and would be positioned directly on the boundary, where it would create a substantial, unrelieved wall of development that would significantly reduce outlook from the rear windows, and would subject the garden area immediately next to the extension to a harmful sense of enclosure.
7. I recognise that the existing extension, a garden fence of around 1.8 metres in height, a tall cluster of bushes growing close to the boundary and other significant vegetation within the garden of No 78 are elements which curtail outlook to some degree; however, the vegetation does not have the permanence of an extension and could be cut back, whilst the boundary fence is of a standard height that does not overbear on the rear windows of No 78. As such, these elements are not comparable to the scale and adverse impact of the proposed extension in terms of outlook.
8. On the other side, No 84 has a conservatory to the rear of around 3 metres in depth, standing roughly to the north-west of the proposed extension. Given this, the massing of the extension would lead to increased overshadowing of the conservatory. In terms of outlook, the conservatory is already partially flanked by the existing extension, but the proposed extension would project some 3 metres beyond the conservatory, with around 1 metre extending above the boundary fence. The open nature of the conservatory means that the full scale of the extension would be visible from within it. Given the relatively open aspect to this side with no vegetation above the boundary fence, the extension would significantly enclose the conservatory and adjacent part of the rear garden and harmfully reduce outlook for occupants of No 80.
9. The proposed extension would not lead to any loss of privacy for neighbouring occupants as no windows are proposed in the side elevations.
10. The appellant refers to other prior approval applications nearby, though I do not have full details of the circumstances of these cases to ascertain if they are comparable. However, as the assessment of prior approval matters is necessarily site specific, these other cases are not decisive to my reasoning.

Conclusion

11. For the reasons set out, I conclude that the proposed extension would materially harm the amenity of adjoining premises, in terms of loss of light and outlook, and would conflict with the stated aims of Policies DM10.6 and D3. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR