



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: 8 December 2022

Appeal Ref: APP/L5240/W/22/3295339

88 Brighton Road, South Croydon CR2 6AD

- 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 Edgeley Construction against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/04388/FUL, dated 20 August 2021, was refused by notice dated 30 December 2021.
 - The development proposed is conversion and extension of existing property, including rebuilding and extending the existing outrigger, to form 3 x residential units, with associated amenity spaces, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has indicated that it overlooked satisfactory evidence at application stage which addressed the matter of fire safety and that its fourth reason for refusal should not have been included. Therefore, it is not necessary for me to address this matter any further.
3. The Council's reasons for refusal refer to conflict with its Suburban Design Guide Supplementary Planning Document (2019) (the SDG). However, at appeal stage, the Council has confirmed that it has revoked the SDG as of 25 July 2022 and that it no longer forms a material planning consideration. Consequently, I have not attached weight to the SDG in my assessment.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect on the living conditions of neighbouring occupants, with respect to outlook and privacy;
 - Whether the proposal would provide a suitable standard of accommodation.

Reasons

Character and appearance

5. The appeal relates to a semi-detached dwelling at one end of a short group of three, which forms part of a suburban pattern of linear residential development along a main thoroughfare.

6. The neighbouring dwellings to the south are semi-detached pairs with consistent shared rear outriggers. These extend slightly further in depth than the existing rear wing to No 88, which matches the depth of that at No 86 to the north. The existing rear wing, though standing by itself, reflects the prevailing architecture of the wider terrace, being proportionate in size to the main dwelling with a pitched roof and walls in stock brick.
7. The replacement rear outrigger would be wider and deeper, seeking to match the depth of the outriggers to the south. In this respect, the extension would not exceed the depth of neighbouring built form, and as the rear wing would stand by itself rather than being split between two dwellings, it would not result in an unbalanced arrangement.
8. However, the proposed extension would remove the characteristic pitched roof, instead incorporating a flat roof. Above this, an L-shaped dormer structure would extend across the main rear roof slope and out over a significant part of the flat roof of the rear wing, beyond which would be a terrace. The result would effectively be a three storey scale to the rear that would exceed the prevailing scale of development and would result in a conspicuous interruption to the consistency of the built form.
9. I am aware of examples of box dormers to the neighbouring dwellings at Nos 90 and 92, but these appear to be isolated examples across a mainly unaltered roofline. Moreover, neither of these dormers appears to extend significantly over the rear wing. As a result, they do not appear to create a full additional storey at roof level, but rather form additions to the existing roof, the profile of which is retained with the pitched eaves lines still visible at the rear of the shared closet wing of the two dwellings.
10. Conversely, the appeal scheme would result in the loss of the pitched roof of the outrigger to a boxy, flat-roofed form that would be wholly at odds with the traditional character of the dwelling and that of the wider street. This conflict would be exacerbated by the contemporary styling of the fenestration, incorporating a randomised arrangement of mismatched window shapes and the insertion of doors at first and second floor level. The proposed spiral staircase from the first floor to the ground, and the terrace at second floor level with strident 1.8m high privacy screens to either side, would be further anomalous features that would add to the disruptive and incongruous appearance of the proposal.
11. The side infill extension at ground floor level would continue the flat roof design of the main outrigger, though this would be less disruptive of the prevailing built form given its low level position. It would be recessed back from the line of the main outrigger, forming a suitably subordinate element that would go some way to preventing a monolithic shape being created to the rear of the building. The inner courtyard behind this extension would be in a concealed position and would not have an adverse effect on its overall appearance.
12. However, taken cumulatively, the proposals would represent an excessive scale of development which would fail to reflect the prevailing pattern, form and architecture of the surroundings. I recognise that these proposals are located to the rear where they would not be visible from the public realm; however they would be visible from several neighbouring dwellings and gardens, from where neighbours would have constant sight of the development that would harm the consistent, understated suburban character at the rear.

13. The appellant refers to fall-back options through exercising of permitted development rights. A lawful development certificate (LDC) has been issued in respect of a hip-to-gable roof extension and extension above the existing rear outrigger¹, along with a prior approval application in respect of single storey rear extensions². I do not have full details of the plans of these proposals, but from the information before me³, there are differences between the appeal scheme and the fall-backs.
14. Notably, the roof extension appears not to extend to the full depth of the rear outrigger, which would therefore retain its two storey scale and pitched roof form in step with neighbouring properties. The other extensions would also be limited to the ground floor and would not have the same visibility or interruptive effect as the high level alterations proposed, nor would they include uncharacteristic elements such as the balcony and spiral staircase. As such, I am not persuaded that these fall-back options would present an equivalent or greater degree of harm than the appeal scheme. Consequently, the fall-back options would not justify granting the appeal proposal and are not a matter attracting favourable weight in the planning balance.
15. For the reasons set out, therefore, I conclude that the proposal would significantly harm the character and appearance of the area. This would conflict with Policies SP4 and DM10 of the Croydon Local Plan (2018) (the CLP) and Policy D3 of the London Plan (March 2021) (the LP21), which together require development of high quality which respects and enhances Croydon's varied local character and contributes positively to the townscape to create sustainable communities, through respecting development pattern, layout, siting, scale, height and massing.

Neighbours' Living Conditions

16. The Council raises concern over the effect of the proposal on outlook for the neighbouring dwelling at No 86. At the time of my visit, I saw that outlook from the ground floor windows of No 86 was severely curtailed by extensive overgrowth in the rear garden; however, this is not a permanent situation as vegetation could be cut back and previous levels of outlook restored. The proposed infill extension would stand on the boundary at a height of 3m with a depth of 4.5m, though as it would be set forward of the main rear wall to create the inner courtyard, its overall projection would be further than this. This additional height and massing on the boundary would form an imposing wall of development for occupants of the neighbouring property.
17. I accept that the aforementioned prior approval scheme includes an infill extension of similar height and overall depth, which could be implemented as a fall-back option. I also recognise that the evidence submitted suggests the windows of No 86 would not suffer material losses of sunlight or daylight as a result of the proposal. However, whilst the impact of the proposed infill extension could occur separately under permitted development, the combined massing of the infill and the enlarged outrigger, in particular the additional massing at first floor and roof level, would be dominant in scale and create a significant overbearing effect on the neighbouring dwelling at No 86. This massing would be greater than that potentially achieved through the fall-back

¹ Council Ref 21/00449/LP

² Council Ref 21/00452/GPDO

³ Comparison plans of the proposal and fall-back schemes – Appendix 2 of the Appellant's Statement of Case

schemes and, as above, I do not consider that the existence of a fall-back position merits positive weight towards granting the proposal, as it would not have a more harmful effect when considered as a whole.

18. With respect to No 90 on the other side, it is already faced by the full length of the side wall of No 88, in the context of which, the additional height and depth of the outrigger would represent a modest increase in massing. Additionally, No 90 is separated from the appeal site by a side passage, as a result of which its windows are set slightly further away with less effect on outlook.
19. However, the proposed spiral staircase would enable clear views back towards the windows and garden of No 90, and No 86 to a slightly lesser degree. The proposed balcony, despite the provision of privacy screens, would also introduce high level views over the neighbouring gardens, and indeed neighbouring rear windows given it would be possible for someone to look around the screens. Moreover, it would create a general perception of overlooking for neighbours which does not exist at present and would undermine their sense of privacy.
20. I also note an objection in respect of overlooking of a nursery. I understand this to be the premises at No 84. From my observations on site, there would be very little, if any, direct overlooking of this property, given the intervening massing of No 86.
21. Overall, for the reasons set out, I conclude that the proposal would cause harm to the living conditions of neighbouring occupants, by reason of loss of outlook and privacy. This would conflict with Policies DM10 and SP4.1 of the CLP and Policy D3 of the LP21, which together require development to ensure the amenity of occupiers by delivering appropriate outlook and privacy.

Standard of Accommodation

22. The Council's concern in this respect relates to the proposed three-bedroom flat at ground floor level, namely that the front bedroom would suffer a lack of privacy due to the absence of defensible space in front of the window, and that another of the bedrooms would suffer poor outlook into the enclosed lightwell behind the side infill extension.
23. The front bedroom could be overlooked from the street or from within the front courtyard of the property. I concur with the Council that, in the absence of any physical separation between the communal access to the building and the area immediately in front of the window, this could result in invasive views into the bedroom. However, this could be addressed by way of landscaping to the front of the property providing defensible space in front of this window. This could be secured by condition were the appeal to be allowed.
24. The second bedroom would have a set of French doors opening into the small proposed lightwell behind the side infill extension. Outlook from within the room would be clearly limited by the short depth of the lightwell, but in having access to it as a potential private space, it would offer some utility. The room would benefit from sufficient daylight, and given it would be a smaller, secondary bedroom, I am content that the level of outlook would not be so poor as to render the room substandard. The flat would also benefit from a third bedroom offering good outlook to the rear, providing additional flexibility for occupants in terms of the use of the flat. Overall, the flat would achieve a

suitable standard in terms of floorspace, layout and light. The shortcomings to the second bedroom in terms of outlook would be minor and would not severely undermine the overall standard of accommodation. The Council has not raised any other concerns with the layout of the proposed flats, and nothing I have seen in evidence leads me to conclude otherwise.

25. For these reasons, I conclude that the proposal would provide a suitable standard of accommodation for future occupants, in accordance with Policies SP2.8, SP4.1 and DM10 of the CLP and Policies D3 and D6 of the LP21, which together require developments to ensure new homes meet the needs of residents over a lifetime and contribute to sustainable communities within the borough, through providing adequately sized rooms with comfortable and functional layouts which are fit for purpose.

Other Matters

26. I note reference to other permissions granted at addresses on Brighton Road. However, no details of these schemes have been provided in evidence, and therefore I am unable to draw any comparisons with the scheme before me, which I have determined on its own planning merits.
27. Reference is made to the existing outrigger being unstable. However, I have no specific evidence relating to its structural integrity or lack thereof. As such, it is not clear that rebuilding the outrigger is necessary. Even if it were, there is no evidence to suggest that this would necessitate further extensions of the scale sought. Therefore, this is a matter attracting very limited weight.
28. The subdivision of the dwelling into three flats would add two units to the Council's housing stock, and would retain a family-sized unit on the ground floor in line with Policies SP2.7 and DM1.2. This would represent a benefit, albeit a modest one given the scale of the proposal. Nonetheless, given the importance placed on the supply of housing in the National Planning Policy Framework, this benefit attracts moderate weight in favour of the appeal.
29. Limited weight is also afforded to the modest economic benefits for local contractors from the construction of the extensions, and from the additional occupants of the flats spending in the local economy.
30. The Council did not refuse the application in respect of parking, highway safety or refuse. On the evidence before me, I have no reasons to conclude otherwise. However, these are neutral factors in the planning balance.

Conclusion

31. For the reasons set out, the proposal would conflict with the development plan, taken as a whole, to which I afford significant weight. Material considerations in this case, including the appellant's fall-back positions, do not cumulatively outweigh this conflict so as to justify a decision other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR