



Appeal Decision

Site visit made on 5 January 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 2 February 2023

Appeal Ref: APP/L5240/D/22/3308531

44 Byron Road, Croydon, CR2 8DY.

- 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 Qaiser Rashid against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02050/HSE, dated 16 May 2022, was refused by notice dated 2 August 2022.
 - The development proposed is described as a rear ground floor extension with depth of proposed extension to be in line with existing rear conservatory.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the living conditions of the neighbouring occupiers in terms of the proposal's potential to result in loss of light and cause visual intrusion.

Reasons

3. The appeal property, 44 Byron Road, is a two-storey semi-detached dwelling located in an area characterised by a mixed residential development.
4. Number 44 has previously been extended by the addition of a side extension and a single storey rear extension and conservatory. The appellant proposes the demolition of the rear extension and conservatory and the construction of a new single storey rear extension.
5. The proposed extension would project 5.5 metres or so from the rear wall of the house and extend across the full width of the original house, with a lean-to roof. It would be built right up to the common boundary to number 42.
6. I consider that due to the depth of the extension, its proximity to the common boundary to 42, the position of the rear facing windows of 42, its height and bland unmodulated flank wall the proposed extension would, in this case, result in an unacceptable level of visual enclosure for the residents of 42.
7. Given the orientation of the 42 and 44, their relationship to each other and the length of the rear gardens of these dwellings I am not persuaded that the proposed single storey addition would result in a such a significant loss of light as to cause harm to the living conditions of the occupiers of 42.

8. I conclude in respect of the main issue that the proposed development would not cause a significant loss of light to the occupiers of number 42. However, it would result in such a level of visual intrusion as to cause harm to their living conditions. To my mind this is a compelling objection. Accordingly, to allow the development would be contrary to the aims of Policies D3 and D6 of the London Plan (Adopted March 2021) and Policies SP4.1, 4.2, DM10.6 of the Croydon local Plan 2018 (Adopted 27 February 2018) as they relate to, along with other things, the protection of residential living conditions.

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR