



Appeal Decision

Site visit made on 17 January 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/L5240/D/22/3306333

16 Fairhaven Avenue, Croydon, CR0 7RX.

- 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 Pritesh Bhatt against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02332/HSE, dated 01 June 2022, was refused by notice dated 26 July 2022.
 - The development proposed is the erection of a timber gazebo to the rear garden of the property.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber gazebo to the rear garden of the property at 16 Fairhaven Avenue, Croydon, CR0 7RX in accordance with the terms of the application, Ref 22/02332/HSE, dated 01 June 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out and completed in accordance with the following approved plans, drawings: 2204/PL.00/A and 2204/PL.01/A.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the character of the host property and the character and appearance of the area.

Reasons

3. The appeal property, 16 Fairhaven Avenue, is a two-storey end of terrace house. From the block and location plans provided I note that number 16 is located on a substantially larger garden plot than the immediate neighbouring properties.
4. The appellant proposes a detached gazebo in the rear garden. The structure would be 5.350 metres wide, 3.550 metres deep and 3.0 metres to the ridge. As the development has been substantially completed, I was able to see the gazebo structure in place. I note as identified by the Council that the gazebo sits on a raised plinth.
5. I accept that the gazebo is a prominent structure within the rear garden area. Nevertheless, in my judgement, given the size of the rear garden, the gazebo's

three-dimensional form and its distance from the host property I do not consider that it detracts from the character of the existing dwelling.

6. Further, given that it is a typical garden structure, its shallow pitched roof and the height of the enclosing fences I do not consider that the gazebo is such a prominent addition as to cause significant harm to the street scene or the wider area.
7. I therefore conclude in respect of the main issue that the proposed gazebo would not cause harm to the character of the host property or the character and appearance of the area. It would therefore accord with the aims of Policies D3 and D4 of the London Plan (Adopted March 2021) and Policies SP4 and DM10 of the Croydon Local Plan 2018 (Adopted 27 February 2018) as they relate to, amongst other things, the quality of design and the need to respect and enhance the local character.

Conditions

8. The conditions follow from those suggested by the Council. As the gazebo is substantially complete I agree with the Council that the standard commencement time condition is not necessary. For the same reason I do not consider that a condition about the materials to be used in the construction of the external surfaces of the building is required in this case.
9. However, in the interests of certainty, I shall however impose a condition requiring the development to be carried out and completed in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR