



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: 23rd February 2023

Appeal Ref: APP/L5240/D/22/3309208

30 Waddington Way, Upper Norwood, Croydon, SE19 3XJ.

- 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 Reja Shehzad Ashraf against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/00961/HSE, dated 5 March 2022, was refused by notice dated 16 September 2022.
 - The development proposed is alterations, erection of single/two-storey side and rear extensions including front porch.
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Decision

1. The appeal is allowed and planning permission is granted for alterations, erection of single/two-storey side and rear extensions including front porch at 30 Waddington Way, Upper Norwood, Croydon, SE19 3XJ in accordance with the terms of the application, Ref 22/00961/HSE, dated 5 March 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 01894_P01 – Site Location Plan, P01 – Block Plan, P02, P03, P04B and P05A.

Main Issues

2. I consider the main issues to be:
 - a) the effect of the proposed development on the architectural integrity of the host property and the visual amenity of the street scene;
 - b) the effect of the proposal on the living conditions of the occupiers of Number 28 Waddington Way in terms of its potential to be visually intrusive, create a sense of enclosure, cause a loss of light and impact on outlook and;
 - c) whether the proposal has demonstrated compliance with Policy D12 of the London Plan (2021).

Reasons

3. The appeal property, 30 Waddington Way is a two-storey inked detached dwelling. Due to the topography of the road it sits slightly lower than its attached neighbour number 32.
4. The existing garage is located to the rear and side of the property thereby creating a wide gap to number 28. Number 28 has been previously extended with a single storey addition built virtually up to the boundary and a large box dormer to the rear.

Architectural integrity

5. The appellant proposes a single storey and two-storey side and rear extensions, including the addition of a front porch. The side extension would be built hard up to the boundary to number 28
6. In my judgement, due to its three-dimensional form, massing and the configuration and proportion of the fenestration I consider the proposed extension would appear as a well-mannered addition. Furthermore, it would regularise the somewhat present incongruous side elevation of the host property.
7. The proposed side elevation would be somewhat bland. However, given the previous extension to number 28 there would be limited views of this elevation from the public domain.
8. On balance therefore, I conclude in respect of the first main issue, that the proposed addition would not cause harm to the architectural integrity of the host property or be detrimental to the visual amenity of the street scene. It would thereby accord with the objectives of Policy D3 of the London Plan (Adopted March 2021) and Policies DM10 and SP4 of the Croydon Local Plan 2018 (Adopted 27 February 2018) (LP) as they relate to amongst other things the quality of development and the need to respect and enhance the local character and contribute positively to the public realm.

Living conditions

9. The Council are concerned that the proposed rear and side extension to the appeal property would appear overbearing and enclosing, impact on the outlook from the rear facing ground floor window of number 28 and result in a loss of light.
10. The rear facing ground floor window and folding doors of number 28 serve an open plan living space providing, along with other uses a kitchen dining room. The windows face due south and overlook a deep rear garden.
11. I appreciate that number 30 is on slightly higher ground than number 28 and the proposed extension would be built up to common boundary and be marginally higher than the present garage to be removed. I also note that the proposed two-storey rear extension would project deeper into the rear garden. However, given the large expanse of glazing to the rear facing accommodation, its aspect, due south and as the two-storey element of the proposal would be located some distance from the boundary to number 28 I am not persuaded that the proposed addition would result in such a loss of light or appear so

overbearing, enclosing or impact to a significant extent on the outlook of the neighbouring dwelling so as to cause harm to the occupier's living conditions.

12. I therefore conclude in respect of the second main issue that the proposal would not cause significant harm to residential living conditions of the occupiers of number 28, in the terms suggested by the Council. It would therefore accord with the aims of Policy D3 of the London Plan and LP Policies SP4.1 and DM10 as they seek to protect residential living conditions.

Fire safety

13. The Council states that a Fire Safety Assessment (FSA) was not submitted to demonstrate compliance with Policy D12 of the London Plan by the time the application was determined. However, the appellant contends that it was submitted with the application. Nevertheless, a further copy was submitted direct to the case officer within three quarters of an hour or so of being requested to do so by an email dated 15 March 2022. A copy of the exchange of emails and the FSA have been provide in evidence.
14. Based on the lack of substantive evidence to the contrary I am satisfied that an FSA was submitted for consideration in accordance with London Plan Policy D12.
15. In my opinion the FSA submitted addresses criteria A 1) to 6) in a proportionate manner to the scale of the proposed development. I cannot comment on the detail provided. However, the final design of the proposal would in any case be subject to Building Regulation approval prior to any development being undertaken and or completed.
16. I am therefore satisfied that the appellant has considered issues of fire safety before the Building Control application stage as required in the guidance notes to Policy D12. I therefore conclude in respect if the third main issue that sufficient information to demonstrate compliance with the aims of Part A of Policy D12 of London Plan in terms of fire safety has in this case been provided.

Conditions

17. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
18. In the interests of certainty, I shall also impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

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

Philip Willmer

INSPECTOR