



Appeal Decision

Site visit made on 24 January 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/L5240/W/22/3298611

48 Maberley Road, Upper Norwood, London SE19 2JA

- 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 Michael Overton of Hambridge Homes against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/05562/FUL, dated 29 October 2021, was refused by notice dated 3 May 2022.
 - The development proposed is demolition of existing dwelling house and construction of new replacement building comprising 8 residential flats with associated cycle parking, waste stores and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council advises that its Suburban Design Guide SPG (2019) was revoked on 25th July 2022, and I have therefore had no regard to it.

Background and Main Issue

3. Although the Council's reason for refusal refers generally to amenities of adjoining occupiers, its statement refers only to effects on occupiers of 46 Maberley Road, the building adjacent to the south. Nevertheless, occupiers of flats at 50 Maberley Road have raised similar concerns, and the appellant has responded to them. I have therefore considered the effects of the development on adjoining occupiers of both buildings as part of the main issue.
4. The main issue is therefore the effect of the development on the living conditions of adjacent occupiers, with particular regard to outlook and privacy.

Reasons

5. The appeal site contains a two-storey detached dwelling with a rear garden, on land levels which fall to the rear. It is one of several dwellings of varying designs and heights on the eastern side of the road. Some have been converted into flats, including No 46 the two-storey building adjacent to the south, and No 50 the four-storey building adjacent to the north. The proposed development is the demolition of the existing building and the erection of a four-storey building of greater height, width and depth than the existing dwelling.
6. In terms of outlook, the proposed building would be in general alignment with No 46, but would extend beyond its rear elevation. From the rear of No 46's

ground floor flat, and its conservatory, the proposed three-and-a-half-storey high wall close to the boundary would be an imposing feature. It would be oppressive in its height and scale, and harmful to outlook. Good quality materials, and retained landscaping would not adequately mitigate this impact.

7. No 50 is a four-storey building of a similar height to the proposed building. The separation distance between No 50 and the appeal site is greater than that with No 48, but No 50 has a number of windows on its south facing flank wall. No 50a is a partially submerged ground/lower ground floor flat with windows at the front and rear, but also on the southern side facing the appeal site. Some rooms on No 50a's southern side rely entirely on windows facing the appeal site, and the height and extensive depth of the proposed building would substantially fill the perspective from such a room used as a home office. Consequently, and notwithstanding the trellis, climbing plants and greenhouse in the garden between the properties, the large and relatively featureless mass of the proposed building would be unduly dominant, and harmful to outlook from that room. Good quality materials, and retained landscaping would not adequately mitigate this impact. The effects on other flats would be more limited given their internal layouts and heights above ground level.
8. In terms of privacy, the fall in land levels to the rear mean that floor levels at the rear of the proposed building would be raised above ground level. Despite solid walls along the side elevation facing No 46, there would be visibility into the rear part of No 46's garden from upper floor balconies. However, Croydon Local Plan 2018 (CLP) Policy DM10 states that it supports proposals which do not result in direct overlooking of private outdoor space with 10m of the rear elevation of a dwelling. The balconies would not overlook the 10m closest to the rear of No 46 and the proposed side windows would be obscure glazed. There would therefore be no conflict with that element of the policy, a private area would be retained, and additional landscaping could reduce the extent of overlooking at the rear. There would therefore not be sufficient justification to outweigh that aspect of the adopted policy, despite the number of balconies proposed.
9. On its northern side, most proposed balconies are set well back on the plot, close to the rear boundary, and screened from the side. The proposed balcony at first floor level near to the boundary with No 50 would also be screened up to a height of 1.8m to prevent overlooking. There would therefore not be material overlooking of No 50 or its garden.
10. The proposed development would therefore harm the living conditions of adjacent occupiers with respect to outlook, but not in relation to privacy. It would therefore conflict with CLP Policies SP4 and DM10.6, which together require high quality design which protects the amenity of occupiers of adjoining buildings.

Other Matters

11. The development would provide a net increase of seven residential units, contributing to housing supply and family housing in an urban area, and to the Borough's housing requirement for windfall sites. The Framework seeks to significantly boost the supply of homes and acknowledges the role small sites can make to meeting housing requirements, and that they are often built out relatively quickly. At the same time, the Framework also aims to achieve well-

designed places, and I have not found the appeal site to be suitable for the development proposed.

12. I note the officers of the Council recommended approval. Nevertheless, the Council are entitled to come to a different view from its officers, and I have considered the appeal on its merits.
13. Concerns have also been expressed by interested parties about other matters. As I am dismissing the appeal for other reasons, I have not considered these matters further as they would not change my decision.

Planning balance and Conclusion

14. The harm I identify above in relation to the living conditions of neighbouring occupiers, and the consequential conflict with development plan policies attracts significant weight against the development. Although I acknowledge the contributions the development would make to housing supply, for the reasons above these benefits attract a limited degree of weight in favour of the proposal, and would not outweigh the harm.
15. I therefore conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that require a decision to be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR