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# Appeal Decision

Site visit made on 3 March 2023

**by A M Nilsson BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 March 2023**

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**Appeal Ref: APP/L5240/D/22/3297361**

**8 Oaks Road, Croydon CR0 5HL**

- 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 & Mrs Gautam Samanta against the decision of London Borough of Croydon.
  - The application Ref 21/05189/HSE, dated 11 October 2021, was refused by notice dated 3 February 2022.
  - The development proposed is to convert loft space into liveable accommodation by increasing the ridge height and providing two rear dormer windows.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. On the 20 July 2022 the Council revoked their Suburban Design Guide Supplementary Planning Document 2 (SPD2). This document, as referred to in the Council's decision notice, therefore has no weight in the appeal.

## Main Issues

3. The appeal site is within the Green Belt and so the main issues are:
  - Whether or not the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
  - The effect of the proposed development on the openness of the Green Belt;
  - The effect of the proposed development on the character and appearance of the host property and the surrounding area; and
  - If the proposed development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposed development.

## Reasons

### *Site and proposed development*

4. The appeal property is a large detached two-storey dwellinghouse. It forms the last property on this section of Oaks Road which is characterised as being developed on one side but undeveloped on the other. The property has a single storey rear extension and existing dormer windows to the side and rear.

5. The proposed development would increase the ridge height of the property and would involve the installation of two new rear dormer windows, rooflights and window.

*Whether or not inappropriate development*

6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The Framework outlines that the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 149. One of the exceptions cited is 149 c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the 'original building'.
7. The 'original building' is defined as the building as it existed on 1 July 1948 or if constructed after this date, as it was originally built. The Framework does not define what constitutes a 'disproportionate' addition. Policy DM26 of the Croydon Local Plan (2018) sets out, amongst other things, that extensions to existing buildings in the Green Belt should not be more than 20% of their original floor space or volume, or 100m<sup>2</sup> (whichever is the smaller)
8. The policy also sets out that extensions to existing buildings in the Green Belt that are less than 20% of the original floor space or volume, or less than 100m<sup>2</sup> in extent (whichever is the smaller) may still be disproportionate. In considering whether they are disproportionate or, if any proposed structure harms the openness of Green Belt regard will be had to the floor space and volume of all previous extensions (since 1948), alterations and developments within the curtilage of the dwelling, and the use of roof spaces as living areas.
9. The Council's evidence sets out that in isolation, the resulting floorspace, at 105sqm in a dwelling of 585sqm would not exceed the 20% referred to in the above policy. However, when combined with a recently approved conservatory and the existing single storey rear extensions, a combined floorspace of 145sqm would represent an increase of 25% and be above 100sqm as outlined in the policy.
10. Although the resulting development would increase the habitable floorspace currently used at the property, it is formed by much of the existing volume and the existing footprint. The footprint of the property would not be increased as a result of the development and the increase in volume, when considered against the existing roof space and the dwelling as a whole, as demonstrated in the submitted comparison drawings, would be relatively minor.
11. Therefore, despite a minor conflict with the figures in the policy, for these reasons, the proposed development would not result in the disproportionate addition over and above the size of the original building, including having regard to the extensions to the property. The proposed development would therefore not represent inappropriate development in the Green Belt.

*The effect on openness*

12. As the effect on openness is implicitly taken into account in the applicable exception, there is therefore now no requirement to assess the impact of the development on the openness of the Green Belt.

### *Character and appearance*

13. The appeal property is located in part of Oaks Road where there is a variety of property styles and sizes.
14. The proposed development would increase the existing ridge height by 1050mm. Given the overall size and scale of the property and that this height increase is not applied across the whole bulk of the property, I do not consider that this aspect of the development causes harm.
15. As demonstrated in the submitted front elevation, the property would be retained as a well-proportioned, large, detached dwelling. Although there would be a small increase in the overall height given the detached nature of the property on a street with properties of various sizes and styles, the increase would not harmfully depart from any established roofline.
16. At the rear however, where there are existing projections and dormer windows, the proposed development, particularly the new high-level dormers would create a cluttered and haphazard appearance, with no less than five separate protrusions from the main body of the roof. The resulting rear elevation would be poorly proportioned to a harmfully greater degree than already currently exists in the rear elevation with the proposed dormers appearing highly prominent. The suggested condition relating to the use of matching materials would not overcome the harm I have identified.
17. The proposed development would, at the rear elevation, cause significant harm to the character and appearance of the host property and the surrounding area. It would therefore be contrary to Policies DM10 and SP4 of the Croydon Local Plan (2018) and Policy D4 of the London Plan (2021) which require that development is of a high-quality design.

### **Other Matters**

18. Although the appellant acknowledges that the development does not provide additional housing, in favour of the proposed development, they outline how the development would provide additional living accommodation for the family. Such personal circumstances, however, seldom outweigh general planning considerations and I therefore give them limited weight in the appeal.

### **Conclusion**

19. Although I have found that the proposed development would not be inappropriate development in the Green Belt, I have found that there would be an unacceptable impact on the character and appearance of the host property and the surrounding area as a result of the proposed development.
20. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
21. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*A M Nilsson*

INSPECTOR