



Appeal Decision

Site visit made on 7 March 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/L5240/D/22/3298891

5 South Vale, Upper Norwood, London SE19 3BA

- 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 Ben Grange against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/06010/HSE, dated 1 December 2021, was refused by notice dated 7 March 2022.
 - The development is proposed refurbishment and alterations to existing house and construction of new ground floor rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for proposed refurbishment and alterations to existing house and construction of new ground floor rear extension at 5 South Vale, Upper Norwood, London SE19 3BA in accordance with the terms of the application, Ref 21/06010/HSE, dated 1 December 2021 and 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 development hereby permitted shall be carried out in accordance with the following approved plans: 5SV-P-00, 5SV-P-11/A, 5SV-P-12/A, 5SV-P-13, 5SV-P-14, 5SV-P-15, 5SV-P-16, 5SV-P-17: 5SV-P-18, 5SV-P-20, 5SV-P-21, 5SV-P-22, 5SV-P-40.

Preliminary Matters

2. I have taken the proposal description from the application form.
3. Following determination of this planning application, the Council's Suburban Design Guide Supplementary Planning Document (SPD) has been revoked and is no longer a material consideration. Both parties have been given the opportunity to comment on the SPD revocation and I have taken the comments received into account.
4. The appellant has submitted a Sunlight and Daylight Assessment, with their appeal statement. As other parties have not had the opportunity to comment on this assessment, I am not accepting this additional information as part of this appeal.

Main Issue

5. The main issue is the effect of the proposed single-storey side/rear extension on the living conditions of the occupiers of No 7 South Vale (No 7), with particular regard to daylight, sunlight and outlook.

Reasons

6. The appeal property is a 3 storey, Victorian semi-detached dwelling, which has a 2 storey rear outrigger. The dwelling previously had a single-storey extension to the rear of the outrigger, but this has now been demolished. The appeal property is set away from the shared boundary with No 7 and separated by a closed boarded fence, with trellis above. The boundary fence is sited on higher land than the appeal property. No 7 has a single-storey flat roof extension that extends off the back of its outrigger and is wider than its 2 storey projection. There are windows within the single-storey extension that face the appeal site.
7. The proposed extension would follow the side building line of the host property and would be single-storey in height, with a flat roof. It would exceed the height of the existing boundary fence and would be visible from No 7. However, given the space between the dwellings, the modest height of the extension and screening by the existing boundary treatment, the proposed extension would not appear overbearing or create a harmful sense of enclosure to the neighbouring property and its garden.
8. In respect to the glazed door on the rear elevation of No 7, the Council raise concerns that the proposed development may breach the 45 degree rule set out within the Building Research Establishment guidance and now revoked SPD. This rule is guidance only and does not form part of development plan policy. The door faces towards the rear garden and only angled views would be available of the proposed extension. The room in question is also served by a large window on the front elevation, which provides an additional source of light and alternative outlook. Even if the scheme breaches the 45 degree rule, the Council acknowledge that this rule is already breached by the existing outrigger.
9. The glazed door on the rear elevation of No 7 is east facing and sunlight is already restricted to this opening due to its orientation and the existing rear projections. The windows on the single-storey extension of No 7 that look towards the appeal site are north facing. Consequently, the proposed development would not result in a loss of sunlight to these openings. In respect to daylight, given the height and siting of the proposed extension and the existing built form and boundary treatment, the proposed development would not result in a detrimental loss of daylight to No 7.
10. I conclude that the proposed development would not be harmful to the living conditions of No 7, with particular regard to daylight, sunlight and outlook. The proposed development would comply with Policy DM10 of the Croydon Local Plan 2018 (CLP) and Policy D3 of the London Plan 2021, which require that the living conditions of occupiers of adjoining buildings are protected; developments do not result in a significant loss of sunlight or daylight to adjoining properties; and appropriate outlook is delivered. I do not consider that Policy SP4.1 of the CLP is relevant to this main issue, as it does not refer to living conditions.

Other Matters

11. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA). South Vale forms part of the Harold Road CA. The significance of the CA insofar as it relates to this scheme, is derived from its narrow streets, close distances between buildings and the enclosed feel that this creates. The proposed single-storey and dormer extension would be sited to the rear of the property and would be largely screened from the public realm by the existing built form. The design of these proposed alterations/extensions would preserve the character of the rear elevation of the property.
12. The scheme also proposes a new front door and windows, which would be more traditional in design and use timber rather than UPVC. The proposed windows and door would better reflect the historic significance of the host property and CA. Overall, the proposed development would enhance the significance of the CA and therefore accord with the development plan.

Conditions

13. In addition to the standard time limit condition and in the interests of certainty, I have included a condition specifying the approved plans. I do not consider it necessary to impose a materials condition, as the materials are specified on the approved plans.

Conclusion

14. For the reasons given above, having regard to the development plan as a whole, the National Planning Policy Framework and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

INSPECTOR