



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: 6 April 2023

Appeal Ref: APP/L5240/D/22/3304198

54 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 Michael Murphy against the decision of London Borough of Croydon.
 - The application Ref 22/02224/HSE, dated 25 May 2022, was refused by notice dated 22 July 2022.
 - The development proposed is described as side/rear extension; internal alterations; detached games room rear of property.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On the 25 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 two-storey, semi-detached dwellinghouse. With the attached property, it is separated from another row of properties on Oaks Road by Oaks Lane, giving both properties a relatively spacious setting. The property

has a two-storey gable feature that projects from the front elevation which incorporates bay windows at the ground and first floor levels. This feature is repeated on the adjoining property in the equivalent position and is also replicated in a two-storey side extension to that property.

5. The proposed development includes a two-storey side extension which projects outwards from both the main front and rear elevations. This part of the extension reflects the design and form of the existing gable feature used in both properties and that of the extension to the adjoining property. The development also includes a single storey rear extension and a detached outbuilding. There would also be a front extension created in the gap between the existing and proposed gable features.

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 100m² (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 100m² 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 the 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.
9. The Council's evidence sets out that the original floor area of the property is roughly calculated to be 97.21sqm and that the property was extended at the rear to accommodate a kitchen extension in the 1950s. The Council outline that the proposed development would add an additional 97.15sqm to the property and effectively double the size of the property. Based on these figures, this would represent an increase of almost 100% in the floor area of the dwelling. Although a large proportion of the development makes use of the existing garage floorspace, I am not certain that this constitutes part of the 'original dwelling' or indeed if this existing floorspace has been acknowledged in the assessment. Either way, I am not presented with any evidence from the appellant to dispute the Council's figures. Based on the evidence before me, such an increase would significantly exceed the 20% limitation in Policy DM26 of the local plan.
10. Therefore, the proposed development due to its size and scale would result in disproportionate additions over and above the size of the original building in the terms of paragraph 149 of the Framework and Policy DM26 of the local

plan. For these reasons, the proposal would be inappropriate development in the Green Belt and would be contrary to Policy DM26 of the local plan. This is a matter to which I afford substantial weight in the planning balance.

Openness

11. The Framework outlines that one of the essential characteristics of Green Belts is their openness. Openness has a spatial aspect as well as a visual aspect. By its very nature of placing built development where there is currently none, the proposed development cannot fail but to have a greater impact on the openness of the Green Belt in spatial terms. I find that in light of the overall size and scale of the development, including the proposed outbuilding, the harm to the openness of the Green Belt from a spatial aspect would be relatively moderate.
12. The proposed development would cumulatively create a sizeable addition to the property. Due to its size and siting, and its complementary design the proposed development would not be highly prominent. I therefore find that there would be limited harm to the openness of the Green Belt from a visual point of view.
13. Overall, I consider that the effect on the openness of the Green Belt would be moderate, and I therefore give this harm moderate weight.

Character and appearance

14. In terms of the effect on character and appearance, the Council do not raise objection to the proposed single storey rear extension or the outbuilding. I have no reason to form a different view.
15. The main element of the extension comprising the two-storey side extension, would reflect the existing gable feature used elsewhere in the property and its adjoining neighbour. I accept that it is generally appropriate that such forms of extension appear subservient and subordinate to the main part of the dwelling, however in this instance, the proposed development would create a pleasant degree of symmetry with the neighbour. Considering the appearance of the neighbouring property, in this instance, I do not find that the lack of such an approach causes an unacceptable level of harm.
16. The Council consider that the extension to the adjoining property represents an isolated anomaly that was granted planning permission in the 1990s. Be that as it may, its proximity to the appeal property and the similarity with the appeal property are such that, in terms of the effect on character and appearance, it is a material consideration in the appeal.
17. Notwithstanding the Green Belt considerations above, I do not share the Council's view that the resulting side elevation causes an unacceptable level of harm. Although it would present a greater scale and bulk to the street scene and would be visible from a reasonable distance along Oaks Road, it would be of a scale and design that would be in keeping with the area and I do not find harm would be caused in this regard.
18. The development includes infilling the gap between the existing and proposed gable projections. Although this is a feature not replicated on the adjacent dwelling, it would sit reasonably comfortably between the gable features and due to its overall scale and design, I do not consider that it would cause unacceptable harm.

19. I therefore find that on the matter of character and appearance, the proposed development would not cause an unacceptable level of harm. It would comply with Policies SP1.1, SP4.1 and SP4.2 of the Croydon Local Plan (2018) and Policy D3 of the London Plan (2021). Collectively, these policies require that development is of high-quality design which respects and enhances local character. It would also comply with the design requirements of the Framework.

Other considerations

20. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 continues by stating that very special circumstances will not exist unless the harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations.
21. The development in this case amounts to inappropriate development in the Green Belt and the Framework requires that substantial weight is attached to the harm in that regard. It would also cause moderate harm to the openness of the Green Belt.
22. The appellant has outlined how they would be willing to remove the outbuilding from the proposed development should I see fit. Whilst this is clearly severable from the remainder of the proposed development and would contribute to reducing the additional floor space that would be created, I am not presented with an assessment as to the extent that this would reduce the quantum of development that would allow me to firmly conclude on whether the overall development would represent a disproportionate addition in the context of the Framework and the requirements of Policy DM26.
23. I note, as the appellant has highlighted, that there were no objections received to the proposed development. This is, however, a neutral factor in the balance.

Planning Balance

24. The proposal would constitute inappropriate development in the Green Belt. When considered as a whole, moderate harm would be caused to the openness of the Green Belt. The substantial weight to be given to Green Belt harm arising from the proposal would not be clearly outweighed by the other considerations as outlined above. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, the proposed development would not accord with the Green Belt aims of the Framework and the Croydon Local Plan.

Conclusion

25. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR