



Appeal Decision

Site visit made on 8 March 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2023

Appeal Ref: APP/L5240/D/22/3304807

31 The Chase, Norbury, London SW16 3AE

- 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 S Shah against the decision of London Borough of Croydon.
 - The application Ref 21/05958/HSE, dated 29 November 2021, was refused by notice dated 20 July 2022.
 - The development proposed is the retention of rear conservatory following alterations to the existing roof.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The single storey extension subject to this appeal has already been built. From my site visit it appears to accord with the submitted drawings. However, for the avoidance of doubt, I have considered the appeal on the basis of the submitted plans.
3. Between the determination of the planning application and my consideration of the appeal, the Council revoked the Suburban Design Guide Supplementary Planning Document. I have therefore not considered this document in my determination of the appeal.

Main Issues

4. The main issues are the effect of the proposed development on the living conditions of the occupiers of 29 The Chase (No.29) with particular regard to outlook, and on the character and appearance of the host property.

Reasons

Living conditions

5. No.29 has rear glazed patio doors which lead on to a small patio area. At a right angle to the patio area are ground floor windows on a wall which encloses the small patio area on one side and faces directly on to the wall of the previous extension at No.31. The appeal scheme closely abuts the boundary wall between the host property and No.29, resulting therefore in the development enclosing this space by an additional 3 metres in length and further constraining the outlook for No.29.
6. Although the appellant suggests that the proposed structure is lightweight, the wall facing No.29 consists of bricks and obscured windows, resulting in a solid

structure that is only partly screened by the existing brick boundary wall and established vegetation. The cumulative impact on outlook in conjunction with the previous extension, all of which is within the line of sight of multiple habitable windows of No.29, creates an unacceptably overbearing and oppressive impact on the living conditions of the occupiers.

7. Consequently, I conclude that the development would harm the living conditions of the occupiers of No.29 with regards to outlook. The development therefore conflicts with Policies SP4.2 and DM10.6 of the Croydon Local Plan, and policy D3 of the London Plan 2021. Together these policies seek to enhance well-being and protect the living conditions of adjoining occupiers of new development proposals.

Character and appearance

8. Having previously been extended and altered, the host property has a mix of roof forms including hipped, dormer and pitched roof sections that are visible on the rear elevation from rear gardens of adjacent neighbouring properties. The appeal scheme introduces an additional extension and roof form to this mix, and one that is prominent due to its extent across more than half of the width of the house. However, given the already varied nature of the property with a number of previous extensions and mixed roof forms, this additional element would add to the already varied design of the property and thus not have a harmful effect.
9. The Council considers the proposed materials are not harmful to the character and appearance of the host property and I have no reason to disagree with this. The appeal scheme does also not dominate the rear of the host building, and, given its size and proportions, reads as a subordinate addition.
10. The addition of the appeal scheme to the previously extended building means the property projects far beyond the original rear building line. However, the host property and neighbouring properties already have staggered and interrupted rear building lines due to a variety of existing rear extensions. The proposed conservatory does therefore not appear as a discordant feature in this respect.
11. The scheme is not visible from the street scene and given the varied form altered by a number of previous extensions to the host property, the proposed development in terms of size, scale, position and projection does not impact on the character and appearance of the host property. The proposed development can be viewed from adjacent neighbouring properties, but this does not mean that it is harmful, or is unacceptable, when seen from adjacent neighbouring properties.
12. Consequently, I conclude that the development would not harm the character and appearance of the host property and therefore does not conflict with Policies SP4.1, DM10.1 and DM10.7 of the Croydon Local Plan 2018 as well as Policy D3 of the London Plan 2021. Taken together these policies seek to ensure - amongst other matters - that developments are appropriate for their setting and respect local character.

Other Matters

13. The appellant states that the London Plan 2021 Policy D3 referred to is out of date. However, this position has not been substantiated by evidence and so I

have no reason to find that it should be considered to be. I therefore attribute full weight to the conflict with this policy.

Conclusion

14. For the above reasons, the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

J Wellstead

INSPECTOR