
Appeal Decision

Site visit made on 18 April 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 April 2023

Appeal Ref: APP/L5240/D/22/3304096

18 Abbots Green, Croydon CR0 5BH

- 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 Martin against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/01094/HSE, dated 12 March 2022, was refused by notice dated 10 May 2022.
 - The development proposed is described as a balcony and additional screening (part retrospective).
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Decision

1. The appeal is allowed, and planning permission is granted for the balcony and additional screening at 18 Abbots Green, Croydon CR0 5BH in accordance with the terms of the application, Ref 22/01094/HSE, dated 12 March 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. As set out on the application form, development has started with the balcony installed. However, further alterations are proposed to include privacy screening. My assessment of the proposal is therefore based on the plans before the Council at the time of the planning application. I will refer to the 'proposed development' throughout my decision, although certain aspects may already be constructed.
3. Since the Council made its decision, the Croydon Suburban Design Guide Supplementary Planning Document 2019 (the SPD) has been revoked with immediate effect. Therefore, any reference to this SPD in the reasons for refusal are no longer relevant. In reaching my decision I have not had regard to this document.

Main Issues

4. The main issues are the effect of the proposed development on both the character and appearance of the area and the living conditions of neighbouring occupants with particular reference to outlook and privacy.

Reasons

Character and Appearance

5. The proposed development would be to the rear with limited visibility from public vantage points. It would be of lightweight metal and glass construction and while this contrasts with the bricks and tile of the existing building, it

would add some interest while complementing the existing Juliet balcony serving the upper floor dormer window.

6. There appears to be no other immediate examples of balconies elsewhere. However, in this case, given the proposed development's modest design and limited visibility against the existing dwelling and the wider area, it would not cause unacceptable visual harm to the character and appearance of the area.
7. Accordingly, it would comply with the relevant provisions of Policies SP1.1, SP4.1, SP4.2 and DM10 of the Croydon Local Plan 2018 (the Local Plan) and Policy D3 of the London Plan 2021 (the London Plan). All of which seek, amongst other things, to ensure that development is sympathetic to the character and appearance of the area.

Living Conditions

8. Obscure glazed glass screens would be erected to either side of the balcony to a height of 1.8 metres. Such screening would significantly reduce opportunities for overlooking to the neighbouring dwellinghouses and the most sensitive areas of the gardens too.
9. While some overlooking would still be possible, this would be no greater than the existing pattern of overlooking. As such and subject to the installation of the privacy screens (to be controlled via condition), the proposed development would not cause any unacceptable loss of privacy to neighbouring occupants when compared to existing levels.
10. Given its modest design and separation from the boundaries, the proposed development would also not create a sense of encroachment or unacceptably effect outlook when viewed from neighbouring land.
11. The proposed development would therefore have an acceptable effect on the living conditions of neighbouring occupants with particular reference to outlook and privacy. The proposal would therefore accord with the relevant provisions of Policy D3 of the London Plan and Policies SP4 and DM10.6 of the Local Plan. These, amongst other things, address the need for high quality design therefore respecting the living conditions of neighbouring occupiers.

Conditions

12. The Council has suggested a list of conditions which I have considered and where necessary amended in line with national policy and guidance. In the interest of certainty, conditions specifying the approved plans are required.
13. To ensure that the development is in keeping with the character and appearance of the area a condition controlling external materials is required. It is also necessary to protect the living conditions of those living near to the site and to impose fire safety measures.
14. As the development is part-retrospective I have placed a time limit on completing the screening and for these same reasons have not implemented a commencement condition.

Conclusion

15. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is allowed.

N Praine

INSPECTOR

Schedule of Conditions (4 in total)

- 1) The development shall be completed and retained entirely in accordance with the following approved drawings: Location Plan and P/B1.
- 2) Unless otherwise specified in the application, the materials to be used for the external surfaces of the development hereby permitted shall be carried out in materials to match those of the existing building and retained as such.
- 3) The development shall be completed in accordance with the provisions of the Fire Safety Statement dated 15 March 2022 and retained as such.
- 4) Within 4 months of the date of this decision, the obscured glass screening to the sides must be installed, fully operational and, thereafter, retained and maintained for the life of the development.

End of Schedule