

Appeal Decision

Site visit made on 5 April 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/L5240/D/23/3316422

96 Mount Park Avenue, South Croydon CR2 6DJ

- 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 Kamran Khan against the decision of the Council of the London Borough of Croydon.
 - The application, Ref. 22/05065/HSE, dated 5 December 2022 was refused by notice dated 24 January 2023.
 - The development proposed is the demolition of the existing garage; erection of a rear and side single storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is for retrospective permission and includes a side extension as part of a wraparound development with a rear addition. Although the side extension has been approved, it nonetheless forms an integral part of the appeal application and I have dealt with the appeal on this basis.

Main Issues

3. The main issues are (i) the effect of the proposed extensions on the character and appearance of the host dwelling and (ii) the effect on the living conditions of adjoining occupiers as regards outlook and light.

Reasons

4. On the first issue, the Council considers that the rear extension fails to be subservient to the host dwelling. In this regard I note that amongst other matters, Policy SP4.1 of the Croydon Local Plan 2018 ('the Local Plan') requires development to be of a high quality and contribute positively to the public realm and townscape.
 5. The officer's report refers to the depth of the rear extension as being excessive and therefore not subservient. However, I consider that any reasonable perception of subservience is the combination of the rear addition with the side addition in terms of their cumulative scale and their overall design merit as an enlargement of the original dwelling. In short, it is easier to incorporate a larger extension if its appearance harmonises with the host dwelling.
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6. Firstly as regards scale or size, the Council objects to the depth of 6.175m along the boundary with No. 98. However, this also has to be assessed in the context of a wall of 5.175m beyond the rear of No. 94 and stretching for almost the full length of the existing dwelling. I acknowledge that this latter area was previously occupied by the attached garage, but the as-built extensions now the subject of this retrospective application comprise a flat roof at a height of 3m stretching from the front of the building where it is prominent in the street scene and wrapping round the rear elevation to the depth referred to above.
7. As a result, this combination of scale / size with the wholly rectilinear and bulky form of the side and rear additions is harmful to the character and appearance of the host dwelling. This includes the prominent side addition, which I have acknowledged in paragraph 2 above already has permission. However the harm has been compounded by the construction of the rear extension to which it is connected in wrap around form at a depth noticeably greater than that accepted by the Council in the existing consent. This greater depth has to be considered along with the fact that it is the full width of the house that has been extended, and thereby almost the full width of the plot.
8. On this issue, I therefore find that the appeal scheme as a whole, because of its failure to be both subservient and sympathetic in appearance to the existing building, is unacceptably harmful to the character and appearance of 96 Mount Park Avenue. This is in conflict with Local Plan SP4.1; Policy D4 of the London Plan 2021, and with Government policy in Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021 ('the Framework').
9. The second issue is one of the effect of the development on neighbours' outlook and light. Turning firstly to outlook, the rear extension is effectively on the boundary with No. 98, the other half of the semi-detached pair. There is a living room with a full height glazed window/door close to the boundary and therefore also close to the extension. This restricts outlook from the window, and from the part of the garden closest to the house, albeit these effects would have occurred to some degree under the existing permission.
10. There is also some loss of outlook from the rear of No. 94, although of a much lesser extent given the greater separation of that dwelling from No. 96 due to the extension being set slightly back from the boundary and to the full height living room window/door being on the other far of the rear wall. This is insufficient to carry significant weight in my decision on this appeal.
11. As regards light, I consider the daylight to the living room of No. 98 is adversely affected by the erection of a 3m high wall of over 6m depth on the boundary, but because of the orientation of the houses on this side of the road, the sunlight to the rear of the dwelling is unlikely to be affected. No. 94 is too far away to suffer a reduction of daylight and I also consider that a single storey extension would not result in significant shadowing.
12. On this issue I conclude overall that, whilst there would be some conflict with Local Plan Policy DM10.6 and paragraph 130f) of the Framework, the overall effect would not be such as to warrant a refusal of permission. However, this does not outweigh my finding on the first issue, that a combination of size and a poor design would harm the character and appearance of the host building and its immediate surroundings. In my view this is evidenced by comparing the

appearance of the building in the street scene with the photograph (Figure 1) of the pre-extended house in the appeal statement.

13. For the appellant, reference is made to an allowed prior approval appeal which included a 6 metre rear extension. However, each case must be considered on the individual circumstances of the site, its setting and development details.
14. For the reasons explained above the appeal is dismissed.

Martin Andrews

INSPECTOR