



Appeal Decision

Site visit made on 20 June 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2023

Appeal Ref: APP/L5240/D/23/3322485

67 Grasmere Road, South Norwood, London SE25 4RQ

- 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 W Melo against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03449/HSE, dated 28 June 2021, was refused by notice dated 30 March 2023.
 - The development is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 67 Grasmere Road, South Norwood, London SE25 4RQ in accordance with the terms of the application, Ref 21/03449/HSE, dated 28 June 2021, and drawing nos. 2001-1, 2001-2, 2001-3A, 2001-4A and 2001-10, and subject to the following condition:
 - 1) Within 3 months from the date of this decision, the extension hereby permitted shall be fitted with a water butt, which shall thereafter be retained. In the event of a legal challenge to this decision, the operation of the time limit specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matter and Background

2. The development the subject of this appeal is already in place. I have therefore dealt with the appeal on the basis of its retention.
3. Planning permission was previously granted at the appeal site for a single storey rear extension (Ref: 20/00095/HSE). Compared to it, this scheme has a similar depth, but it has taller walls, and a flat roof rather than a ridged roof. That previous decision was informed by the Council's Suburban Design Guide 2019, which has since been revoked. Consequently, and as that previous permission is no longer extant, I have not given it any weight in my decision.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of neighbouring occupiers, with particular regard to the outlook from, and availability of natural light to, 65 Grasmere Road and 69 Grasmere Road;
 - flood risk; and

- fire safety.

Reasons

Living conditions

5. In its delegated report, the Council states that the scheme does not meet the '45 degree test in plan or elevation'. However, I have no details of that test, including its status, nor how it has been applied to this scheme.
6. On my visit I observed that the development the subject of this appeal abuts the boundaries with the terraced properties either side. Nonetheless, as evidenced by the photographs at Appendix E and paragraph 3.11 of the appellant's statement, I also noted that a single storey rear extension, with a similar depth to this one, has been largely completed at 65 Grasmere Road.
7. Whilst I have no further details of that scheme, I have no cogent reason to believe that it is not lawful. Given the presence of that extension, this proposal would not have a harmful impact on those occupiers' outlook, nor on the availability of natural light within that property.
8. Turning to 69 Grasmere Road ('No 69'), it has a two storey outrigger which is shared with the appeal property, and a ground floor projection beyond. That projection is much shorter than the appeal scheme, but its rear-facing window closest to the common boundary is very small. Thus, the projection's main source of natural light, and its principal outlook, is from its larger window, which is significantly further from the boundary.
9. Viewed from that larger window, the extension is significantly off-set to one side. Consequently, and as the extension has a limited single storey height, based on the evidence before me, it has not impacted the availability of natural light within the house at No 69, nor the outlook from it, to a harmful degree.
10. No 69's patio has become more enclosed to one side as a result of this scheme. However, the patio has a more open outlook to the other side, and No 69 also benefits from a reasonably long rear garden, parts of which are a significant distance from the extension.
11. Whether or not the scheme complies with the '45 degree test', for the above reasons I conclude that it has not harmfully impacted the neighbouring occupiers' living conditions. On this issue, the scheme does not therefore conflict with Policies SP4.2 and DM 10.6 of the Croydon Local Plan 2018 ('CLP'), or Policies D3 and D6 of the London Plan 2021 ('LP'). These require, amongst other things, that development shall enhance social cohesion and well-being, and that it shall protect the amenities of adjacent occupiers, having regard to matters including sunlight, daylight and outlook.

Flood risk

12. In broad terms, and amongst other things, CLP Policies DM25 and SP6.4, and LP Policies SI 12 and SI 13, require development to incorporate measures to reduce surface water run-off, and to reduce or mitigate flood risk.
13. Although the appeal site is at medium risk of surface water flooding, the application was not accompanied by any such measures. However, in its delegated report the Council states that, had the development been approved, a condition would have been imposed requiring the provision of a water butt to

stem run off. Having regard to the very modest scale of this scheme, I agree that this measure would appropriately mitigate the risk of surface water flooding; and on that basis it would not conflict with those policies.

Fire safety

14. LP Policy D12 requires all development to achieve the highest standards of fire safety. In its delegated report, and by reference to the draft Mayor of London Fire Safety Guidance, the Council states that the application should have been accompanied by a 'Reasonable Exception Statement'.
15. I have very few details before me on this matter. However, at paragraph 5.32 of the appeal statement it is confirmed that no lifts or combustible materials are proposed, and that current fire safety measures are appropriate and will not be negatively affected by the development.
16. Having regard to the scale of the scheme, and its single storey form, on the basis of the available evidence I conclude that it has not had a significant impact on fire safety, and that it does not therefore conflict with LP Policy D12.

Conditions and Conclusion

17. In the event that the appeal is allowed, the Council has suggested that the standard time limit condition is imposed, along with conditions requiring that the development be carried out in accordance with the approved plans, and that it be faced in matching materials. However, as the development is already in place, and as its brick and render finish is acceptable, none of those are appropriate.
18. In the interests of mitigating flood risk, and as agreed by the appellant at paragraph 5.33 of his statement, a condition is necessary requiring the provision of a water butt. That condition is imposed to ensure that this measure is implemented and retained so as to make the development acceptable in planning terms.
19. This requirement, including the timeframe for implementation, is proportionate to the details and scale of the case. In the event that the action is not undertaken by the specified date, the Council could use its powers under section 172 or section 187A of the Town and Country Planning Act 1990.
20. For the above reasons, I conclude that the scheme has not harmfully impacted neighbouring occupiers' living conditions; that it has not significantly impacted fire safety; and that flood risk can be appropriately mitigated by means of a condition.
21. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR