



Appeal Decision

Site visit made on 11 July 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2023

Appeal Ref: APP/L5240/D/23/3319430

6A Lancaster Road, South Norwood, London, SE25 4AQ

- 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 Ms Gerlinde Rudelstorfer against the decision of the London Borough of Croydon.
 - The application Ref. 22/04478/HSE, dated 25 October 2022, was refused by notice dated 5 January 2023.
 - The development proposed is alteration of roof from hip to gable end, erection of roof extension to rear of main roofslope and single storey rear extension and installation of two (2) rooflights into front roofslope.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of development on the decision notice as this more accurately describes the appeal proposal.
3. The Appellant's Grounds of Appeal (GOA) raised a number of issues in relation to the lawfulness of the proposed development, the Council's handling of the application and the advice given at the pre-application stage. Included with their GOA are various Appendices that contain the emails exchanged with the Council on these matters.
4. Within the context of an appeal that simply seeks planning permission and is submitted under section 78 of the Town and Country Planning Act 1990 (T&CPA), whether a development or part of it is permitted development and lawful is not a matter that I can address. Even so, it remains open to the Appellant to submit an application for a Lawful Development Certificate for proposed development, under section 192 of the T&CPA, if they consider that any part of the development is lawful, and the determination of that application would not be affected by my decision on this appeal.
5. Turning to the submitted emails, it is apparent from these that the Council initially advised the Appellant that the appeal site was not in a conservation area. Even so, I note that in correcting that advice the Council apologised for its error. In terms of any discussions during the determination of the application the Appellant contends that they did not receive any feedback on the changes that might address the Council's concerns. Again, within the context of this appeal, I am not in a position to comment on any procedural matters. Whilst I sympathise with the Appellant, particularly following the

error that the Council made in advising that the appeal site was not in a conservation area, that is not an issue that I can comment on further. If the Appellant wishes to pursue these matters further the only advice I can give is that they, in the first instance, take these up directly with the Council through their normal complaints procedure.

6. As I observed on my site visit, construction is well advanced on building a single storey rear ground floor extension to the host property. The Appellant indicated that this extension was being built under permitted development in that it extends to a depth of 3 metres and not 4 metres as shown in the appeal proposal. I understand that the work has been progressed due to the urgent need to improve the host property's accommodation to cater for the Appellants new arrival. As I confirmed above, it is not for me to determine within the context of this appeal whether the extension currently under construction is permitted development. However, the Appellant has requested that the appeal be determined in relation to the original 4 metre deep rear extension and I have therefore proceeded on that basis.

Main Issues

7. The main issues are the effect of the proposed development on: (a) the character and appearance of the conservation area; and (b) the living conditions of the neighbouring occupiers.

Reasons

Character and appearance

8. The appeal site lies within the South Norwood Conservation Area (SNCA). Section 72(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires, therefore, that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. Similar advice is to be found in the National Planning Policy Framework (July 2021) (Framework), as well as in policies D3, D4 and HC1 of The London Plan 2021 (March 2021) (TLP), and policies DM10 and DM18 of the Croydon Local Plan 2018 (February 2018) (CLP).
9. The Council have provided a map of the SNCA together with the South Norwood Conservation Area Appraisal & Management Plan (July 2022) (CAA). The latter states that the key significance of the South Norwood area is derived from its architectural and historic interest as a Victorian suburb initiated by the establishment of the railway station, and that its special interest remains centred on this location, the local shopping streets, as well as the residential side streets. The CAA divides the conservation area into five character areas, with the appeal site falling within the Lancaster and Warminster Road Character Area. Section 6.3 states that this character area comprises larger plots and houses including three storey villas that have retained their historic mature trees and well planted front gardens, which combine to create a grand residential character on a high point within the SNCA.
10. The north eastern side of Lancaster Road includes 8 Lancaster Road, a locally listed building (to the north of the appeal site), which is a three storey villa in stock brick with red brick detailing. Adjoining this to the north is a stretch of further three storey villas in brightly painted render. Combined, the CAA states that they are of group value due to the strong sense of rhythm that is created

from the consistency of gaps between the buildings, their positioning and materials.

11. All of the above architectural and historical qualities contribute to the Lancaster & Warminster Road Character Area's special interest and the contribution it makes to the SNCA, as a whole.
12. Maps 7 and 8 to the CAA show the contribution that individual properties make to the conservation area and their age respectively. These Maps identify the appeal site as a building built post 1940 and I note in the submissions suggestions that it was probably built in the 1950's. They also identify the host as a property whose contribution to the conservation area is 'neutral', in that it doesn't positively contribute to or adversely detract from the special interest of the area. Paragraph 5.2.11 of the CAA indicates that some of these 'neutral' buildings may have merit in their own right and continues by giving examples of those that have features of some historic interest. There is no reference to any historic or architectural features on the host property and that reflects my own observations on site, with the host comprising a fairly standard 1950's suburban semi-detached house with no historic features of any value.
13. The appeal proposal includes a number of elements, which I will deal with in turn. In relation to the proposed rooflights, two are shown on the front roofslope to the host property. The rooflights would be broadly flush with the roof, evenly spaced, located centrally within the roofslope and aligned with the existing windows below. As such, the proposed rooflights would, in my view, result in an acceptable addition to the front roofslope. They would represent a subordinate and unobtrusive feature that would not result in any harm to the character or appearance of the SNCA or to the locally listed building to the north.
14. Section 9.5 of the CAA provides guidelines on alterations and extensions to buildings within the SNCA, with paragraph 9.5.5 stating that roofs of historic buildings are important features that help to define the building's character and make an important contribution to character. Even so and as I confirmed earlier, the rooflights would be installed on a building whose contribution to the SNCA is identified as being 'neutral', a finding that I concur with. In view of this and combined with their scale, location and the use of complementary materials, I am entirely satisfied that the proposed rooflights would sit comfortably on the front roofslope.
15. Turning to the proposed side roof extension, I note that the application was amended from a hip to gable extension, to show a gable with a small hip end, which, in my view, appears a bit contrived. A full hip to gable extension would represent a more traditional design and is a common feature of loft conversions that has, in my experience, been successfully used in other conservation areas to provide additional accommodation at roof level. Whilst paragraph 9.5.6 of the CAA refers to hip to gable extensions, it simply states that such extensions "*will not usually be acceptable*" and that advice is given in the context of paragraph 9.5.5, which I referred to above. Moreover, the proposed hip to gable extension would not result in the loss of any architectural or historic feature on the host that contributes to the special interest of the SNCA. The extension would also be modest in scale and not visually dominant. For all these reasons, this aspect of the appeal proposal would not result in any harm

to the host property or to the character or appearance of the SNCA or to the locally listed building to the north.

16. The Appellant's GOA indicate that the intention behind all the proposed works is to improve and modernise the host property to accommodate a growing family. Support for that approach and the findings I have reached on the proposed rooflights and side roof extension, is provided by paragraphs 130 and 134 b) of the Framework which state that being sympathetic to local character should not prevent or discourage appropriate innovation or change, provided the proposal fits in with the overall form and layout of their surroundings. Paragraph 44 of the National Design Guide (January 2021) also states that well designed places do not need to copy their surroundings and that it is appropriate for new development to include innovation and change to reflect how we live today.
17. The final element of the proposed roof extensions is the rear dormer. Whilst this would also facilitate improvements to the host, the scale, bulk and width of the proposed dormer is, in my view, excessive. Paragraph 9.5.7 of the CAA states that roof dormers on the rear elevation of terraced properties may be acceptable where the criteria listed in the text are met. Whilst this advice is again given in the context of and is largely to be interpreted in relation to the roofs of historic buildings (paragraph 9.5.5), the listed criteria are, in my experience, generally similar to those criteria that most Council's apply to new dormers within or outside a conservation area and on semi-detached or detached properties.
18. Whilst I am entirely satisfied that a dormer on the rear roofslope to the host property would be acceptable in principle and that there are only glimpsed views of the rear, the current proposal would: be sited only marginally above the eaves and marginally below the ridge; extend over more than 2/3 of the roofslope; include windows that would not align with those below; and would neither be subordinate nor proportional to the rear of the host property. For these reasons, the design of the proposed dormer would not be acceptable.
19. As I confirmed above, the CAA guidance requires dormers to be modest in size, sited clear of the edges, eaves and ridge, subordinate in appearance, align with the windows below and not exceed two thirds of the width of the roof. Broad adherence to those criteria would ensure that any new dormer on the host property, including specifically the side elevations to the dormer, would not be visible from the street.
20. Accordingly, whilst I have found that the proposed rooflights and side roof extension would be acceptable, the proposed rear dormer, for the reasons given above, would result in harm to the character and appearance of the host and the SNCA and as such it would not preserve or enhance the character or appearance of the SNCA. As is required, particularly by the Framework, considerable importance and weight must be attached to the harm to this heritage asset.
21. The appeal proposal would, in my view, lead to less than substantial harm to the significance of the heritage asset, which must be weighed against the public benefits of the development. Whilst I acknowledge the Appellant's personal circumstances, there are no public benefits, delivering either economic or social or environmental objectives, that would be sufficient to outweigh the harm I have identified to the significance of the heritage asset. I find,

therefore, that the scale, height, width and design of the proposed rear dormer would be contrary to policies D3, D4 and HC1 of TLP, policies DM10 and DM18 of the CLP, the CAA guidance and paragraphs 189, 197, 199 - 200 and 202 of the Framework.

Living conditions

22. As I confirmed earlier, a ground floor rear extension is currently being constructed which the Appellant contends is permitted development. This extension has a depth of 3 metres, and would have, I understand, a similar flat roof, height and width to the extension that forms part of the appeal proposal. The principal difference is that the appeal proposal would be 4 metres in depth.
23. The Council contend that the proposed extension would lead to a loss of outlook, be overbearing and result in an increased sense of enclosure to the neighbouring occupiers of 6 Lancaster Road (No.6). I do not agree. Having viewed on site the impact of the extension currently under construction and compared this with the appeal proposal, I am satisfied that the size, height and depth of the proposed extension would not result in any harm to the living conditions of No.6. Whilst the proposed extension would be visible above the existing high timber boundary fence, the increase in height, which can be appreciated from the extension currently being built, would be modest and consequently the impact on the outlook and sense of enclosure to the occupiers of No.6 would also be modest. The building relationships that would arise are, in my view, acceptable and not uncommon.
24. Moreover, the design incorporates a flat roof which would minimise its impact on No.6; the proposal is offset marginally from the common boundary with No.6; and the extension would be sited to the north of No.6. Consequently, the main rear windows to No.6 and its rear private amenity space would still receive a good level of sunlight and daylight, as well as continuing to benefit from a good outlook over its rear garden. Whilst I note the Council reference to the 45° test, that is essentially a rule of thumb and I note the alleged failure to comply with that test relates to the closest rear window of No.6. As such, this failure is, in my view, minor and would not be sufficient on its own to justify the refusal of planning permission. It does not affect my findings on this issue and neither is it an indication, in this case, that the proposed extension would result in any harm to the living conditions of the occupiers of No.6.
25. Accordingly, I find that the appeal proposal would not result in any harm to the living conditions of the occupiers of No.6 and would comply in this respect with policy D3 of TLP, policies SP4 and DM10 of the CLP and paragraph 130 f) of the Framework. These seek to ensure, amongst other requirements, that the living conditions of adjoining occupiers are not adversely affected by development and deliver an appropriate level of outlook, privacy and amenity.

Conclusions

26. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR