



Appeal Decision

Site visit made on 10 July 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2023

Appeal Ref: APP/L5240/D/23/3319261

107 Biggin Hill, Upper Norwood, London, SE19 3HX

- 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 & Mrs Green against the decision of the London Borough of Croydon.
 - The application Ref. 23/00318/HSE, dated 25 January 2023, was refused by notice dated 17 March 2023.
 - The development proposed is single storey rear addition.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear addition at 107 Biggin Hill, Upper Norwood, London, SE19 3HX, in accordance with the terms of the application, Ref. 23/00318/HSE, dated 25 January 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building and otherwise be as shown on the Application Form.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 0441/11; 0441/03:Rev.D.
 - 4) Notwithstanding the details shown on the submitted 'proposed elevations' plan (drawing No. 0441/04:Rev.A), no development shall take place above slab level until a revised 'proposed elevations' plan, showing the proposed width of the extension to be consistent with that shown on the approved 'proposed layout & roof plan' (drawing No. 0441/03:Rev.D) together with the correct positioning of the existing waste pipes and first floor window on the rear outrigger, is submitted to and approved in writing by the Local Planning Authority. The revised 'proposed elevations' plan shall show, as submitted, that the height of the proposed extension hereby permitted will not exceed the height of the existing rear ground floor extension to 105 Biggin Hill. The development shall be carried out in accordance with the approved revised 'proposed elevations' plan.

Main Issue

2. The main issue is the impact of the proposed development on the living conditions of the neighbouring occupiers at 109 Biggin Hill.

Reasons

3. The appeal site is located on the eastern side of Biggin Hill and comprises a two storey terraced property with accommodation in the roof. The appeal proposal involves a ground floor rear extension that would extend beyond and wrap around an existing two storey outrigger to the host property, partly infilling the existing gap between the host's outrigger and the common boundary with 109 Biggin Hill (No.109). The proposed height and overall depth of the new extension would match that of a similar ground floor extension to 105 Biggin Hill (No.105), albeit there are some minor errors on the 'proposed elevations' plan, which is a matter I return to later.
4. The host property is physically separated from No.109 by a side access (pathway) between the properties. This would be retained and the southern (side) wall of the new extension would be built in line (flush) with the existing main side (flank) wall to the host property. As such, the proposal would be set back marginally from the common boundary with No.109. This boundary is partly formed by a high fence and landscaping, and partly by a single storey extension to No.109, built between the common boundary and the outrigger to that property. This extension projects from the main rear wall of No.109 to the rear wall of its outrigger.
5. Within the above context, I am satisfied that the size, height and siting of the proposed extension would not result in any visual intrusion or sense of enclosure to the occupiers of No.109. Whilst the proposed extension would be visible above the existing boundary fence/landscaping, the increase in height would be modest and consequently the visual impact on the occupiers of No.109 would also be modest. The building relationships that would arise are, in my view, acceptable and not uncommon, where, as in this case, a ground floor extension is proposed to a terraced property in close proximity to the common boundary with its neighbours.
6. As I also observed on site, given the presence of the existing extension to No.109, within part of the gap between the respective outriggers, the proposal would not result in any tunnelling effect or sense of enclosure. Moreover, the design incorporates a flat roof which would minimise its impact on No.109; the proposal is offset from the common boundary; and the extension would be sited to the north of No.109. For all the above reasons, I am satisfied that the level of impact on the outlook and light to No.109 would be modest and would not be sufficient to justify the refusal of planning permission. The main rear windows to No.109, including those on the outrigger 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.
7. Accordingly, I find that the appeal proposal would not result in any significant harm to the living conditions of the occupiers of No.109 and would comply in this respect with policy DM10 of the Croydon Local Plan 2018 and paragraph 130 f) of the National Planning Policy Framework (July 2021) (Framework). These seek to ensure, amongst other requirements, that the living conditions of adjoining occupiers are not adversely affected by new development.

Conditions

8. The Council has suggested conditions which I have considered against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. Conditions requiring materials to match existing or otherwise be as shown on the Application Form and to ensure compliance with the approved plans, are reasonable and necessary to secure a high quality development and to reflect the submitted details.
9. As I indicated earlier, the 'proposed elevations' plan does not tie in with the 'proposed layout & roof plan', in that the former shows the new extension protruding marginally beyond the main side (flank) wall to the host property. I understand that this is an error in that the new extension should be flush with the main side wall. The positioning of the waste pipes and first floor window on the outrigger also appear incorrect. These errors are minor and do not affect my findings, and neither do they prejudice the interests of any other parties to the appeal. Even so, I have added a further condition that requires a revised 'proposed elevations' plan to be submitted to and approved by the Local Planning Authority before any development commences above slab level. The condition requires the details shown on this revised plan to be consistent with those shown on approved 'proposed layout & roof plan'. The wording of this condition also requires, for clarity and certainty, that the revised plan continues to show, as submitted, that the height of the proposed extension will not exceed the height of the existing ground floor extension to No.105.

Conclusions

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

G Roberts

INSPECTOR