



Appeal Decision

Site visit made on 26 June 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2023

Appeal Ref: APP/L5240/W/22/3311046

Flat 2, 24 Gonville Road, Thornton Heath, Croydon CR7 6DA

- 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 Miss Susana Alves against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02798/FUL, dated 1 July 2022, was refused by notice dated 2 September 2022.
 - The development proposed is erection of balcony at the rear.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the host building and area; and
 - the living conditions of the occupiers of the ground floor flat and 22 and 26 Gonville Road (Nos 22 and 26), with particular regard to privacy.

Reasons

Character and appearance

3. The site comprises an upper floor flat in the middle of a terrace of two storey properties within a residential area. The dwellings have brick and render walls with rear outriggers, some of which have single storey extensions, including the ground floor flat below the appeal property. The host dwelling has first floor rear patio doors and a rear dormer. Whilst there is an existing upper floor balcony at 30 Gonville Road, there are no other balconies in the vicinity, so the upper floors of the outriggers largely retain their original appearance.
4. The proposed balcony would occupy a significant amount of the roofspace above the existing ground floor extension. The inclusion of frosted glazed side screens up to around 1.8m high, intended to provide privacy, would not be characteristic of the area and would contrast with the brick outrigger. Although there are some upper floor black metal railings in the vicinity, these are not a common feature, and the proposed railings would extend across much of the width of the outrigger at first floor level. Whilst the proposed balcony would not be visible from the public realm, it would be clearly visible from the rear gardens and some rear windows of dwellings in the vicinity. Therefore, the design and scale of the proposed balcony would result in an incongruous addition to the host building, out of character in the wider area.

5. Consequently, I conclude that the development would harm the character and appearance of the area. This would be contrary to Policy D3 of the London Plan 2021 (the London Plan) and Policies SP4.1 and DM10 of the Croydon Local Plan 2018 (the Local Plan). Together, these require proposals to respect local character, including the appearance, existing materials and built features of the surrounding area. It would also conflict with the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.
6. Policy D4 of the London Plan relates to processes and actions required to deliver good design and I do not find it to be directly relevant to the proposed development.

Living conditions

7. The proposed balcony would be accessed via patio doors from the kitchen/dining room on the first floor. Due to its elevated position and the use of low rear metal railings, there would be direct overlooking of the garden of the ground floor flat.
8. The higher parts of the side privacy screens would prevent some overlooking of the gardens of Nos 22 and 26 from the part of the balcony nearest the host property. However, whilst the development would be set in from the side boundaries of the neighbouring gardens, the lower parts of the privacy screens and the rear railings would not prevent sidelong views into most of the adjacent gardens.
9. Although there are existing upper floor windows and patio doors which overlook neighbouring gardens and an existing balcony at No 30 for which there is no planning history, the introduction of a balcony on the appeal property would cause greater overlooking to neighbouring properties than at present, causing an unacceptable loss of privacy.
10. Overall, I conclude that the proposal would harm the living conditions of the occupiers of the ground floor flat and Nos 22 and 26 Gonville Road, with particular regard to privacy. This would be contrary to Policies D3 of the London Plan and Policies SP4.1 and DM10 of the Local Plan. Together, these require development to enhance well-being and deliver appropriate privacy, ensuring that there is not direct overlooking of private outdoor space within 10m perpendicular to the rear elevation of a dwelling. It would also conflict with the Framework which requires decisions to provide a high standard of amenity for existing users.

Conclusion

11. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh the conflict. Therefore, the appeal is dismissed.

A Wright BSc (Hons) MRTPI

INSPECTOR