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# Appeal Decision

Site visit made on 18 July 2023

**by G Powys Jones MSc FRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 August 2023**

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**Appeal Ref: APP/L5240/D/23/3322223**

**39 Croham Manor Road, South Croydon, CR2 7BJ**

- 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 R Tailor against the decision of the Council of the London Borough of Croydon.
  - The application Ref 23/00542/HSE, dated 8 February 2023, was refused by notice dated 18 April 2023.
  - The development proposed is the erection of two-storey rear/side extension, first floor rear extension and first floor side extension with associated works.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of two-storey rear/side extension, first floor rear extension and first floor side extension with associated works at 39 Croham Manor Road, South Croydon, CR2 7BJ in accordance with the terms of the application, Ref 23/00542/HSE, dated 8 February 2023, subject to the conditions set out in the attached Schedule.

## Preliminary matter

2. Since it more accurately describes the development, the description provided in the Council's decision notice has been utilized in preference to that in the application form.

## Main issues

3. The main issues are the effect of the proposals on: (a) the character and appearance of the host property and surrounding area, and (b) on the living conditions of the neighbouring residents at 37 Croham Manor Road with particular reference to outlook and visual impact.

## Reasons

### *Character and appearance*

4. The appeal property is a substantial detached dwelling in a street comprised of similar good quality residential development, albeit of differing designs. In common with neighbouring properties, the dwelling sits in a spacious plot with a lengthy rear garden.
5. The proposed works would be confined to the rear of the property, and I share the Council's view that the proposed extensions, in combination with those already undertaken, *'would account for a considerable addition to the existing*

house'. However, I do not share its view as to the visual consequences. To my mind, the dwelling is of a sufficient size and width to accommodate sizeable additions, particularly those that are well designed, as this scheme appears to be. Moreover, the development has little or no effect on the public realm, with views of the completed development being largely confined to well vegetated neighbouring gardens. Although not decisive in my considerations, no neighbour has objected to this proposal when consulted.

6. I conclude that the development would not materially or harmfully affect the character and appearance of the host property or its surroundings. Accordingly, I find no conflict with the thrust of those provisions of policies SP4 and DM10 of the Croydon Local Plan (CLP) directed to achieving high quality design and respecting local character or the objectives of policy D3 of the London Plan (LP) directed to optimising site capacity through the design-led approach.

#### *Living conditions*

7. The Council's concern centres on the impact of the proposals on the next-door residents at No 37. I noted that a ground floor rear extension to No 37 had recently been completed. Its rear elevation is largely glazed and a raised patio has been installed outside overlooking the spacious garden.
8. The Council acknowledges that the proposed extensions would not breach what it refers to as the BRE 45<sup>0</sup> line<sup>1</sup> when drawn from No 37's closest first floor window. In my experience, this is a commonly applied test designed to establish the intrusiveness or otherwise of development proposals. The reason why the test is passed is that, in the design, the two-storey element has been consciously kept away from the common boundary separating the appeal property and No 37.
9. Although the extensions would be seen from No 37's garden and probably obliquely from limited areas within that dwelling, such is the sense of spaciousness arising from the sizeable gardens in the area, that the extensions would be acceptably subsumed into the local environment without giving rise to the harmful effects feared by the Council.
10. Accordingly, I find that the proposals could be built without harming the living conditions of No 37's residents by reason of loss of outlook or visual intrusion. I therefore find no conflict with those aspects of CLP policies SP4 & DM10 and LP policies D3 & D6 directed to safeguarding neighbouring amenities from any harmful adverse effects of development.

#### **Conditions**

11. The Council's suggested conditions regarding materials and that the development shall be carried out in accordance with the approved plans shall be imposed in the interests of amenity and certainty respectively.
12. To ensure compliance with Policy D12 of the London Plan (LP), a condition is imposed in the interests of safety from fire hazards.
13. To safeguard neighbouring privacy, the conditions suggested by the Council in respect of the side window and use of the flat roof area are imposed. As to the

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<sup>1</sup> Building Research Establishment

proposed side window facing No 37, this is to serve a bedroom and is an enlarged and relocated version of the one that currently exists. I note that the appellant did not comment on this aspect of the officer report, where the prospect of such a condition was mooted.

### **Other matters**

14. All other matters referred to in the representations have been taken into account, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be completed in accordance with the following approved plans: the location plan and drawing Nos 001, 002, 101, 102, 105.
4. The development shall be carried out in accordance with the provisions of the Fire Strategy received by the Council on 8 February 2023 unless otherwise approved in writing by the Local Planning Authority.
5. The first-floor window facing No 37 shall be obscurely-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor taken from a point immediately below the centre of the window upwards to the opening part of the window. Such measures shall be provided prior to the room served by the windows being brought into use and shall thereafter be retained for the lifetime of the development.
6. The roof area of the development hereby permitted shall not be used as a balcony, roof garden or for similar activities and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no alterations shall be carried out to create access to it.

