

Appeal Decision

Site visit made on 21 July 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th August 2023

Appeal Ref: APP/L5240/D/23/3319253

19 Charnwood Road, South Norwood SE25 6NT

- 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 M Silas against the decision of the Council of the London Borough of Croydon.
 - The application, Ref. 22/03433/HSE, dated 15 August 2022 was refused by notice dated 16 January 2023.
 - The development proposed is an infill single storey side extension (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for an infill single storey side extension at 19 Charnwood Road, South Norwood SE25 6NT in accordance with the terms of the application, Ref. 22/03433/HSE, dated 15 August 2022 and subject to the condition that the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. PL-01; PL-02; PL-03; PL-04.

Main Issue

2. The main issue is the effect of the development on the living conditions for the occupiers of No. 17 Charnwood Road as regards outlook and light.

Reasons

3. The application is for retrospective permission as the development has been carried out. The extension has a depth of 5.7m and occupies almost all of the width of the site, with a gap of just 300mm to the boundary with No. 17 where the original fence has been removed. The roof of the extension is hipped and therefore pitched away from No. 17 at its eaves height of 2.4m.
 4. No. 17 has a living room window in the main rear wall of the dwelling with a door and window in the outrigger facing No. 19. The combination of the increase in height and the closer position of the infill development compared to the original boundary fence will have affected the daylight and outlook to some degree.
 5. However, with half of the original gap between the two storey outriggers remaining at ground level and all of it at first floor height, I do not consider any harm caused to be significant. The fundamentals of the limitations of outlook and light in a terrace with two storey outriggers at neighbouring properties remain and with No. 17 to the south west of the appeal property there would
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have been no loss of sunlight. I do not therefore agree with the officer's report that there has been a 'significant' enclosure as a result of the development.

6. In assessing the planning balance I also attach significant weight to the absence (after clarification) of any objection from the occupiers of No. 17, especially as with a high standard of finish to the extension and ample rear garden space remaining there are no other disadvantages of the development. And although it does not apply in this case, the prior approval procedure for house extensions has shown that the principle of the presence or otherwise of neighbour objection can be a determining factor in whether development is allowed.
7. The grounds of appeal refer to other decisions that are considered to be similar developments but in their case granted permission by the Council and in some instances with greater heights and depths than at No. 19. However, I am not in a position to physically inspect these developments and under the Householder appeal procedure the Council does not have the opportunity to make further representations.
8. Nonetheless, on the merits of the appeal scheme itself I find that there is not a significant effect on the living conditions for the occupiers of No. 17 as a result of the extension. Accordingly, there is not a significant conflict with Policy DM10.6 of the Croydon Local Plan 2018 or with paragraph 130f of Government policy in the National Planning Policy Framework 2021.
9. I shall therefore allow the appeal subject to a condition that although already completed the development shall comply with the approved plans. This is needed for the avoidance of doubt and is in the interests of proper planning. The planning officer noted a slight difference between the plans and the extension as built as regards the rear glazing, but this is of no consequence in this case.

Martin Andrews

INSPECTOR

