



Appeal Decision

Site visit made on 4 July 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2023

Appeal Ref: APP/L5240/W/21/3284248

134 Auckland Road, Upper Norwood, London SE19 2RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Alexandra Kent Jones against the decision of London Borough of Croydon.
 - The application is dated 26 May 2021.
 - The development proposed is erection of three storey side extension, single storey side/rear extension, erection of rear balcony at first floor level and internal demolitions to facilitate building works to main house. Addition of hard and soft landscaping to front, side & rear gardens.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Applications for costs

2. An application for costs has been made by the appellant against the London Borough of Croydon. This application is the subject of a separate decision.

Preliminary Matters

3. The description of the development has been changed from that in the planning application form for clarity.
4. I saw at my site visit that development is underway but is not yet finished. As such, I have determined the appeal on the basis of the submitted plans.
5. Arboricultural Survey AR/3957/jq 'Proposed Layout' with tree protection measures (Jan 2020) shows the removal of two trees, referenced as T11 and T12. However, drawing reference Auckland_0003 indicates the proposed removal of one tree, referenced as T11. For clarity, I have taken Auckland_0003 as the proposed layout, given that all the evidence apart from the Arboricultural Survey indicates that one tree would be removed, that being Category C T11.
6. The Council have confirmed that the Suburban Design Guide Supplementary Planning Document 2019 was revoked in July 2022 and is no longer a consideration in the determination of this appeal.

Main Issue

7. The main issues in this appeal are the effect of the proposed development upon the character and appearance of the host property and the surrounding area,

and whether the proposal would preserve or enhance Church Street Conservation Area, including landscaping and trees.

Reasons

8. No.134 Auckland Road is located within the Fox Hill Character Area which is one of five character areas in the Church Road Conservation Area (CA). No.134 has four storeys and is set on a large plot that is set back from the main road with a generous sized front garden. There are predominantly generous-sized gaps between properties along Auckland Road.
9. By reason of its location within the CA, the property benefits from statutory protection under the Planning (Listed Buildings and Conservation Areas) Act 1990.
10. No.134, along with other buildings along Auckland Road, play an important role in defining the character of the area, which is part of the CA's distinctiveness and significance as a designated heritage asset. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The Church Road Conservation Area Appraisal and Management Plan Supplementary Planning Document 2015 (CRCAA) states that Fox Hill is characterised by predominantly two and three-storey Victorian detached or semi-detached buildings built in the 1880s.
12. The CRCAA identifies that the special character of the CA is derived from the concentration of high-quality Victorian buildings, many of which are statutory or locally listed, and the important positive contribution trees and landscaping make in rear and front gardens on Auckland Road. The CRCAA identifies that Auckland Road has regularly spaced plots set back from property boundaries behind generous front gardens.
13. No.134 is identified in the CRCAA, together with Nos. 136 and 142, as locally listed buildings contributing a significant level of local value to the special character of the CA due in some part to the large, gothic, pointed stone tracery windows with decorative crests or coats of arms and projecting gables. It has largely retained its original character which is consistent with other properties on its side of the street. The property also makes a positive contribution to the character and appearance of the CA as it reflects the high-quality Victorian character of buildings within this part of the Fox Hill character area, where similar form and materials are used to form an interesting and attractive townscape.
14. The appeal scheme proposes rear and side extensions to the host dwelling.
15. Examples have been raised at No.136 and No.142 which have side extensions. However, these are older extensions that are of a design closer to the original house, they are smaller in scale and less prominent than the proposed extension would be. Therefore, I can only give this limited weight in considering the appeal proposal.
16. Paragraph 8.5.2 of the CRCAA states that there is a very limited scope for side extensions to buildings in the Church Road Conservation Area. Spaces between buildings are often regular, part of the rhythm of the townscape and allow for

pleasing views in between properties. All proposed side extensions should generally be single storey, set back from the main building line and should maintain spacing between properties to allow subservience to the main building, and to preserve views between buildings and the spacious character of the CA.

17. The three-storey side extension would have a width less than that of the host property, it would be set back from the front building line, below the ridge line of the host property and with the lower level hidden from view below ground level. The modern design of the side extension would have a large, glazed window that would be proportionally larger within the front elevation of the extension than the glazing to the front elevation of the house. It would have detailing that would heavily contrast with the gothic pointed stone tracery windows and decoration of the host property resulting in a side extension that would be discordant with the host property instead of referencing the original building. The proposed connecting glass portal between the host property and the side extension although lightweight in appearance, would visually separate both buildings, resulting in an incongruous addition to the street scene.
18. The gaps between properties in the vicinity of the appeal property are irregular in size and shape along Auckland Road and there is a particularly large gap between No.134 and No.132. The proposed side extension would leave a reasonably sized gap between No.134 and no.132 so there would be limited harm from the reduction in gap between the adjacent properties.
19. Paragraph 8.5.3 of the CRCAA states that rear extensions that are of a high-quality design and materials that complement the existing building and are not oversized are generally acceptable in principle. However, if the rear of a property is visible from the street, rear extensions may not be considered acceptable.
20. The rear balcony would be manufactured from timber cladding and glass balustrade, materials which do not complement those used in the host property which is predominantly made of red brick and slate. Restricted views of the scheme from the public realm does not remove the need for good design. I note the examples of development which have been allowed but I found none of these to be directly comparable due to matters such as siting, form and design.
21. The cumulative effect of both the side and rear extensions would result in a scheme that is insubordinate to the host dwelling, due to the proposed size and scale of the side and rear extensions overwhelming the host dwelling.
22. From the evidence before me, the development has involved the removal of T11, a category C tree. There are no details in the evidence to prove the Council has given permission for the removal of T11. This is one of several trees towards the front of the appeal site and neighbouring properties that are of a size and form that contributes positively to the character and the appearance of the CA. its removal therefore adds to the overall harm to the significance of the CA from the proposed development.
23. The harm to the significance of the Conservation Area is less than substantial given that the appeal property is only one property in the wider CA. Regardless of the level of less than substantial harm, I must afford this harm considerable

importance and weight. Paragraph 202 of the Framework requires such harm to be weighed against any public benefits of the proposal.

24. The three-storey side extension would consist of modern additions to the host property and although no architectural features will be lost, the overall design and form would be unfamiliar in the context of the CA. Therefore, even if I were to consider the improved accommodation at the appeal site to be a public benefit, by using sustainable design and local construction workers to reduce the carbon footprint, it would not outweigh the harm identified above.
25. The set back of the appeal scheme and retention of the front garden does not alter my conclusions on the main issue.
26. The proposed development would harm the character and appearance of the host property, surrounding area and the CA. The proposed scheme conflicts with Policies D3, D4 and D5 of The London Plan 2021 and Policies SP4.1 SP4.2, DM10, DM18 and DM28 of the LP. These policies seek to ensure, amongst other matters, that new development is high quality and respects and enhances local character, distinctive qualities and existing landscape features, and that development affecting heritage assets preserve or enhance their significance.

Other Matters

27. I accept that the scheme would use sustainable design and local construction workers to reduce the carbon footprint. However, the weight to be afforded to these matters is tempered by the small scale of the scheme.
28. The scheme would provide added accommodation at the site thereby optimising its residential use, however there is nothing to indicate that this could not also be achieved through an alternative design. I also therefore afford this matter limited weight.
29. The appellant contends that the council did not engage with them in order to overcome any concerns, and that long delays in the process have been frustrating. This is not a matter material to my assessment of the proposal for an appeal made under Section 78 of the Act.
30. The evidence indicates that the proposal would not harm the living conditions of nearby occupiers, but this is a pre-requisite of such development and this is therefore a neutral matter.

Conclusion

31. For the above reasons, the proposal would conflict with the development plan and there are no material considerations that indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

J Wellstead

INSPECTOR