



Appeal Decision

Site visit made on 27 June 2023

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 08 September 2023

Appeal Ref: APP/L5240/D/23/3317632

68 Manor Wood Road, Purley, Croydon Surrey, CR8 4LF.

- 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 Dilip Shah against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/01048/HSE, dated 8 March 2022, was refused by notice dated 15 December 2022.
 - The development proposed is the erection of single storey rear extension and removal of existing first floor rear fenestration with reconfiguration and installation of rear fenestration to include Juliette balcony.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey extension and removal of existing first floor rear fenestration with reconfiguration and installation of rear fenestration to include Juliette balcony at 68 Manor Wood Road, Purley, Croydon Surrey, CR8 4LF at in accordance with the terms of the application, Ref 22/01048/HSE, dated 8 March 2022, and the plans submitted with it, subject to the following 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 carried out in accordance with the following approved plans, drawings: P9109-00, 01, 02 Rev A and P9236-OS.

Main Issue

2. I consider the main issue to be the effect of the proposed development on the living conditions of the occupiers of 70 Manor Wood Road in terms of its potential to appear overbearing and overshadowing.

Reasons

3. The appeal property is a two-storey detached house. It is located in a low-density residential neighbourhood. The area is characterised by an eclectic mix two-storey dwellinghouses of similar size and similar sized plots. Due to the

curve in the road and the topography of the areas the properties are staggered in both layout and levels.

4. The appellant proposes a single storey, flat roof rear extension with a small balcony. It is also proposed to reconfigure the first-floor fenestration above the extension and in the southern flank wall of the host property.
5. Number 70, located to the north of the appeal property, is slightly in front of and at lower ground level than number 68.
6. The appellant at appeal has submitted a detailed study in respect of the potential for the proposed extension to the south of number 70 to overshadow the property. In addition, a further study illustrating the neighbours 45-degree outlook in both plan and elevation has been provided.
7. Based on these detailed studies, and due to the lack of any substantive evidence to the contrary, I consider that the proposed extension would not breach the 45-degree test or cause such significant impact in terms of overshadowing, as asserted by the Council, to cause material harm to the living conditions of the occupiers of number 70.
8. I do appreciate that number 68 sits on higher ground than number 70. However, given the distance of both properties from the common boundary, the height of the extension and established boundary treatment I do not consider that the proposed addition would appear so visually overbearing as to impact to any significant extent on the private amenity space of number 70.
9. I conclude in respect of the main issue that the proposed extension would not cause harm, in the terms set out by the Council to the living conditions of the occupiers of number 70. The development would therefore accord with the objectives of Policy D3 of the London Plan (Adopted March 2021) and Policy DM10.6 of the Croydon Local Plan (Adopted 27 February 2018) in this regard.

Conditions

10. The conditions follow from those suggested by the Council. To ensure a high quality development, I shall include a condition about the materials to be used in the construction of the external surfaces of the building.
11. In the interests of certainty, I shall impose a condition requiring the development to be undertaken in accordance with the approved plans.

Conclusions

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Philip Willmer

INSPECTOR