



Appeal Decision

Site visit made on 26 July 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/L5240/W/23/3315819

20 Rockhampton Road, South Croydon CR2 7AQ

- 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 Danny Jones against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03803/FUL, dated 16 July 2021, was refused by notice dated 2 December 2022.
 - The proposed development is described as "proposed 1/2 storey 2 bedroom dwelling utilizing the roof space with associated amenity space and refuse / cycle store."
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council have advised that reference to '18 and 20 Hailing Park Road' in their first reason for refusal is an error, and should have been '18 and 20 Rockhampton Road'. The appellant has also acknowledged this error in their Statement. The appeal has been determined on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development upon the living conditions of neighbouring occupiers, with particular regard to the effect upon privacy and outlook for the occupiers of Nos 18 and 20 Rockhampton Road;
 - whether there would be satisfactory arrangements for refuse facilities; and,
 - surface water drainage.

Reasons

Living conditions

4. The appeal site is part of the rear garden of No. 20 Rockhampton Road, which is one of a pair of semi-detached dwellings, along with No. 18, that face onto Rockhampton Road. No. 20 has a reasonably long rear garden that rises towards its rear boundary that abuts Normanton Road. The proposed dwelling would face onto Normanton Road and, due to the diagonal alignment of Nos 18 and 20, have a back-to back relationship with them.
5. The proposed dwelling would have 2 no. relatively large roof lights at first floor level on its rear roof slope facing towards the rear elevations of Nos 18 and 20 Rockhampton Road. The lowest part of these rooflights would be some 1.5

metres above the floor level of the bedroom they would serve. The proposed dwelling is said to be approximately 15 metres from the rear elevations of Nos 18 and 20, with the rear gardens of the proposed dwelling and those of these properties in-between.

6. Whilst the angle of the roof would partly restrict views out of this bedroom window, due to its limited height above the bedroom's floor level there would nevertheless be opportunities for direct overlooking from occupiers within the bedroom of the rear gardens and the rear windows of Nos 18 and 20. Notwithstanding that the rooflights and opportunities for overlooking from them would be set in from the proposal's rear elevation, given the close arrangement of the proposed dwelling to Nos 18 and 20, and the raised level of these proposed rooflights in relation to the existing properties, there would be an unacceptable loss of privacy for the occupiers of Nos 20 and 18.
7. I note the suggestion that the glazing of the rooflights could be obscure glazed, this would not be reasonable as it would create an oppressive outlook for the occupiers of the proposed bedroom, by preventing views out of the rooflights. Moreover, even if obscure glazed the rooflights could be opened, and the harm that I have identified above would remain. Furthermore, it would be unacceptable to make these rooflights non-opening given that at least one of them would likely be required for means of escape from this bedroom.
8. I recognise that No. 20 is in the same ownership as the appeal property. However, it and the appeal proposal are not proposed to be tied together and they would be separate independent dwellings, consequently I have assessed the proposal in these terms.
9. The appellant has provided a copy of the pre-application advice they received from the Council in regard to the proposal. Although the Council indicated in that response, the separation distances between the properties were likely to be acceptable based on the SPD at that time. It is understood that SPD has now been withdrawn and is not before me to consider. Furthermore, I note the Council's advice also stated that the lowest part of the rear first floor bedroom rooflights should be 1.7 metres above the floor level to avoid privacy issues. In this case, the pre-application advice appears to have been offered in good faith based on the advice at the time and it does not alter my findings.
10. The proposal would be close to Nos 18 and 20 and occupy an elevated position. However, its low eaves height, its hipped roof that has its highest part in the middle of the building envelope away from No's 18 and 20, together with the modest width of the proposed dwelling would ensure that it would not be harmful to the outlook for the occupiers of these nearby dwellings.
11. For these reasons, whilst the proposal would have an acceptable effect on the living conditions of nearby occupiers in terms of outlook, it would have an adverse effect in terms of privacy and would conflict with Policy DM10.6 of the Croydon Local Plan, dated 2018 (CLP), that amongst other things, requires the amenity for the occupiers of adjoining buildings is protected, that there would be no direct overlooking of habitable rooms at close range, and that there would be no overlooking of private amenity space within 10 metres perpendicular to the rear elevation of a dwelling. For similar reasons I also found the proposal to be inconsistent with the main purpose of Standard 28, paragraph 2.3.36 of the Mayor of London, Supplementary Planning Guidance, Housing, which is to protect the privacy of nearby occupiers.

Refuse facilities

12. Policy DM13 of the CLP requires new refuse facilities to be located behind building lines. The main purpose of this is to protect the character and appearance of the area. The proposed refuse storage facilities would be located to one side of the proposed dwelling's front elevation. However, they would include a purposefully designed timber structure (for the required 3 no. bins) that would be relatively low in height. It would also be located behind a fence facing onto Normanton Road. Given the above I find that these facilities would ensure the proposal would not be prominent in the streetscene or harmful to the character and appearance of the area.
13. In addition, to the front of the proposed dwelling would be a path and a small area of grass behind the front fence which would be large enough for the temporary storage of large and bulky goods prior to collection, if necessary.
14. To conclude, the proposal would provide suitable measures for refuse facilities at the appeal site, in accordance with the key purposes of Policy DM13 of the CLP and Section 2 of the London Borough of Croydon's Waste and Recycling in Planning Policy Document, dated August 2015 (edited October 2018), that collectively seek to ensure new development is not visually obtrusive and adequate space is available for refuse facilities, including bulky waste.

Surface water drainage

15. The appeal site is not identified as being at a high risk of flooding as it is situated within Flood Zone 1, and notwithstanding the ground levels changes, there are no known surface water flooding issues identified at the appeal site.
16. Notwithstanding the conclusions within the submitted Flood Risk Assessment that surface water should be collected on site and then discharged into the existing surface water drain, the appellant has acknowledged within their appeal that the site should be sustainably drained, and has provided details of how they could be achieved. There is no evidence before me that the appeal site cannot be adequately drained as suggested. Consequently, had I been minded to allow the appeal a suitably worded condition could have been imposed in respect of this matter.
17. To conclude, I therefore find, that subject to an appropriate condition, the proposal would meet the requirements of Policy SP6.4 of the CLP, and Policies SI 12 and SI 13 of The London Plan, The Spatial Development Strategy for Greater London, adopted March 2021, that amongst other things, collectively require development where possible to be sustainably drained to reduce surface water run-off.

Other Matters

18. I note that the site is not in a Conservation Area or near to Listed Buildings, however, this is a neutral matter that does not weigh in favour or against the proposal.
19. The appellant has stated that the site is in a well-connected area; the proposal would represent an efficient use of land; it would contribute towards the Council's housing target; that it meets the relevant internal and external space standards; it will provide a high-quality family house that is in keeping with the character of the area; it will be of an appropriate scale and have a subservient

relationship to the buildings around it; and that a satisfactory area of garden would be retained for No. 20 Rockhampton Road. These points are noted, and most of these matters are also likely requirements for any well-designed development that are neutral factors in my decision.

Conclusion

20. Whilst I found the proposal to be acceptable in terms of surface water drainage and the proposed refuse facilities, it would be harmful to the living conditions of neighbouring occupiers, as such the proposed development conflicts with the development plan and does not comprise sustainable development. There are no other considerations which indicate a decision other than in accordance with the development plan. I therefore dismiss the appeal.

A Hunter

INSPECTOR