



Appeal Decision

Site visit made on 8 August 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/L5240/W/23/3315247

14 Miller Road, Croydon CR0 3JY

- 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 Mr Mithulan Thavatheva against the Council of the London Borough of Croydon.
 - The application Ref 22/03421/FUL, is dated 10 August 2022.
 - The development proposed is a part single storey rear extension and part double storey side & rear extension, and conversion of single dwelling into two self-contained unit.
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Decision

1. The appeal is dismissed and planning permission for a part single storey rear extension and part double storey side and rear extension, and conversion of single dwelling into two self-contained unit is refused.

Background and Main Issues

2. This appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council's officer report sets out that they would have refused planning permission for reasons relating to the character and appearance of the host building and surrounding area, the standard of accommodation to be provided for the future occupiers and the effect on the living conditions of the occupiers of a neighbouring property, No.12 Miller Road. The main issues below are therefore taken from the Council's officer report.
3. Prior approval ¹has been granted for a single storey rear extension, which extends the full width of the existing property. I observed at my site visit that the development appears to have commenced, with some of the external walls constructed. The extent of this extension is shown on the 'existing plans' submitted with this application. I have considered the appeal on this basis.
4. Therefore, the main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the future occupiers of Flat A with regard to the provision of internal floorspace, and of the occupiers of No. 12 Miller Road, with regard to outlook.

¹ Application Ref: 21/06241/GPDO

Reasons

Character and Appearance

5. The appeal site comprises a two-storey, end terrace dwelling. The property is within a row of four properties, of which the end properties are stepped down and appear noticeably smaller in scale than the mid-terrace properties.
6. The proposal would involve the conversion and extension of the existing dwelling to form two self-contained residential units. The proposal would involve a part two storey and part one storey extension to the existing dwelling, providing a 3-bedroom dwelling and a 1-bedroom dwelling.
7. The two-storey side extension would extend up to the side boundary, shared with No.12 Miller Road. The ground floor side extension would connect with a single storey extension to the rear, whilst the first-floor extension would also wraparound the rear elevation. At ground floor level, the proposed side extension would have no set back from the front of the property. However, the proposed extension would be set back from the front of the host property at first floor level, with the ridgeline set down from the ridgeline of the original dwelling. The proposal would utilise similar materials, used on the host property and within the surrounding area.
8. Policy DM10 of the Croydon Local Plan 2018 (CLP) requires development to be high-quality and respect the appearance, materials and built features of the surrounding area, including the development pattern, layout, and siting. Development should also respect the scale, height, massing, and density of existing development.
9. In combination, the proposed extensions, including the single storey extension already granted prior approval and under construction, would unbalance the terrace. The scale and mass of the proposed development would result in a substantial addition that would dominate the host property and fail to appear as a subordinate addition. The two-storey element of the proposed extension would result in a complicated roof profile, when viewed from the side, which would not be viewed as a sympathetic addition to the host property.
10. My attention has been drawn to examples of similar side and rear extensions in the surrounding area, including, 8 and 10 Chapman Road, 14 Bute Road, 5 Onslow Road and 16 Martin Crescent. Whilst I acknowledge that there are some similarities between these schemes and the appeal proposal, I have not been provided with any specific details of planning applications for these properties. Therefore, I have not been able to determine whether there are any direct comparisons to this appeal. In any event, I am required to consider this appeal on its own individual merits.
11. Accordingly, I therefore find that the proposed development would cause unacceptable harm the character and appearance of the host property and surrounding area. It would therefore conflict with Policy DM10 of the CLP and Policy D4 of the London Plan 2021, which amongst other things, seek to ensure that new development is appropriate to its context, high-quality and respects the development pattern, scale, and massing of the surrounding area.

Living Conditions

12. Policy SP2.8 of the CLP sets out requirements for housing quality standards, which requires all new homes to achieve the minimum standards set out in the Mayor of London's Housing Supplementary Planning Guidance and National Technical Standards (2015) or equivalent. Policy D6 of the London Plan requires housing development to be of a high quality, to provide adequately sized rooms and comfortable, functional layouts.
13. Flat A would be a 3-bed unit, with an open plan living, kitchen and dining room and three bedrooms, two of which would be provided on the first floor, with a bedroom provided on the ground floor. The total amount of accommodation to be provided would be approximately 95.54m². This would fail to meet the minimum floorspace requirement outlined in Policy D6 of the London Plan, which sets out a minimum requirement of 102m². As these floorspace standards are minimum standards, any failure to meet them is harmful due to the failure to provide a comfortable, functional layout, and in this particular case the harm would be moderate given the under provision of approximately 6.5m².
14. To overcome the lack of floor space which would be provided for Flat A, the appellant has put forward the use of an ancillary building located within the rear garden. However, this is a detached outbuilding, albeit a fully insulated structure but located away from the main accommodation. Therefore, whilst this building would potentially be suitable for ancillary uses such as storage or home gym, it would not overcome the deficiency in internal floorspace provision of Flat A.
15. I acknowledge that both properties would be provided with front and rear garden areas, which would comfortably exceed the minimum requirements set out in Policies DM10.4 and DM10.5 of the CLP. Both properties would also have their own access from the front of the property and would be dual aspect. The proposed accommodation would meet the minimum ceiling height requirements across the property. However, whilst these are noted, these are neutral factors which neither weigh for or against the proposed development.
16. Turning to the effect of the proposed development on the occupiers of No.12 Miller Road, the proposed two-storey side extension would extend the host property all the way to the side boundary. In this particular case, No.12 has an entrance door and windows in the side elevation, which are visible from and face towards the appeal site. Whilst it would be set away from the side elevation of No.12 Miller Road by approximately 2.6m, the two-storey extension would extend all the way to the shared boundary, where it would have an overall height of approximately 7.7 metres.
17. The appellant claims these windows do not serve any habitable rooms. However, I have not been provided with any substantive evidence that this is the case. Even if the windows do not serve habitable rooms, the proposed development would by virtue of its scale, massing, and its proximity to No.12 result in an overbearing form of development which would create a sense of enclosure and loss of outlook from these windows and the entrance to the property on the side elevation.
18. Whilst I acknowledge that the width of the terraced properties on Miller Road is greater than might typically be expected for a terraced property meaning that

they generally benefit from more generous plot sizes. I also acknowledge that the appellant has confirmed that there is no conflict with the '45-degree rule', which is not disputed by the Council. However, these matters do not alter my findings, nor do they outweigh the unacceptable harm I have identified to this property.

19. I have had regard to the appellant's case that a single storey side extension of a similar width could be constructed under the provisions of the Town and Country Planning (General Permitted Development) Order 2015, which permits, in certain circumstances, single storey side extensions to residential properties. However, this would be likely to represent an entirely different scheme to the one before me and I have not been provided with any substantive evidence that the appeal site could be extended in the manner suggested. I therefore find that it has not been demonstrated that there is a greater than theoretical possibility that this development might take place. Furthermore, it is likely that a single storey extension would be less harmful than the two-storey extension proposed and therefore I attribute this very limited weight. In any event, I am required to consider the proposed development on its own individual merits.
20. Consequently, I conclude that the proposed development would fail to provide adequate living conditions for the future occupiers of Flat A, with regard to the provision of internal floorspace. The resulting unacceptable harm would be contrary to Policy DM10 of the CLP, and Policy D6 of the London Plan which, amongst other things, require housing development to be of high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.
21. Furthermore, the proposed development would cause unacceptable harm to the living conditions of the occupiers of No.12, with regard to outlook. This would be contrary to Policies D3 and D6 of the London Plan and Policy DM10 of the CLP which, amongst other things, seek to ensure that the amenity of the occupiers of adjoining buildings are protected.

Other Matters

22. The appellant submitted the proposal following pre-application advice. In response to this, changes were made to the scheme. The National Planning Policy Framework (2023) highlights the benefits of early engagement and of good quality pre-application discussion. I note the appellant's concerns regarding the Council's approach; however, these are not matters for this appeal, which I have determined on its planning merits.

Planning Balance

23. I have had regard to Policy SP2.7 of the CLP which seeks to ensure that a choice of homes is available in the Borough that will address the borough's need for homes of different size and sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms. The existing property has two bedrooms, and the proposed development would provide a 3 bedroom and a 1-bedroom dwelling. It is not therefore disputed by the parties that the proposal complies with this policy. However, the contribution of the proposed development to meeting this requirement is modest and not sufficient to outweigh the harm which I have identified above.

Conclusion

24. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR