



Appeal Decisions

Site visit made on 3 July 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal A Ref: APP/L5240/W/22/3307080

335 Lower Addiscombe Road, Croydon CR0 6RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Abbas Datto of ATF Construction against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/03049/GPDO, dated 18 July 2022, was refused by notice dated 26 August 2022.
 - The development proposed is the erection of 4th floor to create 5 additional, independent residential units.
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Appeal B Ref: APP/L5240/W/22/3312271

335 Lower Addiscombe Road, Croydon CR0 6RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Abbas Datto against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/04102/GPDO, dated 4 October 2022, was refused by notice dated 15 November 2022.
 - The development proposed is the addition of a single storey above the existing building comprising a single self contained flat.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Application for costs

3. An application for costs was made by Mr Abbas Datto against the decision of the Council of the London Borough of Croydon in respect of Appeal B. This application is the subject of a separate decision.

Preliminary Matters

4. As set out above there are two appeals on this site. The appeal proposals differ in respect of the designs of the proposed additional storeys above the existing building and the number of additional residential units they would accommodate. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

5. I have taken the address for Appeal A, from the appellant's appeal form. This coincides with the address given on the appellant's statement and the Council's decision notice. It is also consistent with the address given on the application form for Appeal B.
6. Despite the Council's decision notice and the appellant's appeal form stating Appeal A, as proposing 4 additional residential units, the submitted drawings show 5 additional residential units. This coincides with the number of residential units stated in the application form and the appellant's appeal statement. I have therefore taken the description of development for Appeal A from the application form.
7. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a detached building in commercial or mixed use. This is subject to restrictions, limitations and conditions set out in Part 20, Class AA.
8. It is not a matter of dispute between the main parties that the appeal proposals comply with the limitations and restrictions of Paragraph AA.1. of Class AA, of the GPDO. Based on the evidence before me, I have no reason to reach a different view. However, development that is permitted by Class AA, is subject to, amongst others, the condition in Paragraph AA.2.(1)(e)(i) of Class AA of the GPDO. This requires the developer to seek prior approval from the local planning authority as to the external appearance of the building, including the design and architectural features of (aa) the principal elevation; and (bb) any side elevation that fronts a highway.
9. In assessing the effect of the appeal proposals on the external appearance of the building, the local planning authority has, under Paragraph B.(3)(a) of Class AA of the GPDO, concluded that the appeal proposals do not comply with the condition in Paragraph AA.2.(1)(e)(i) of Class AA of the GPDO, and it refused to grant them prior approval.

Main Issue

10. The main issue is the effect of the respective appeal proposals on the external appearance of the building, including the design and architectural features of the principal elevation and any side elevation that fronts a highway.

Reasons

11. The appeals relate to a substantial 4 storey mixed use building that is situated at the junction of Lower Addiscombe Road with Blackhorse Lane. A tall front wing with curved wall projects forwards from the façade of the building facing Lower Addiscombe Road. Set back from this are lower height flat roofed elements with recessed walls. The top floor of the building is mostly set back from the lower floors facing the roads. These elements combined create a sense of hierarchy to the building's architectural order.
12. Occupying a corner plot and set forwards of the building line of the terraced properties to the west, the appeal building is prominent in views from Lower Addiscombe Road and Blackhorse Lane, and is finished in light coloured render. In this position, the appeal building rises noticeably above the surrounding

buildings, which are characterised predominantly by long rows of 2 storey terraces with pitched sloping roofs.

13. There is the occasional 3 and 4 storey building in the area. The nearby building on the opposite side of the junction with Blackhorse Lane is 3 storeys. The building on the corner of Teevan Road and Lower Addiscombe Road extends across some 4 storeys and is located some distance to the west of the appeal site. However, the appeal building is nonetheless one of the tallest buildings in the area and is predominantly seen in the context of the two storey buildings of similar heights which surround it. In these respects, the scale, massing and strident appearance of the appeal building is markedly inconsistent with the prevailing character and appearance of the area.

Appeal A:

14. The proposed new storey would cover an extensive area of the building's flat roof. The external walls would be set well back from the roof parapet of the front projecting wing of the building. The proposed new storey would not noticeably project above this element of the building in views towards the front of the building. However, it would nonetheless be set relatively close to the outer walls of the existing fourth floor of the building.
15. Occupying an elevated position on the roof of the building, the scale and massing of the proposed new storey would be clearly visible in views from the west along Lower Addiscombe Road and from the north along Blackhorse Lane. In these views, the new storey to the building would be a prominent addition to the building.
16. Based on the evidence submitted, the proposed new storey would increase the height of the building and project well above the surrounding buildings. It would draw the eye to the enlarged building and would contrast markedly with the rows of generally modestly sized two storey pitched roof buildings in the street scene. Seen in the context of the surrounding development, the appeal proposal would appear as a dominant and incongruous addition to the building, disrupting the hierarchy of its architectural composition.

Appeal B:

17. The proposed new storey would cover a smaller area of the building's roof than that proposed in Appeal A. Furthermore, it would be set further back from the outer walls of the building's elevations fronting Lower Addiscombe Road and Blackhorse Lane, albeit with edge protection screening to the southwest roof.
18. Despite this, the scale and elevated position of the proposed new storey would be highly visible on the roof of the existing building. Based on the evidence submitted, the proposed new storey would be visible projecting well above nearby buildings, particularly in longer distance views from the west along Lower Addiscombe Road and in views from the north along Blackhorse Lane. In these views, the proposal would disrupt the hierarchy of the architectural composition of the host building. It would be visually jarring and its incongruity would contrast markedly with the rows of generally modestly sized two storey pitched roof buildings in the street scene.

Interim conclusions on both appeals

19. I have had regard to Policies SP4, DM10.1 and DM10.7 of the Croydon Local Plan (2018) (CLP) insofar as they are a material consideration relevant to the main issue in these appeals. Policy DM10.1 is supportive, in principle, of buildings achieving a minimum height of 3 storeys. However, taken together, these policies require, amongst other criteria, that development respects and enhances the varied local character and contributes positively to the townscape. For the reasons given above, the appeal proposal would conflict with these objectives.
20. Reference is made to Policy DM35.1 of the CLP, which states that development in the Addiscombe District Centre should complement existing predominant building heights of 2 storeys up to 4 storeys and a maximum of 5 storeys around the Lower Addiscombe Road and Blackhorse Lane Junction.
21. The appeal proposals would not result in the appeal building exceeding 5 storeys. However, the appeal building would nonetheless exceed the predominant building heights within the locality and the visual harm caused by the appeal proposals would not, for the reasons given above, complement the existing building heights in the area, or respect and enhance the area. To my mind, Policy DM35.1 requires development to complement existing predominant building heights in the area, and it does not mean that any proposal for 5 storeys would be acceptable in this location.
22. Limited information has been provided on similar style additional storeys on buildings elsewhere in the Borough or the Greater London area, and therefore these have limited relevance to my considerations in this appeal.
23. I have dealt with the appeals on their individual planning merits and the previous applications for additional storeys on the roof of the building are of limited relevance to my considerations.
24. For these reasons, I conclude that the respective proposals under Appeal A and Appeal B, would not be consistent with the prevailing character and appearance of the area. As such, the appeal proposals would have a harmful effect on the external appearance of the building. It follows that prior approval should not be granted for either of the appeal proposals under Article 3(1) and Schedule 2, Part 20, Class AA of the GPDO.

Conclusion

25. For the reasons given above, I conclude that appeal proposals A and B should be dismissed.

G Sylvester

INSPECTOR