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## Appeal Decision

Site visit made on 13th October 2023

**by Megan Thomas K.C. Barrister-at-Law**

**an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities**

**Decision date: 31.10.2023**

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**Appeal Ref: APP/L5240/D/23/3325059**

**41 Crown Lane, Norbury SW16 3JE**

- 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 Ms Nicolina Ezechie against the decision of the London Borough of Croydon.
  - The application Ref.22/04672/HSE, dated 3 November 2022, was refused by notice dated 3 May 2023.
  - The development proposed is "for the demolition of existing garage and for the construction of two storey side extension as per attached proposed plans and elevations".
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The appeal site lies within the Norwood Grove Conservation Area. The main issues in the appeal are whether the development would harm the character and appearance of the host dwelling and/or the Conservation Area, and the effect of the proposal on the living conditions of the occupants of 43 Crown Lane with regard to privacy and outlook.

### Reasons

#### *Character and appearance of Host Dwelling and Conservation Area*

3. The appeal site is a detached dwelling situated on the south side of Crown Lane. To its immediate east is no.39. To its west is no.43 which has a front elevation very broadly in line with the rear elevation of the appeal dwelling. There is off road parking to the front of the appeal site and a large garden to its rear which has some attractive mature trees.
4. The Norwood Grove Conservation Area is focussed around the Grade II listed Norwood Grove Mansion and its surrounding formally landscaped Norwood Grove Park. The appeal site is part of the Ryecroft Road character area which is said to have a generally consistent density of housing mainly comprising detached and semi-detached housing set in generous plots. This contributes to the significance of the Conservation Area. The appeal property was probably built in the inter-war period (1919-1939). It is said to make a neutral contribution to the Conservation Area in the Appraisal and Management Plan.

5. I am mindful of the statutory duty under s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving, or enhancing the character and appearance of the Conservation Area. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. I have borne this in mind.
6. The proposal is to demolish the single storey garage and outbuilding and to build a ground floor reception area through to a kitchen/breakfast area, through to a conservatory at the rear. A courtyard area would remain between the main house accommodation and the new-build area. At first floor level there would be two additional bedrooms, a bathroom and a balcony on the flat roof of the new conservatory.
7. From the front the proposed extension of the roof at first floor level towards the western boundary of the site, in spite of the setback from the main front elevation, would result in a disproportionate and unbalanced appearance to the dwelling. The existing garage has a flat roof and has a neutral presence when viewed in the context of the front elevation of the whole dwelling. There would be a rear roof visible behind the new extended front roof which would appear incongruous and result in an unduly complex roofscape when combined with the existing untraditional roofscape of the building as a whole. The result would be unsympathetic to the character of the host building as viewed from the front. From the rear the proposed extension would add to the bulk and massing of the dwelling resulting in a cumulatively overly large building for the width of the plot.
8. No.41 Crown Lane makes a neutral contribution to the Conservation Area according to the existing Norwood Grove Conservation Area Appraisal and Management Plan. I consider that, particularly as the proposal could be glimpsed from a public vantage point (Crown Lane) in addition to there being private views, it would tip the scales towards an adverse impact on the significance, character and appearance of the Conservation Area. It would fail to preserve it.
9. Consequently, on this issue I find that the proposed development would harm the character and appearance of the host dwelling and would fail to preserve the significance, character and appearance of the Norbury Grove Conservation Area. It would be contrary to policies SP4.1, DM10 and DM18 of the Croydon Local Plan (adopted 2018), policies D3 and HC1 of the London Plan 2021 and the Conservation Area General Guidance Supplementary Planning Document (2013).

#### *Living Conditions of Occupants at 43 Crown Lane*

10. I am obliged to consider potential amenity impacts on future occupiers of property in addition to current occupants. The proposed two storey extension would be built close to the common boundary with no.43 Crown Lane. Owing to the main front elevation of no.43 being sited broadly in line with the rear elevation of the appeal dwelling, the height and depth of the proposal's flank/roof elevations would result in a development causing an undue sense of enclosure for the occupants of no.43 when outside the front of their property. The vegetation on the common boundary would not sufficiently mitigate the likely sense of oppressiveness.

11. At the rear of the appeal site, the proposal includes a balcony at first floor level using the flat roof of the proposed conservatory. This would allow views in about three directions and would be a reasonably deep balcony. In particular it would permit views over the frontage of no.43 Crown Lane and those could be close views. I consider this would be intrusive for the occupants of no.43 and would unduly interfere with their reasonable privacy.
12. On the second issue I conclude that the proposal would result in unacceptable living conditions for the occupants of no.43 Crown Lane owing to loss of privacy and loss of outlook (sense of enclosure). It would be contrary to policy DM10.6 of the Croydon Local Plan 2018 and policy D3 of the London Plan 2021.
13. In coming to the conclusions I have, I have weighed in the balance the benefits of having further living space at no.41 and acknowledge that the current family are six in number and would benefit from more space. In addition to that I have noted that the existing garage and storage room are run down, leaking and have a rodent problem. I have also noted other recent planning permissions to nearby properties which are also within the Norwood Grove Conservation Area. Nevertheless, these factors do not outweigh the harm that I consider would result to living conditions at no.43 and to the character and appearance of the host dwelling and Conservation Area.
14. The Appellant has raised concerns that the planning application has not been given a fair and proper consideration by the Council. I do not agree with that conclusion but nevertheless, I have considered the appeal proposal on its individual merits taking into account all material considerations including, in particular, those made by the Appellant in the Appeal Statement. I have given it a fair and proper consideration.

### **Overall Conclusion**

15. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

*Megan Thomas K.C.*

**INSPECTOR**