



# Appeal Decision

Site visit made on 4 October 2023

**by J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 8<sup>th</sup> November 2023**

## **Appeal Ref: APP/L5240/D/23/3326213**

### **55 Upfield, Croydon CR0 5DS**

- 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 Mrs Elsie Obeng-John against the decision of the Council of the London Borough of Croydon.
- The application Ref 23/00200/HSE, dated 17 January 2023, was refused by notice dated 2 May 2023.
- The development proposed is Demolition of detached garage. Erection of part single part two-storey side/rear wraparound extension. Loft conversion with erection of rear box dormer. Alterations to roof and facades to all sides including materials and fenestrations. Installation of 2no. front gates and alterations to front boundary.

## **Decision**

1. The appeal is allowed and planning permission is granted for *Demolition of detached garage. Erection of part single part two-storey side/rear wraparound extension. Loft conversion with erection of rear box dormer. Alterations to roof and facades to all sides including materials and fenestrations. Installation of 2no. front gates and alterations to front boundary* at 55 Upfield, Croydon CR0 5DS in accordance with the terms of the application, Ref 23/00200/HSE, dated 17 January 2023, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development shall be carried out in accordance with the provisions of the Planning Fire Safety Strategy dated 16/01/2023.

## **Preliminary Matters**

2. The description of development as stated on the planning application form is "*Demolition of existing detached garage, Erection of part single/part two-storey side and two-storey rear extension with the loft conversion and entrance gate and railing*". The description of development in my banner heading above is taken from the Council's decision notice, which I consider to be a clearer description of the proposed development.
3. The appellant refers to the Council's Supplementary Planning Document SPD2 Suburban Design Guide. The Council advises that this document was revoked in July 2022, prior to the determination of the planning application. Therefore, this document has no bearing on my consideration of the appeal.

## **Background and Main Issue**

4. The Council's reason for refusal relates only to the part single part two-storey side/rear extension and the effect of the proposal upon 18 Mapledale Avenue.
5. Having regard to all of the evidence before me, the main issues are the effect of the proposal upon the living conditions of neighbouring occupiers at 18 Mapledale Avenue, with particular regard to outlook and levels of daylight and sunlight; and at 57 Upfield with particular regard to levels of daylight and sunlight.

## **Reasons**

6. The host property is within an established residential area, where properties are predominantly two storey detached forms in generous plots, with generous gardens to the front and rear. Although 18 Mapledale Avenue (No.18) has a different street address to the host property and the neighbouring property at 57 Upfield (No.57), all three properties broadly face the same direction and are detached forms with generous rear gardens. Building lines are staggered such that the principal elevation of the host is sited behind and slightly angled away from No.18.
7. The existing garage building proposed for demolition is a deep single storey flat roofed structure, sited tightly along the side boundary with No.18. Due to the siting and width of the proposed side extension and the demolition of the garage, the proposal would result in a gap between the side of the extended host property (as proposed) and the side boundary of the plot towards No.18.
8. The rear elevation of No.18 includes windows serving habitable rooms, and doors leading to a patio area, which is in proximity to the side boundary of the host plot. Beyond the patio, there is a glazed conservatory projecting from the rear elevation of No.18, sited close to its easterly elevation. From the evidence before me, there are also two small secondary windows within the ground floor side elevation facing the host property, but I was unable to see these windows at my visit.
9. The proposed side and rear extensions are such that they would form a 'wraparound' extension. The ground floor side extension would project about 4.2m from the existing side elevation, and about 3.3m from the rear of the existing dwelling. At about 13.6m deep, it would be slightly longer than the existing garage building and just 119mm taller than it. The first-floor element to the front would be about 7.5m deep above. The proposed two-storey rear extension would be to the full width of the host property, and the proposed loft conversion would include a centrally sited rear dormer. The proposal includes extensive alterations to the roofscape. Consequently, due to the overall scale, height, width and depth of these elements of the proposal, there would be an increase in further built form to the host property, resulting in increased bulk and mass to the side and rear.
10. Having regard to the relationship of No.18 to the proposed development, the outlook from the windows within its rear elevation would be highly restricted in angle and peripheral in nature. Views from the secondary windows in the side elevation of No.18 would be towards the proposed side extension, to include the two-storey front element, but with an intervening tall fence, and the

- proposed gap along the side boundary. Views from the primary rear windows to No.18 would still be available.
11. The outlook from the conservatory at No.18 would be more direct and it would include a large proportion of the double storey element of the proposed side extension. However, this view would be at some distance, with the intervening private amenity space of the patio. Views of the wider garden of No.18 would still be available.
  12. In my judgement, the increase in built form as seen from the windows at No.18, the patio, conservatory and rear garden of No.18 would not result in such a degree of enclosure or visual intrusion that would be so significant as to be unacceptable. Other evidence before me includes sectional drawings, computer generated images, and visual representations which support my findings in this regard.
  13. As referenced above, the proposal would result in increased bulk and mass to the side and rear of the host property. Consequently, some degree of overshadowing would occur in relation to its neighbours at No.18 and No.57.
  14. The appellant has submitted a Daylight and Sunlight Report to the appeal which follows the guidance of the Building Research Establishment (BRE). The report considers the effect of the proposal upon the windows of neighbouring properties at No.18 and No.57, and upon their amenity space.
  15. The appellant's Daylight Distribution Analysis (DDA) demonstrates no reduction in daylight distribution to No.57. A DDA is not undertaken with regard to No.18 as room layouts were not known, but a Vertical Sky Component Analysis demonstrates that reductions in daylight and sunlight would meet BRE criteria for both No.18 and No.57, and this takes account of windows to the side and rear elevations and to the conservatory to No.18. Sunlight analysis demonstrates that BRE criteria are met. Furthermore, the report demonstrates that the rear amenity spaces of No.18 and No.57 would still receive adequate levels of sunlight in accordance with BRE criteria. The shadow diagrams at various intervals during the day at the spring equinox for both the existing and proposed situations demonstrate that any increase to overshadowing during the later parts of the day to No.18 would not be so significant as to be unacceptable.
  16. I have had regard to the diagrams and solar heliograph in regard to No.18, submitted in response to the planning application, but they are not accompanied by compelling analysis. I therefore give more weight to the evidence provided by the appellant.
  17. I note that the Council's report upon the planning application accepts that the proposal would not lead to an undue loss of light to habitable spaces within neighbouring properties with regard to the BRE 45 degree test; and that it would not overshadow neighbouring properties to such a degree as to pose unreasonable harm to the enjoyment of outdoor amenity space.
  18. Consequently, I find that there would be no significant or unacceptable loss of daylight or sunlight to habitable rooms at No.18 and No.57, nor to their private amenity space. The sectional drawings, computer generated images, and visual representations before me support my findings in this regard.

19. I therefore conclude that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers at 18 Mapledale Avenue, with particular regard to outlook and levels of daylight and sunlight; and at 57 Upfield with particular regard to levels of daylight and sunlight.
20. The proposed development accords with Policies SP4.1, SP4.2 and DM10.6 of the Croydon Local Plan 2018, and Policies D3 and D6 of the London Plan 2021. When taken together, these policies seek (among other things) to ensure that development is of high-quality design, which protects the amenities of neighbouring occupiers; does not result in significant loss of existing levels of daylight and sunlight for neighbouring occupiers; and minimises overshadowing.

### **Other Matters**

21. The main parties agree that the proposal is acceptable in terms of the character and appearance of the area and would not unacceptably harm the amenities of neighbouring occupiers with regard to outlook and privacy. I find no reason to consider otherwise.

### **Conditions**

22. I have considered the conditions suggested by the Council in light of the Framework and Planning Practice Guidance (PPG).
23. A condition specifying the time limit for commencement of the development is necessary to provide certainty. I have referenced the planning application and the plans submitted with it in my formal decision above, and therefore a separate condition specifying the plans is not necessary. The proposed materials are detailed on the proposed plans and therefore a separate condition is not necessary.
24. A condition regarding compliance with the submitted Fire Strategy is reasonable and necessary in the interests of the safety of future occupiers of the development, and I have edited the suggested condition to comply with the Framework and PPG.

### **Conclusion**

25. For the reasons given, I conclude that the development accords with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal should be allowed and planning permission should be granted, subject to the conditions that I have set out.

*J Moore*

INSPECTOR