



Appeal Decision

Site visit made on 6 November 2023

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2023

Appeal Ref: APP/L5240/W/23/3314589

70A Westow Hill, Upper Norwood, Croydon, London SE19 1SB

- 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 Chiraz Assoula of CD Homes Management Ltd against the decision of the Council of the London Borough of Croydon.
- The application Ref 22/02136/FUL, dated 20 May 2022, was refused by notice dated 21 July 2022.
- The development proposed is described as first floor rear extension to provide a new flat, with bin and cycle storage. Other associated alterations.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposal contained on the application form is somewhat incomplete; I have used the description on the Council's Decision Notice and on the Appeal Form, in the banner heading above.
3. The Council's officer report and decision notice include reference to the Suburban Design Guide Supplementary Planning Document 2019 (the SPD). However, on 26 July 2022 the Council revoked that document and I have been provided with evidence of the revocation. Consequently, I have had no regard to the SPD in determining this appeal.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area, including the significance of the Upper Norwood Triangle Conservation Area and locally listed buildings;
 - The living conditions of nearby occupiers, with particular regard to outlook and natural light; and,
 - The living conditions of future occupiers, with particular regard to safety in the event of a fire.

Reasons

Character and appearance

5. The appeal building is located at the junction of Westow Hill and St Aubyn's Road, within the Upper Norwood Triangle Conservation Area (UNTCA). The 3-storey terrace the appeal building is located within is locally listed, with a variety of High Street uses at ground floor level on Westow Hill, and a mansard-type roof above.

6. No 68 Westow Hill, a 3-storey building on the opposite corner of St. Aubyn's Road to the appeal building, and Nos 17 – 32 St. Aubyn's Road, the terrace of 3-storey plus basement dwellings to the immediate south of the appeal building, are also locally listed. Whilst there have been some alterations to these buildings over time, their scale, massing, materials and general design features still make a positive contribution to the streetscape here.
7. The significance of the UNTCA, in so far as it relates to this appeal, stems from its historical development, including the design, scale, massing and materials of buildings in different parts of the UNTCA, and their visual relationship with the nearby streets and spaces. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the UNTCA in determining this appeal, consistent with paragraph 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
8. The appeal building is a rendered, 3-storey corner building, with timber sash windows at upper floor levels and with a mansard-type roof above. It has a café use at ground floor level with flats above, which are accessed from a stairwell by St. Aubyn's Road. The stairwell is of a broadly similar design and materials to the main building and contains a roof terrace for the top floor flat.
9. The footprint of the building widens by the stairwell, following the line of the footpath on St. Aubyn's Road, with the western elevation of the building stepping down from the stairwell to a part first floor element and then a ground floor element, which adjoins 17 St. Aubyn's Road.
10. The proposal would create a 2-bedroom flat on the existing flat roof above the ground floor level, next to the gable wall of No 17. In views from St. Aubyn's Road, the stepped down effect would be replaced by a much higher uniform elevation at just below the height of the existing second floor windows. The existing detailing at this level would be extended to the stairwell, at a similar height to the top of the parapet on the proposed first floor extension.
11. The two additional windows that would be inserted at first floor level on the western elevation of the extension are of a similar design and height to the existing first floor windows. However, their close proximity to each other would be visually cramped and out of keeping with the spacing between the other first floor windows on this elevation, and would detract from the appearance of the locally listed building.
12. I note the appellant's comments that the proposal would be consistent with the rear elevation of the terrace containing the appeal building, which contains various extensions. However, from my observations, the proposed extension would not be typical of the rear elevation of the terrace, and in any event, the appeal building is significantly more visually prominent than the other properties in the terrace.
13. The scale, massing and position of the proposed extension, above the wider part of the appeal building, would be visually obtrusive on St. Aubyn's Road. It would obstruct views of the gable elevation of 17 St. Aubyn's Road, including the decorative brickwork at eaves level, and would detract from views of the northern part of the locally listed terrace, in views from Westow Hill and the adjoining part of St Aubyn's Road.
14. The proposal would, therefore, cause visual harm to locally listed buildings and the St. Aubyn's Road streetscape. Consequently, it would fail to preserve or

enhance the UNTCA, causing less than substantial harm to a designated heritage asset.

15. The appellant has not directly proposed any public benefits of the scheme. Nevertheless, there would be some economic benefits from the construction of the proposal and some social and environmental benefits from the provision of an additional dwelling, in a sustainable location, on previously developed land. However, in this case, the limited scale of the proposal means that these benefits would not outweigh the harm caused to the UNTCA, and the harm caused to locally listed buildings.
16. For these reasons, the proposal would adversely affect the character and appearance of the area. It would, therefore, conflict with Policies HC1 (heritage conservation and growth) of the London Plan 2021 (the LP)¹, with Policies DM10 (design and character) and DM18 (heritage assets and conservation) of the Croydon Local Plan 2018 (the CLP), and with the National Planning Policy Framework 2023 (the Framework), in this regard.

Living conditions of nearby occupiers - outlook and natural light

17. The proposed extension would be constructed on the flat roof to the south of the main building and would extend to the eastern, southern and western boundaries of the appeal site.
18. The next door building to the east (72 Westow Hill) includes a rear 3-storey outrigger with a mono-pitched roof and windows at first and second floor level on its southern elevation. There is also a skylight in a flat-roofed single storey, rear extension at No 72, with a window in a rear brick extension at the next door property to that (74 Westow Hill).
19. The existing and proposed east elevations show the differences in levels, but the proposed extension would rise some 3.5metres above the first floor finished floor level (FFL), which is constant. The proposed extension would also be positioned less than 1.5metres from the southern elevation of the next door outrigger. Such an arrangement is not at all common at the rear of the appeal building terrace.
20. From the evidence, the proposed extension would reduce outlook from the first floor window on the southern elevation of the rear outrigger of No 72, which is already somewhat affected by a steel extraction flue. I note the Council considers this window serves a habitable room and no compelling evidence has been provided to the contrary.
21. The appellant has produced a Design and Access Statement for the proposal, within which Section 10.0 includes reference to a full Daylight/Sunlight report having been undertaken. However, this report is not in the evidence before me.
22. The appellant's assessment of the effects of the proposal on daylight and sunlight includes a plan said to show the proposed extension and its effects on neighbouring properties at certain times of year. However, no detailed evidence of the assessment or whether it was undertaken by an appropriately qualified person is provided; the colours used do not match the colours on the plan legend; the areas shown to be affected are at different levels above the ground; and no assessment is made of rooms within the neighbouring buildings.

¹ Spatial Development Strategy for Greater London

23. Unlike the Council, I do not consider that the scale and position of the proposed extension would significantly affect outlook or natural light at 17 St Aubyn's Road. However, the scale, massing and position of the proposal would reduce the outlook from a habitable room in the rear outrigger of No 72, and I am not satisfied that the proposal would not result in a harmful loss of natural light to nearby occupiers at Nos 72 and 74.

24. For these reasons, the proposal would adversely affect the living conditions of nearby occupiers, with particular regard to outlook and natural light. It would, therefore, conflict with Policy D3 (optimising site capacity through the design-led approach) of the LP, and with Policy DM10 of the CLP, and with the Framework, in this regard.

Living conditions of future occupiers – fire safety

25. The proposed extension would be accessed via an existing stairwell that currently serves the flats in the appeal building. There is no evidence that the existing flats are inadequate in terms of fire safety, and I note that this is a matter that is largely controlled through Building Regulations.

26. Nevertheless, Policy D12 (fire safety) of the LP seeks to achieve the highest standards of fire safety and provides some examples of how this could be achieved, including by way of passive and active fire safety measures and an updateable evacuation strategy for all building users.

27. At paragraph 5.28 of their Statement of Case the appellant sets out how the requirements of Policy D12 would be met in this instance. However, little substantive detail is provided and I find some of the appellant's comments to be unconvincing, such as internal materials being non-combustible; or to be potentially dangerous, such as using the largely enclosed first floor terrace space as an assembly point in the event of a fire.

28. Whilst the Council has not sought the views of the London Fire Brigade on the proposal, and I note that as a non-major development no Fire Statement is required, I still find that the very limited information provided means the proposal would conflict with Policy D12.

29. For these reasons, the proposal would adversely affect the living conditions of future occupiers, with particular regard to safety in the event of a fire. It would conflict with Policy D12 of the LP and with the Framework, in this regard.

Other Matters

30. I note the appellant's very limited evidence regarding planning permissions at various locations in the area, which they consider to be precedents in favour of the proposal², and the revisions said to have been made to address a previous refusal of planning permission³ at the site. These do not cause me to reach a different conclusion regarding the harm that would be caused by the proposal, as set out above.

Conclusion

31. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR

² Appendix E of the Statement of Case

³ LPA Ref. 21/05470/FUL