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# Appeal Decision

Site visit made on 31 October 2023

**by L Francis BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 December 2023**

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**Appeal Ref: APP/L5240/D/23/3320449**

**10 Birdwood Close, South Croydon CR2 8QG**

- 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 S Herring against the decision of the Council of the London Borough of Croydon.
  - The application Ref 23/00151/HSE, dated 13 January 2023, was refused by notice dated 8 March 2023.
  - The development proposed is a two-storey rear extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have taken the description of development from the original planning application form but removed the reference to the internal alterations, which is not an act of development.
3. The Council have confirmed that the Croydon Suburban Design Guide Supplementary Planning Document was revoked in July 2022 and it is not relevant to the determination of this appeal.

## Main Issues

4. The main issues are the effect of the proposal on:
  - The character and appearance of the area.
  - The living conditions of the neighbouring occupiers of 8 and 12 Birdwood Close, with particular regard to outlook.

## Reasons

### *Character and appearance*

5. The area is characterised by predominantly two storey semi-detached and detached dwellings, set in large plots with front and rear gardens. The land on the south side of the street slopes steeply away from the rear elevations of the houses. The rear building line at first floor along this part of Birdwood Close is fairly consistent, but there are some ground floor extensions. Although plot sizes in the area are not uniform, they are generous. These plots, along with the topography and far-reaching views to the south, give the area a spacious and verdant character and appearance.
6. The proposal is for a full width ground and first floor extension that would step back slightly towards the boundary with No. 12, reflecting the existing footprint

of the building and providing some design interest. Whilst the wording of the Croydon Local Plan 2018 (CLP) Policy DM10.1 does not explicitly require new development to be subservient, the policy requires new development to respect, amongst other things, development pattern, scale, height and massing. The depth and height of the extension would be significant, accentuated by the rear gable roof form which contributes to the overall bulk and massing of the extension. The bulk, particularly at first floor and roof level, would make the extension appear very dominant and out of scale with both the host building and surrounding houses. Although the increase in the bulk of the building would be visible in restricted views from the street, it would be highly visible from the rear gardens of properties along the south side of Birdwood Close.

7. My attention has been drawn to the presence of other gables to the front of houses at Nos. 13, 15, 24 and 26 Birdwood Close; these are a common design feature to the front elevation of houses of this period and contribute to the character of the area. Whilst I note the rationale behind the use of this roof form to the rear, as set out above, it would accentuate the overall bulk and mass of the 2-storey extension.
8. My attention has also been drawn to the 2-storey side extension at No. 3 Birdwood Close, opposite the appeal site. This house has a different context in terms of building style and site layout and I do not consider it directly comparable. In any event, I have determined this appeal on its individual planning merits and against the most up to date local and national planning policies.
9. The proposed materials and style of fenestration would sit comfortably with the local context. This matter holds neutral weight in my determination of the appeal.
10. For the reasons outlined above, the appeal proposal would harm the character and appearance of the area. This runs contrary to the aims of Policy D3 of the London Plan 2021 and Policies SP4.1 and DM10.1 of the CLP. Taken together, and amongst other things, these policies require development to be of a high quality, which respects and enhances Croydon's varied local character and contributes positively to the townscape and respects the appearance, existing materials and built features of the surrounding area.

#### *Living conditions*

11. I acknowledge that as the proposal sits within a 45-degree line taken from the neighbouring properties, there is unlikely to be a material loss of light to those neighbouring windows. The matter of outlook is not, however, contingent on development being within a 45-degree line of a neighbouring window.
12. The proposed extension would continue along the line of the existing side elevation adjacent to No. 8 Birdwood Close. The plans show the extension would project 5.5m from the current rear elevation at ground floor, stepping back to 4.5m at first floor. When taken together, the proximity to the side boundary, along with the additional bulk at first floor level, would have an overbearing effect upon the rear and side windows and patio area of No. 8. There would therefore be a loss of outlook to No. 8 Birdwood Close.

13. The retention of the single storey garage adjacent to the boundary with No. 12 Birdwood Close would provide a significant degree of separation between the proposed extension and neighbouring house. Given the relative position of the proposed extension to the rear windows and garden of No. 12, I do not find that there would be harm to the outlook from either the house or garden.
14. In terms of the living conditions of neighbouring residents therefore, I find that the proposed extension would cause an unacceptable loss of outlook to No. 8 Birdwood Close. This runs contrary to the aims of DM10.6 of the CLP which amongst other things, requires developments to ensure that the amenity of the occupiers of adjoining buildings are protected.
15. I note the Council also refer to policy D6 of the London Plan 2021, which primarily relates to standards for new housing. Reference is also made to policy SP4.1 of the CLP which relates to matters of urban design and local character. I do not find either of these policies directly relevant to the issue of outlook and I do not therefore consider them determinative.

#### *Planning balance*

16. I acknowledge that the appeal proposal would provide a good standard of accommodation to better suit the needs of the appellant's family. However, the harm I have identified to the character and appearance of the area and to the living conditions of neighbouring properties outweighs the identified benefits.

#### **Conclusion**

17. I have found that the appeal proposal would harm the character and appearance of the area and the living conditions of the residential occupiers at No. 8 Birdwood Close. As such it is contrary to the development plan read as a whole. The material considerations in this case do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal is therefore dismissed.

*L Francis*

INSPECTOR