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## Appeal Decision

Site visit made on 23 November 2023

**by Lynne Evans BA MA MRTPI MRICS**

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

**Decision date: 13.12.2023**

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**Appeal Ref: APP/L5240/D/23/3328684**

**44 Byron Road, South Croydon, CR2 8DY**

- 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 Mr Qaiser Rashid against the decision of the Council of the London Borough of Croydon.
  - The application Ref: 23/01366/HSE dated 5 April 2023 was refused by notice dated 12 June 2023.
  - The development proposed is hip to gable loft conversion erection of dormer to the rear roof and roof lights to the front roof together with erection of conservatory to the rear.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - a) the effect of the proposed development, with particular reference to the hip to gable loft extension, on the character and appearance of the existing property and on the local area, and
  - b) The effect of the proposal on the living conditions of neighbouring residents, with particular regard to loss of light, overlooking and loss of privacy.

### Reasons

#### ***Issue a) Character and Appearance***

3. The appeal property is a semi-detached dwelling on the east side of Byron Road towards its northern end. The surrounding area is predominantly residential with mainly pairs of semi-detached properties, dating from a similar period but with varying designs. The appeal property has been previously extended as have a number of the other properties in the local area, but with a very small number of exceptions, most properties retain their hipped roofs. These roof forms are a strong unifying feature contributing to the character and appearance of the local area.
4. The proposal would include a number of elements including a hip to gable roof extension, rear dormer and rooflights to the front roof slope and an extended conservatory across the full width of the rear of the property. I agree with the Council that taken in isolation the proposed dormer and conservatory would not

be overly large in relation to the property and would not detract from the character and appearance of the local area.

5. However, the proposed hip to gable extension would be a very bulky addition to the roof form and would upset the symmetry of the semi-detached pair. It would appear as an incongruous and over dominant addition to the property and detract from the character and appearance of the semi-detached pair. Furthermore, as a result of its form and bulk, it would be visually intrusive in the street scene where the predominance of hipped roofs remains part of the character and appearance of the local area.
6. I therefore conclude that the proposal, with particular reference to the hip to gable loft extension, would materially harm the character and appearance of the existing property and of the local area. This would conflict with Policies SP4 and DM10 of the Croydon Local Plan as well as Policies D3 and D4 of the London Plan and the National Planning Policy Framework (Framework) and in particular Section 12, all of which amongst other matters, seek a high quality of design which respects the local context.

### ***Issue b) Living Conditions***

7. Although not specifically stated in the Council's decision notice, it would appear from the Officer's report that the Council's concern relates to the impact of the proposed rear conservatory extension on the amenities of the next door neighbours at No 46. I have however noted that the neighbours at No 46 have also raised concerns in respect of the proposed rear dormer.
8. In respect of the rear dormer addition, and in most suburban situations there is some degree of mutual overlooking from rear facing windows. Although at a higher level than the existing windows I do not consider that the existing situation in terms of overlooking would materially change. There would not be any material impact on the living conditions of the immediate neighbours in terms of outlook, loss of light and overlooking from the proposed roof changes and dormer window additions. Were no other matters of concern and planning permission were to be granted, a condition could be imposed to ensure that the Juliet balcony shown on the plans would not project from the rear elevation.
9. There is an existing conservatory at the rear towards the southern end of the property and the proposal would seek to amend the design and extend it the full width of the property, under a sloping roof.
10. The appeal property extends further to the rear than the adjoining property at No 46 and reflecting the change in levels between Nos 44 and 46 as well as the existing terrace at the appeal property, is also set at a higher level. There is an existing tall and solid boundary fence between the appeal property and No 46 to the north but the proposed conservatory would appear to be higher than the existing fence. I have taken into account the glazed nature of the proposal. Nonetheless, I do agree with the Council that given the depth of the proposal and the change in ground levels, the proposal would have an enclosing effect and therefore an unacceptable impact on the outlook for the neighbours from rear facing windows closest to the shared boundary as well as the garden area closest to the house.

11. There is no technical evidence before me from either the Appellant or the Council in respect of potential loss of light to the neighbours and from my site visit and the limited information before me I am not persuaded that this matter on its own would lead to a refusal of permission, particularly taking into account the glazed nature of the proposal, including at roof level.
12. Were no other matters of concern and planning permission were to be granted, I agree with the Council that the neighbours' living conditions could be protected, in terms of overlooking and loss of privacy, through the imposition of a condition to require the windows on the side facing towards the neighbours to be in obscure glass.
13. However, my findings on overlooking and loss of privacy as well as light in respect of the impact on the neighbours' living conditions do not outweigh the harm I have already found in respect of loss of outlook.
14. I therefore conclude that the proposal would unacceptably harm the living conditions of the neighbours in respect of outlook. This would conflict with Policies SP4.1, 4.2, DM10.6 of the Croydon Local Plan and Policies D3 and D6 of the London Plan as well as Paragraph 130 of the Framework all of which, amongst other matters, seek a high quality design approach which respects the amenities of existing and future occupiers.

### **Conclusion**

15. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

*L J Evans*

INSPECTOR