



Appeal Decision

Site visit made on 8 November 2023

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/L5240/D/23/3329769
28 Wilhelmina Avenue, Coulsdon, CR5 1NH

- 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 Michael Kuforiji against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/01171/HSE, dated 23 March 2023, was refused by notice dated 20 July 2023.
 - The development proposed is described as 'two storey side extensions, first floor rear extension, new front brick piers/gates, boundary treatment and internal/external alterations'
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Preliminary matters

1. The Council's second reason for refusal related to the proposed boundary wall and railings being a hazard to highway safety, and the design of these features also was referenced in part of the first reason for refusal. With the lodging of this appeal the appellant submitted a revised ground floor plan that omitted changes to the boundary wall; the proposals for the house itself remain the same.
2. As the changes to the boundary and to the house are discrete elements that can be separated – and as the amended plan shows a lesser amount of development – I am satisfied I can accept the amended plan without prejudice to the interests of any party. I have therefore determined this appeal on the basis of seeking planning permission for the erection of two storey side extensions, first floor rear extension, and internal/external alterations.

Decision

3. The appeal is allowed and planning permission is granted for the erection of two storey side extensions, first floor rear extension, and internal/external alterations at 28 Wilhelmina Avenue, Coulsdon, CR5 1NH in accordance with the terms of the application ref 23/01171/HSE, dated 23 March 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
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- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 542-00 Rev A, 542-01 Rev A, 542-02 Rev A, 542-03 Rev A, 542-04 Rev A, 542-05 Rev C, 542-06 Rev B, 542-07 Rev B, 542-08 Rev B, & 542-10 Rev A.

Main issues

4. The first main issue is the effect of the proposed development on the character and appearance of the surrounding area. The second main issue is whether the proposed development makes adequate provision for matters relating to fire safety.

Reasons

Character and appearance

5. The appeal property lies within a residential area of mixed character. Wilhelmina Avenue is a sinuous road, with a curving form and changing land levels. I saw at my site visit that houses are of individual design as they front this road having varying depths of set-back from the road, with many houses evidently extended and altered in the past.
6. No. 28 Wilhelmina Avenue itself appears relatively unaltered and stands in a spacious plot, set back from the road with good distance around the house. The proposals would see two storey additions to either side of the house, and extensions to the rear. I accept this would notably alter the scale of the house – being wider, deeper and with a larger roof form – but it would remain well-proportioned to the plot due to the large size of that plot. There would remain sufficient distance around the enlarged house to ensure no loss of spaciousness to the property's setting, nor when viewing in the wider area: the house would not appear cramped or out of character with the suburban location in which it lies.
7. The materials used in the extensions would match the host property. The alterations to the house would also include a balcony to the front elevation. Given the variety in the design of houses in the area, and the limited size of this balcony which would be recessed from the main elevation, this would not be obtrusive or out of character with the host property or the street.
8. The proposed extensions and alterations would therefore be suitable changes to the house that would fit comfortably within the context of the residential area. Policies DM10 and SP4 of the Croydon Local Plan 2018 seek to ensure a high-quality built environment and that new development is of a high standard of design appropriate to the local character of an area. Policy D3 of the London Plan 2021 seeks a design-led approach for new development. The proposals satisfy these policy objectives.

Fire safety

9. Policy D12 of the London Plan states that '*in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety*' and continues to set out six criteria to be satisfied. The Policy explains this may have spatial implications for the planning of a site or development proposals. The Council's refused permission on the

grounds that insufficient information had been submitted to demonstrate these matters had been taken into consideration.

10. It is not clear to me whether the Council requested details on this matter during the course of the application in order to allow the applicant to address their concerns. However, the appellant has responded to this reason for refusal with the submission of a Fire Safety Strategy, which has been prepared by a suitably qualified specialist. I am content to accept this submission as it is evidence that directly relates to the reason for refusal by appraising the proposed development against the specific criteria of Policy D12, and hence counters the Council's reason for refusal on this matter.
11. The Strategy appraises the proposed development with regards to the criteria of Policy D12 and the spatial implications of the proposals. It explains to me that there is sufficient space on, and outside, the site to enable access to the extended dwelling by fire appliances in the event of fire, and exit from the premises if evacuation was needed. The Strategy further explains the proposed development would be able to incorporate safety measures in its construction to reduce risk of injury and of fire spread.
12. The evidence presented to me provides sufficient reassurance that, in my judgement, the proposed development would be achieve the highest standards of fire safety and so satisfy Policy D12.

Conclusions and conditions

13. The appeal is therefore allowed. Council set out in their Appeal Questionnaire a number of conditions they saw necessary to be attached in the event of the appeal being allowed. I have attached a condition requiring matching materials, to ensure a satisfactory appearance to the development, and a condition specifying the approved plans both in the interest of precision.

C J Leigh
INSPECTOR