



Appeal Decision

Site visit made on 23 January 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08.02.2024

Appeal Ref: APP/L5240/D/23/3330234

82 Hartley Down, Purley, Surrey, CR8 4EB

- 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 Mac Mahendran against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/00442/HSE, dated 4 February 2023, was refused by notice dated 30 August 2023.
 - The development proposed is described as '*Remove the 2nd floor balcony and extend the rear dormer from 1000mm to 200mm from the eaves*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Background

2. Planning permission was granted in February 2020 (Ref 19/04864/HSE) for works described as '*Construction of a first floor, single/two storey front/side extensions to form a two-storey dwelling. Construction of a rear roof extension with installation of 4 front and 2 rooflights to each side roof slope and associated alterations*'. This permission post-dates planning permission Ref 17/02316/HSE which is referenced by the appellant in his grounds of appeal and which was for similar works described as '*Construction of first floor, erection of single / two storey front and side extensions, rear dormer extension and front and side roof lights*'. I have been provided by the Council with a copy of the 2020 decision notice and a set of the approved plans. These include a proposed rear dormer window with two-sets of rear facing double doors and full height windows to either side of each, and each with an external balustrade tight to the openings. The effect is a double Juliet-style balcony at second floor, roof level. The face of the dormer window was approved at 475mm up from the eaves. At the time of my visit external works to the property appeared largely complete with internal works ongoing.
3. In October 2021, planning permission was refused under Ref 21/03937/HSE for works similar to those described in earlier applications. The application was submitted retrospectively to regulate alterations to the scheme approved in 2020 and which had been constructed in part. A subsequent appeal against the Council's decision was dismissed in April 2022 (Ref APP/L5240/D/21/3289019). In that case, the dormer that had been constructed, as described by the Inspector in their decision, included a balcony. They concluded that this, together with a balcony that had been constructed at first-floor level,

unacceptably altered the scale and appearance of the property. The Inspector also found that, notwithstanding the proposed installation of obscure glazed screening panels to the sides of the balconies, the screening would fail to mitigate the additional overlooking from the elevated height of the second-floor balcony.

4. The current appeal proposal seeks to further alter the dormer beyond its permitted form with its face recessed 1000mm when measured along the roof slope away from the eaves, and with a balustrade set 200mm up from the same point. The balustrade would align with the dormer's roof overhang, creating a shallow covered balcony that would be accessed from either of the two-sets of double doors. The proposed plans show 1.8m high obscure glass screens to either side and with the most forward part of the dormer framed by oak beams and braces. At the time of my visit the dormer was constructed as shown on the proposed plans with the exception of the oak beams and braces, which were omitted. I have based my decision as a proposal for development as shown on the submitted plans.

Main Issues

5. The main issues are the effects of the proposed rear dormer on the character and appearance of the area, and upon the living conditions at 80 and 84 Hartley Down with particular regard to privacy.

Reasons

Character and Appearance

6. The scale of the proposed dormer window in terms of its height, width and position would not be significantly different to that previously permitted. I am mindful that the previous Inspector raised concern over the linked appearances of balconies at first and second floor levels, but the outside accessible space now proposed would not project beyond the footprint of the building's second-floor plan area. As a balcony it would be modest in size and recessed. The screens would merely be seen as modest and proportionate extensions of the dormer's cheeks. The oak beams and braces would reflect features that have been incorporated into the remodelled appearance of No 82. They would not significantly detract from the overall appearance of the dormer.
7. I am satisfied that the proposed roof extension would not appear overtly as a balcony, but instead would be seen overall as a fairly conventional dormer addition, with little to discern it visually from that approved in 2020, including the Juliet-style balconies. My view on this matter is reinforced by my own observations of what had been built at the time of my visit. Accordingly, I find no conflict with Policies SP4 or DM10 of the Croydon Local Plan (CLP), adopted in 2018, as far as they seek to ensure development creates a high-quality built environment by contributing to the character of the local area and which is sympathetic with its context, or with the similar requirements of The London Plan 2021 Policy D3.

Living Conditions

8. During my visit, I was able to step through both sets of doors within the dormer's face and onto the covered balcony area. It was wide enough to stand comfortably and walk along its full width. I observed that the obscure glass screens obstructed sight over the roof tops of both neighbouring properties at

Nos 80 and 84. Significantly however, they did not prevent sight down towards a lower patio area immediately to the rear of No 80, or to a raised deck immediately at the rear of No 84. These are the most heavily used and private areas associated with the neighbouring properties, as identified by the previous Inspector.

9. The currently proposed balcony, as constructed, would be modest in size. It would not comfortably accommodate any seating. Nevertheless, it would function as an accessible covered space beyond the confines of the adjacent internal living area at second floor level. The opportunity to overlook neighbouring gardens by anyone using this space from an elevated position would far exceed anything that would be associated with an outlook from the Juliet-style balcony arrangement that was originally approved. This would be regardless of the specific positioning of the dormer's face relative to the building's eaves.
10. Based on my observations, it is clear to me that the proposed alterations to the dormer, as has been constructed and largely completed, would be harmful to the living conditions at Nos 80 and 84 Hartley Down in relation to privacy. There would therefore be conflict with CLP Policy DM10, especially part DM10.6 criterion a, as far as it seeks to protect the amenity of occupiers at adjoining buildings. The failure of the proposal to enhance social cohesion and well-being means that there would also be conflict with CLP Policy SP4, particularly part SP4.2 criterion c.

Conclusions

11. Notwithstanding my findings with regard to the effects of the proposal upon the character and appearance of the area, the development would significantly harm the living conditions of neighbouring properties. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR