



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/23/3333005

28 Smitham Bottom Lane, Purley, Croydon, CR8 3DA

- 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 G Hilling against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/03051/HSE, dated 9 August 2023, was refused by notice dated 27 September 2023.
 - The development proposed was described as '*Two storey rear and front extension*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon the character and appearance of the host building and wider street scene, and whether the proposed development makes adequate provision for matters relating to fire safety.

Reasons

Character and Appearance

3. The appeal property is a detached, two-storey dwelling set back from the road and within a residential area comprising an eclectic mix in terms of size, age, and appearance of mostly detached dwellings. The proposal would substantially remodel the appearance of No 28 with two-storey extensions that would effectively square the footprint of the existing house and which would project both front and rear.
4. The Council has raised no issue directly with the outward appearance of the resulting building but has concern with the overall scale of the additions in relation to the size of the original dwelling, and in particular that the two-storey front extension would be excessive and intrusive within the street scene.
5. Although the rear extension would be deep, the plot is large enough to ably accommodate its size. The dwelling would remain well separated from its side boundaries and neighbouring properties such that it would not appear cramped within the street scene. In addition, the overall composition of the remodelled dwelling would appear well-considered in terms of its proportions, scale, and

detailing, ensuring that it would be appropriately in-keeping with the mixed character and appearance of the area.

6. I accept that the fairly modest depth of the existing dwelling would be altered by the proposed additions front and rear, but in my assessment these new elements would remain appropriately subservient component parts of the building by virtue of their hipped roofs, lower ridge heights, and proportionately narrower bay widths compared with the building overall.
7. The Council has argued that the front building line on this side of Smitham Bottom Lane is fairly consistent. However, the alignment of buildings is not regimented. The houses are all set back from their front boundaries but there are variations with some set back further than others. The proposed front extension would bring the appeal property closer to the back edge of the pavement, but not excessively so. Importantly, in this instance, a deep frontage would remain. There would be no significant intrusion to the vista along Smitham Bottom Lane as a result of the forward projection of No 28. Although there would be some undeniable change, the dwelling would merely alter and add to the variation in building lines to this side of the road. I am not persuaded that the change would be significant or harmful.
8. Overall, I am satisfied that the remodelled form of No 28 would be comfortable in its setting, without harm to the wider character or appearance of the area. As such, there would be no conflict with Policy DM10 of the Croydon Local Plan (CLP) adopted in 2018, particularly parts DM10.1 and DM10.7 which 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. For the same reasons there would be no conflict with the similar requirements of CLP Policy SP4.1 or with Policy D4 of The London Plan 2021 (TLP).

Fire Safety

9. TLP Policy D12 requires all development proposals to achieve the highest standards of fire safety and sets out six criteria to be satisfied. Paragraph 3.12.1 of the TLP states that fire safety of developments should be considered from the outset. The application made to the Council did not include any details in relation to fire safety. The appellant has stated that this was a simple omission error but yet no further details were provided at the appeal stage. Instead, the appellant has suggested a condition be imposed requiring the submission of a fire strategy.
10. I have carefully considered if this would be a suitable way to address this matter. The Planning Practice Guidance: Use of Planning Conditions states that *'if a detail in a proposed development, or the lack of it, is unacceptable in planning terms the best course of action will often be for the applicant to be invited to revise the application'* (paragraph 012). It is not clear to me whether the Council requested any such details either when the application was submitted or during the course of the application prior to refusing permission in order to allow the applicant to address this matter. Regardless, it is clear to me that addressing the issue of fire safety in accordance with Policy D12 may have spatial implications for the layout and design of the development.
11. From the information available to me as part of this appeal, I cannot be certain that compliance with Policy D12 would not involve change to the layout of the scheme. This could be significant. The lack of detail in addressing fire safety

means that I have no assurance that the matter can be satisfactorily addressed. The imposition of a condition after the grant of planning permission would therefore be inappropriate in this case.

Conclusion

12. Notwithstanding my findings on the first main issue, the absence of detail regarding fire safety at both the application and appeal stages is contrary to TLP Policy D12. This leads me to conclude that the proposed development does not make adequate provision for fire safety. In the absence of any material considerations that would indicate otherwise, I have determined the appeal in accordance with the development plan. Accordingly, the appeal is dismissed.

John D Allan

INSPECTOR