



Appeal Decision

Site visit made on 22 January 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th February 2024

Appeal Ref: APP/L5240/D/23/3330819

5 Nihill Place, Croydon, CR0 6FT

- 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 Mohit Jain against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/01730/HSE, dated 3 May 2023, was refused by notice dated 14 July 2023.
 - The development proposed is the erection of a single-storey side, rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the living conditions at 6 Nihill Place, with particular regard to visual impact, daylight, and sunlight.

Reasons

3. The appeal property is a three-storey, contemporary designed end-of-terrace dwelling. No 6 to one side is the attached mid-terraced neighbouring property. To the opposite side the flank elevation of the appeal property faces the terminal hammerhead end of a short residential cul-de-sac at East India Way. No 70 East India Way is a two-storey end-of-terrace dwelling which has been extended to the side at two-storey and with its exposed side gable adjacent to the side rear garden fence of the appeal property. The proposal would add a 6m deep, single-storey flat roof extension to the rear of No 5 across the full width of the dwelling and projecting sideways towards the boundary with East India Way.
4. 6 Nihill Place is unextended to the rear and shares a rear building line with No 5. Although reasonably long, the garden to No 6 is fairly narrow, with a ground floor outlook from an internal living space via centrally positioned double-width patio style doors and full height windows to either side. The common side boundary between the appeal property and No 6 is marked by an approximate 2m high close boarded fence.
5. The proposed extension would project 6m beyond the main rear wall of No 6 and directly abutting the shared common side boundary. At a stated height of 2.95m it would far exceed the height of the existing boundary fence, which comprises a typical and a conventional residential boundary enclosure.

Notwithstanding the support offered for the proposal by the occupants of No 6, which I have noted, in my assessment, due to its excessive depth, height, and proximity to the boundary, I find that the extension would impose itself at extremely close quarters upon the outlook from the neighbouring ground floor living space, and from the immediately adjacent rear garden to No 6, as a visually dominant and intrusive addition. This would noticeably alter the existing arrangement and would significantly and unacceptably exaggerate the existing degree of enclosure to the rear of this neighbouring property.

6. The appellant has argued that the outlook from No 6 is already constrained by the scale and proximity of the side elevation to 70 East India Way. I saw from the appeal site the presence of this structure. However, it is set away from the side boundary of the appeal site by the width of a side pedestrian access. It is set further away still from the rear of No 6 by the additional width of the appeal site. Whilst obviously seen in an oblique outlook from No 6, and from its rear garden, I do not consider the visual impact from No 70 to be severe or harmful. In contrast, although just single-storey, the proposed extension would run immediately adjacent to the boundary between Nos 5 and 6 and would directly enclose the outlook from the ground floor of this neighbouring property and the immediately adjoining garden area. The impact of the extension upon the amenities at 6 Nihill Place would be considerably more direct and severe. The circumstances between the presence of No 70 and the appeal proposal are not comparable.
7. I am not persuaded by any substantive evidence that levels of natural light to the neighbour's internal living space would be significantly affected. Given the orientation of these properties, with No 6 to the south-east side of No 5, there would be little potential for the extension to overshadow the adjoining garden or living space. Nevertheless, this finding is neutral in the overall planning balance and does not negate the visual harm that I have identified.

Other Matters

8. I have carefully considered the effect of the proposed extension upon the living conditions at 70 East India Way. Due to the separation distances involved I am satisfied that there would be no detriment in terms of light or privacy affecting this neighbouring property. There is no evidence to suggest that rainwater discharge associated with the proposal would affect No 70. I note my findings here are consistent with the Council's.
9. The appellant has questioned the justification for the planning permission which was granted by the Council for the side extension to No 70 in 2018, but it is not for me to comment upon this as part of this appeal, which I have determined on the individual merits of the case that is before me.

Conclusion

10. For the reasons given, I find that the proposal would be harmful to the living conditions at 6 Nihill Place. There would therefore be conflict with Policy DM10 of the Croydon Local Plan (CLP) adopted in 2018, 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 part SP4.2 criterion c of CLP Policy SP4. For the same reasons there would also be conflict with Policy D3 of The London Plan 2021 and the National Planning Policy Framework's objectives

for achieving well-designed and beautiful places. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR