

Appeal Decision

Site visit made on 8 February 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH March 2024

Appeal Ref: APP/L5240/W/23/3326540

Flat 3, Jason Court, 4 Cypress Road, South Norwood, London SE25 6BJ

- 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 Conor Johnson against the decision of the Council of the London Borough of Croydon.
 - The application, Ref. 23/00183/FUL, dated 17 January 2023 was refused by notice dated 15 May 2023.
 - The development proposed is an additional floor to create an additional one bedroom flat.
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Decision

1. The appeal is allowed and planning permission is granted for an additional floor to create an additional one bedroom flat at Flat 3, Jason Court, 4 Cypress Road, South Norwood, London in accordance with the terms of the application, Ref. 23/00183/FUL, dated 17 January 2023 and subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposal on the living conditions for existing flat dwellers as regards their outlook. I acknowledge that there were other reasons for refusal, but in this particular case I consider for the reasons explained below that they can be considered collectively as 'Other Matters'.

Reasons

3. The Council considers that the increase in height of the building resulting from the additional floor level above the existing Flat 3 to create a new flat would unduly close down the outlook for existing flat dwellers. It is accepted by the Council that because the proposed addition would be to the north of these windows there would be no undue loss of light.
 4. The windows affected are to flats on the ground, first and second floors with the Council arguing that the 2.5m lateral distance from them to the increased height of the existing projecting wall would be such as to affect their outlook. However, as the grounds of appeal demonstrate through photographs, there are other comparable relationships between windows in these flats (including the principal outlook from living rooms) and the adjacent wall that have a lesser distance than those affected in this appeal. The photographs of similar window relationships in the nearby McRae Court and in Stuart and Karen Lodges illustrate even more proximity across a similar 45 degree inward corner.
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5. Taking these into account and having regard to the fact that there is an open aspect across a lawn and the car park from the windows that the Council considers would be harmfully affected, I am of the view that the oblique views from the ground and first floor flats would not be materially different. For the second floor flat window the change in the outlook would be greater, but moderate rather than unacceptably harmful as alleged.
6. Accordingly on the main issue I find that living conditions would not be adversely affected to an extent that there would be a harmful conflict with Policy DM10 of the Croydon Local Plan 2018 and Policies D3 & D6 of the London Plan 2021. There would similarly be no conflict with paragraph 135f) of Government policy in the National Planning Policy Framework December 2023.

Other Matters

7. The adequacy of car and cycle parking on the site to accommodate additional residents; the adequacy of refuse and recycling facilities, and the provision of an acceptable level of fire safety were also reasons for refusal.
8. Whilst the application could have been more forthcoming with these details, in the absence of clear evidence to the contrary that such facilities would not be available, the fact that the application is for an additional flat in an existing block of five means there is a reasonable expectation that the existing arrangements in the building would be adequate for occupiers of one more dwelling. The need for an increase in capacity can be the subject of conditions.
9. As regards car parking, the existing car park was empty on my arrival and whilst this in itself cannot be relied on to draw conclusions, I agree with the appellant's submissions that it is of a size that appears well capable of accommodating the cars from six flats rather than the five existing. In respect of cycle storage the appellant has submitted a new plan with the appeal and this can be considered as part of the Council's assessment of details of compliance with conditions.
10. In respect of refuse and recycling it is clear that there is storage on the site for the existing occupiers of the flats and again the provision of adequate facilities can be a condition of the permission. As regards Fire Safety, the proposed flat would be of the same layout as Flat 3 and would thereby have the same egress via a communal staircase. Other than being one floor higher the new flat would have the same safety standard as regards means of escape, whilst the fire resistance of construction materials including doors and their closures would be subject to the Building Regulations.
11. A pre-commencement condition to submit a Construction Logistics Plan will safeguard living conditions of residents; conditions relating to external materials and plans compliance will in turn preserve visual amenity and avoid uncertainty.
12. Finally, as regards existing signs of subsidence in Maria Court/Jason Court, the freeholder has been aware of the concerns since 2017 and it will be in their interests to ensure that this development can proceed with no adverse effect.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development shall be carried out entirely in accordance with the following approved drawings: 3391/2; 3391/EXG; 3391/PP; 3391/PPB;
- 3) Prior to above-ground works, details of the facing materials shall be submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details;
- 4) Prior to above-ground works, full details of the provision of Cycle storage and Refuse/ Recycling storage shall be submitted to and approved in writing by the Local Planning Authority. Details shall include plans showing the locations and elevations of the storage areas as appropriate. The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and thereafter maintained for the lifetime of the development;
- 5) Prior to the commencement of development including demolition, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development: a) Hours of construction; b) Hours of deliveries; c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors; d) Facilities for the loading and unloading of plant and materials; e) Details of any site hoardings; f) Details of the precautions to guard against the deposit of mud and substances on the public highway; g) Dust control methods. All phases of the development shall be carried out strictly in accordance with the details so approved.