



Appeal Decision

Site visit made on 19 February 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2024.

Appeal Ref: APP/L5240/D/23/3333996

44 Ambleside Gardens, South Croydon, Croydon, CR2 8SF

- 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 Jinlong Li against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/03398/HSE, dated 5 September 2023, was refused by notice dated 21 November 2023.
 - The development proposed is the erection of a steel balcony to rear elevation with composite decking and a staircase down towards rear garden and replacement of existing rear window to French door for balcony access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a steel balcony to rear elevation with composite decking and a staircase down towards rear garden and replacement of existing rear window to French door for balcony access at 44 Ambleside Gardens, South Croydon, Croydon, CR2 8SF in accordance with the terms of the application, Ref 23/03398/HSE, dated 5 September 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Map at scale 1:1250 and Drg Nos CR28SF44-100, CR28SF44-101, CR28SF44-102 and CR28SF-103.

Main Issues

2. The main issues are the effects of the proposal upon the character and appearance of the appeal property and wider area, and upon the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

Character and Appearance

3. The appeal property is a detached, two-storey dwelling within a residential neighbourhood and, along with its neighbour at No 42, occupies a wedge-shaped plot on the outside of an acute bend along Ambleside Gardens. The property has been extended with a two-storey side extension adjacent to No 46 following a grant of planning permission on appeal in February 2023 (Ref APP/L5240/D/22/3309933) and has an 'L-shaped' conservatory extension to the

- rear nearest to No 42. The proposal is to add a 2m deep by 3m wide balcony at first-floor to the rear elevation and accessed via a French door from a large, centrally positioned landing and to include steps down to the rear garden.
4. The rear garden to No 44 rises fairly steeply away from the dwelling and is enclosed by conventional garden fencing and planting. The rear elevation of the dwelling is out of sight from any public vantage point and likely only to be glimpsed in part from the backs of dwellings to the rear in Greville Avenue which are reasonably distant and orientated at an angle to the appeal property. The rear of the dwelling does not sit within any scenario where it forms part of any regimented or important setting. As such, its rear elevation is not sensitive to change.
 5. The balcony and its supporting structure would be effectively single-storey in scale and inconspicuous within its rear garden setting, appearing neither dominant nor intrusive. There would be no harm to the character or appearance of the appeal property or the wider area.

Living Conditions

6. During my visit I was able to look out from a set of French doors that had been installed at first-floor level and which would give access to the proposed balcony. The rear elevation of No 44 is deeply recessed behind the rear of No 46 and is angled facing away from this neighbouring property. Any possible sight of the neighbouring garden at No 46 from the proposed balcony would be restricted to just a small part of its nearest far corner. There would be no degree of direct overlooking from the balcony that would impact existing levels of privacy at No 46.
7. In the other direction, sight would be had over a large area of the rear garden at No 42, but only across its lower portions which are far removed from the more intimate area nearest the property's rear elevation and which would be further screened by an existing single-storey extension to No 42 nearest to the shared side boundary with the appeal site. Due to the angle of sight, distances involved, and the existing arrangement of buildings, I am satisfied that there would be no degree of direct overlooking from the balcony that would impact existing levels of privacy at No 42.
8. Due to separation distances, topography and layout, properties to the rear of the appeal site would be unaffected.

Conditions

9. In addition to the standard time limit condition, a condition specifying the relevant plans is necessary as this provides certainty. The Council has suggested a condition be imposed for details of the external materials for the balcony and supporting structure to be submitted and approved prior to any above ground works commencing. However, given the reasoning for my findings with regard to the first main issue, I do not consider such a condition to be necessary.

Conclusions

10. For the reasons given, I find that there would be no harm to the character or appearance of the appeal property and wider area, or to the living conditions of neighbouring occupiers. Accordingly, I find no conflict with Policies SP4 or

DM10 of the Croydon Local Plan 2018 (CLP) or Policy D3 of The London Plan 2021 (LP) as far as they seek to ensure development creates a high-quality environment. Neither do I find conflict with CLP Policies SP4.1, SP4.2, DM10.6 or LP Policies D3 and D6 as far as any seek to protect the amenities of neighbouring occupiers. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR