



Appeal Decision

Site visit made on 5 March 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 April 2024

Appeal Ref: APP/L5240/D/24/3336839

12 Bensham Close, Thornton Heath, Croydon CR7 7AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
 - The appeal is made by Mr Viet Nguyen against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/04260/GPDO.
 - The development proposed is described as 'proposed single storey rear extension with a maximum height of 3m and 6m length'.
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Decision

1. The appeal is allowed, and prior approval is granted for development described as 'proposed single storey rear extension with a maximum height of 3m and 6m length' at 12 Bensham Close, Thornton Heath, Croydon CR7 7AH in accordance with the terms of the application, Ref 23/04260/GPDO, subject to the conditions as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters and Main Issue

3. The provisions of the above mentioned legislation require, amongst other things, an assessment as to the impact of a given scheme on the amenity of any adjoining premises (living conditions), taking into account any representations received. This has formed the main issue, with specific regard to the occupants of Nos 14 and No 10 Bensham Close and their outlook.

Reasons for the Recommendation

4. The appeal property is a two-storey mid-terraced dwelling. The terrace is such that the front elevations face south-east, and the rear elevations face north-west. The adjoining end of terrace dwelling to the south-west, No 14, has a rear kitchen/diner extension which has a large glazed door, an average sized window close to the boundary with No 12 and rooflights. No 10 to the north-east has a shorter single storey kitchen extension with doors closest to No 12. Whilst the Council allege the proposal would have an overbearing (outlook)

impact and would result in visual intrusion and overshadowing, they do not make it sufficiently clear and precise as to what or where.

5. The proposal would project approximately three metres further past the extension to No 10 and two past No 14. The latter's large triple doors would not be restricted in any way. I also viewed the kitchen window at no 14, which is restricted by its position in front of the sink, its location close to the boundary and its height. In addition, the existing boundary fence runs directly from the extension wall at this point at a height of approximately 1.7m. the proposal would be approximately 1.3 m above this fence. The outlook from this perspective is directly down the sizeable rear garden which gives an open aspect. As such I do not consider the outlook from No 14 will be further impinged, unacceptably, by the proposal.
6. Outlook from No 10 is much the same in that it is a kitchen extension with similar window and door apertures. It too has a large open aspect rear garden, channelled by boundary fences approximately 1.7m tall. Whilst the proposal would be 1.3m above the existing fence height, there would not be any overbearing effect due to the open aspect and size of the rear garden and the length of projection of the existing extension.
7. The approximate track path of the sun means that all properties rear elevations will be overshadowed early in the morning as a direct consequence of the orientation of the terrace. At noon the sun is in the south and at its highest point providing all properties with a good proportion of sunlight. The setting sun or afternoon low winter sun in the west would appear to provide adequate sunlight to the rear aspects of Nos 14 and 12. If there would be any overshadowing of No 10 at all, it would be during this late afternoon period or in the winter months. Due to the lack of detailed evidence for any overshadowing and the infrequent occurrence of any potential therefore to No 10, dismissal of the appeal on this ground would be unreasonable.
8. I am therefore satisfied that, following the above assessment, the proposal would not give rise to any harmful effects to the living conditions of neighbours. The scheme would thus comply with the requirements of the above mentioned legislation. Furthermore, and so far as they are material to the main issue, the proposal would comply with Policy DM10.6 of the Croydon Local Plan (2018) and Policy D3 of the London Plan (2021). These seek, amongst other things, for development to protect the amenity of the occupiers of buildings and deliver appropriate outlook, privacy and amenity more generally.

Conditions

9. This prior approval is subject to standard conditions as set out by class A. Further conditions can be imposed in relation to amenity only. For this reason, I have not attached the Council's suggested condition requiring a water butt to be installed.

Conclusion and Recommendation

10. For the reasons given above and compliance with the stated legislation, I recommend the appeal be allowed in the circumstances set out.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

John Morrison

INSPECTOR