



Appeal Decision

Site visit made on 22 April 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 MAY 2024

Appeal Ref: APP/L5240/D/23/3328816

30 Waddington Way, Upper Norwood, Croydon, London SE19 3XJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Reja Shehzad Ashraf against the decision of London Borough of Croydon.
 - The application Ref is 23/02578/CONR.
 - The application sought planning permission for alterations, erection of single/two-storey side and rear extensions including front porch without complying with conditions attached to planning permission Ref 22/00961/HSE Appeal Ref APP/L5240/D/22/3309208, dated 23 February 2023.
 - The conditions in dispute are Nos 2 and 3 which states that: 2: The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. 3: The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 01894_P01 – Site Location Plan, P01 – Block Plan, P02, P03, P04B and P05A.
 - The reasons given for the conditions are: 2: to ensure a high-quality development. 3: in the interests of certainty.
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Decision

1. The appeal is allowed and planning permission is granted for alterations, erection of single/two-storey side and rear extensions including front porch at 30 Waddington Way, Upper Norwood, Croydon, London SE19 3XJ in accordance with the terms of the application, Ref 23/02578/CONR, made on the 2 July 2023, without complying with conditions 2 and 3 set out in planning permission Ref 22/00961/HSE Appeal Ref APP/L5240/D/22/3309208 granted 23 February 2023, but otherwise subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 01894_P01 – Site Location Plan, P01 – Block Plan, P02, P03, P04C and P05B.

Procedural Matter

2. As part of my site visit, I was able to see that the proposed development has already taken place on site. The appeal before me has therefore been assessed on a retrospective basis. I note that the works that have already taken place on site do not fully accord with the drawings submitted as part of this appeal. I have therefore determined the appeal based on the plans the Council based its decision on.

Background

3. Planning permission was granted for alterations, erection of single/two-storey side and rear extensions including front porch. Conditions controlling the materials and approved plans were imposed to ensure a high-quality development and in the interests of certainty. Condition 2 therefore states, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building. Condition 3 states, the development hereby permitted shall be carried out in accordance with the following approved plans, drawings: 01894_P01 – Site Location Plan, P01 – Block Plan, P02, P03, P04B and P05A. The development seeks to vary these conditions to substitute the finish of the flank wall from render to brickwork. It also seeks other minor changes including to the front and rear fenestration arrangements which removes the obscure glazing from the rear first floor window of the extension.

Main Issue

4. The effect that varying conditions 2 and 3 would have on the character and appearance of the host property and surrounding area.

Reasons

5. The appeal property relates to a two-storey detached property located on Waddington Way. The host property already benefits from a side extension which results in a closer relationship between the side elevation of the property and its neighbour at No 28 Waddington Way (No 28) which is located to the west. The majority of the side elevation is screened by the positioning of No 28 and the overall arrangement that exists onsite between the two properties means that there are limited views of the side elevation in question when viewed from the street.
6. At my site visit, I observed other properties in the surrounding area and noted that whilst of a similar style, there are many different configurations including materials with many properties using a mixture of white render and red brick. The finish of the flank wall has been constructed using brickwork and thus the side elevation is different to the rest of the property which comprises white render. That said, this change does not appear incongruous with the overall character of the property within such a residential setting where such materials are widely used and remain subordinate. The change in materials are not so significant as to result in an unacceptable visual impact or appear discordant. This is also the case when considering other vantage points such as from neighbouring properties and their garden areas.
7. Moreover, and as referred to, the neighbouring property at No 28 helps to screen the side elevation from public views from the street and thus any visual impact arising from the development would be limited. There has been no change in local or national policy since the determination of the previous appeal, although this would not alter my findings in relation to the above main issue.
8. I therefore conclude that the development does not unacceptably harm the character and appearance of the host property and surrounding area. Accordingly, I find that the development accords with Policies D3 and D4 of the

London Plan, 2021 and Policies SP4 and DM10 of the Croydon Local Plan, 2018 which together, amongst other matters, requires the delivery of good design.

Other Matters

9. I am aware of third-party concerns in relation to living conditions with particular regard to outlook, privacy and light. However, the development would not alter the footprint of the development and the change in materials as previously referred to are not so significant as to result in any unacceptable visual intrusion or loss of light. The removal of the obscure glazing from the rear first floor window of the extension would result in the neighbouring garden of No 28 being visible from this window. However, this arrangement is not uncommon in such residential settings and the orientation of the appeal property and the positioning of the windows within the rear elevation means that it has direct outlook over its own rear garden area and outlook from inside the property would be at an angle. I am therefore satisfied that the living conditions of neighbouring properties are not unduly harmed by the development.
10. Matters relating to party wall agreements would not alter my findings on the above main issue and it is indeed a matter to be addressed between the relevant parties.

Conditions

11. The guidance in the Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
12. The standard time limit condition is no longer necessary given the retrospective nature of the appeal. A condition relating to the approved plans is necessary in the interests of certainty which also includes the finishing materials.

Conclusion

13. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed.

N Teasdale

INSPECTOR