



Appeal Decision

Site visit made on 29 May 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/L5240/D/24/3337449

60 Warbank Crescent, New Addington, Croydon, CR0 0AS

- 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 Mrs Julie Sheppard against the decision of the Council to the London Borough of Croydon.
 - The application Ref 23/03236/HSE, dated 23 August 2023, was refused by notice dated 2 November 2023.
 - The development proposed is described as retrospective application for single storey outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework September 2023 has been replaced. Within the current National Planning Policy Framework December 2023 (Framework) paragraphs 126 and 130 of the former Framework have been renumbered 131 and 135 although their content is unchanged. For the avoidance of any doubt, I confirm that in this decision I have referred to the new numbering.

Main Issue

3. The main issue is the effect of the proposal on the development pattern of the local area.

Reasons

4. The appeal site is located in an established housing estate that is characterised by semi-detached and terraced two storey houses with uncluttered front and rear elevations and predominantly fully hipped roofs. The dwellings are set back from the highway behind modest sized front gardens, which together with the grassed areas and verges, contribute to the spacious character and appearance of the estate.
5. The rear gardens vary in size and are primarily enclosed by tall timber fencing. A significant proportion of the gardens contain rear extensions and/or outbuildings and other structures of various sizes and designs. Collectively, these features contribute to the more varied character and appearance of the rear garden environment.

6. The appeal dwelling has a large rear dormer extension and a part single storey and part two storey rear extension which projects to the rear of the original dwelling. Due to their combined bulk, height and projection these extensions have materially reduced the size and had an enclosing effect on the rear garden. A significant proportion of the rear garden is occupied by the appeal outbuilding, which has already been constructed.
7. Together and amongst other things Policy D3 of the London Plan 2021 (The London Plan) and Policies SP4 & DM10 of the Croydon Local Plan 2018 (LP) seek to ensure that new development is designed to a high standard, respects and enhances local character and contributes positively to the public realm. It should respect the pattern and form of the surrounding area. Policy GG2 of The London Plan supports making the best use of land.
8. This is consistent with paragraph 135 of the Framework which states that new development should function well and add to the overall quality of the area and maintain a strong sense of place. New development should be sympathetic to local character, including the surrounding built environment and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Paragraphs 11 and 131 of the Framework promote sustainable forms of development, of which good design is a key aspect.
9. Whilst the council has referred to policy D4 of The London Plan, it deals with design processes and actions and so is not of particular relevance to the merits of the proposal.
10. The proposed building has already been constructed and occupies a significant proportion of and dominates the rear garden. As stated on the submitted drawings the proposed building is 6.37 metres wide by 4.37 metres deep and has a mono-pitched roof that ranges from 2.07 to 2.75 metres in height, excluding the raised base it sits on. Internally it includes a room that is currently unused and a shower room.
11. The proposed building projects close to the host dwelling and has double doors and three tall windows which face directly towards the ground floor bedroom and kitchen windows within the host dwelling. Whilst the garden area to the side of the proposed building is usable, it is uncharacteristically small within the surrounding rear garden environment.
12. The above factors highlight the bulk and prominence of the proposed outbuilding and the cramped nature of its relationship with the host dwelling and the resultant rear garden. The proposal has resulted in the overdevelopment of the site and it unacceptably detracts from the open character and appearance of the rear garden environment. This harm materially outweighs the benefits for the appellant and their family that would result from the additional domestic accommodation. It is also a matter that could not be satisfactorily addressed through the imposition of conditions.
13. I give minimal weight to the availability of permitted development rights. This is because such rights only extend to outbuildings to be used for purposes incidental to the host dwelling. Also, due to its height the proposed building falls outside the scope of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

14. Finally, the appellant has referred to the Croydon Suburban Design Guide Supplementary Planning Document dated 2019. However, that document was revoked by the council on 26 July 2022 and is no longer used as material guidance for determining planning applications. As such it is not material to the consideration of the appeal proposal.
15. For these reasons, I conclude on the main issue that the proposal would result in unacceptable harm to the development pattern of the local area. Accordingly, the proposal would conflict with LP Policies SP4 & DM10 and policies D3 & D4 of the London Plan.

Elizabeth Lawrence

INSPECTOR