



Appeal Decision

Site visit made on 27 June 2024 by L Clark MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2024

Appeal Ref: APP/L5240/D/24/3338919

52 Keston Avenue, Coulsdon, Croydon CR5 1HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jacek Wieckowski against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/04100/HSE.
 - The development proposed is described as '1st floor rear home office room above kitchen diner.'
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Decision

1. The appeal is dismissed.

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 Matter

3. The description above is taken from the application form. The form also includes explanatory text. Namely 'raise part of party wall 90cm to eaves height of new roof to match height of rear elevation existing lowered roof height. New rear wall 1.4m height above existing flat roof to match height of existing rear lowered roof elevation. New roof with 47degree pitch on two sides of approximately 90cm run with flat roof on top.' I have taken this detail into account but, for ease of identifying the development to which the appeal relates, I have omitted it from the banner header above. This has not changed anything fundamental nor prejudiced the ability of any party to make their case in respect of the appeal scheme.

Main Issues

4. The main issues are the effect of the proposal on a) the living conditions of the occupiers of 50 Keston Avenue with specific regard to outlook and light and b) the character and appearance of the area.

Reasons for the Recommendation

Living Conditions

5. The appeal property is semi-detached and adjoins No 50 Keston Avenue. Both are similar in their design and materials and have been extended in a number

of ways. The adjoining rear elevations of both properties at first floor level are currently in line with each other.

6. The new side wall of the extension would sit at a height just under the eaves of the appeal property and therefore above the first-floor bedroom window height of the adjoining dwelling. It appears to be the case that an existing parapet wall will be made taller. Given the siting of this wall, running a substantial distance along the boundary with the neighbouring property, it would be overbearing to the occupants of No 50 by boxing in the bedroom window along with the rearward projection of the remainder of No 50 and from which it would garner an oppressive outlook.
7. The proposed roof of the first-floor extension would have a hip from the eaves that would thus slope away from the adjoining dwelling and the extension would be marginally stepped away from the shared boundary. Nevertheless, the tunnelling effect I have alluded to above would also further restrict light into what would be a hemmed in bedroom window.
8. No 50 is of a good size with an equally generous garden but the projection and proximity of the extension would harm the living conditions of its occupants in the manner I have explained. The proposal would therefore be contrary to Policy DM10 of the Croydon Local Plan (LP) (2018) and Policy D4 of the London Plan (2021) which seek to ensure, amongst other things, that the living conditions of neighbouring properties are protected.

Character and Appearance

9. The Council's reasons for refusal allude to the siting, scale, bulk and design of the proposals being at issue and that in combination with the existing extensions to the building, they would dominate and detract from the appearance thereof and be detrimental to the street scene. The delegated report does not offer any further explanation.
10. That said, and being to the rear of the building, the extension would not influence the street scene. It would further be read in the context of a heavily modified rear elevation, in amongst others that have undergone similarly extensive alterations. The proposed development would use materials to match and take a similar design approach to the existing dwelling. In scale and contextual terms, the extension would actually be quite small. I am therefore satisfied that the proposal would not harm the character or appearance of the area. As such, it would comply with Policies SP4 and DM10 of the LP and Policy D4 of the London Plan which, together, seek to ensure that development is of a high quality and a contextually appropriate design which respects and enhances local character.

Other Matter

11. Policy DM10 refers to a Supplementary Planning Document for extensions and alterations. I have not been provided with a copy. I am however comfortable with my findings on the main issues and specifically the wording of the policies I have cited are sufficient to make a judgement against the development plan.

Conclusion and Recommendation

12. Whilst I have found compliance with the development plan in regard to the second main issue, this would be as a result of a lack of harm which would be

neutral and thus incapable of weighing in favour of the appeal scheme. I have found that there would be harm and subsequent development plan conflict regarding the first main issue. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith on that matter. I therefore recommend the appeal be dismissed.

L Clark

APPEAL PLANNING OFFICER

Inspector's Decision

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

John Morrison

INSPECTOR