



Appeal Decision

Site visit made on 21 June 2024

by N Perrins BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24TH JULY 2024

Appeal Ref: APP/L5240/D/24/3343195

132 Old Lodge Lane, Purley, Croydon CR8 4DH

- 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 Mr Lawrence Freeman against the decision of London Borough of Croydon.
 - The application Ref: 23/03993/HSE.
 - The development is for conversion and extension of outbuilding into annex with accommodation within the roof space and roof extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am aware that amended plans were submitted during the planning application process seeking to address the Council's concerns. For the avoidance of doubt I have assessed the appeal on the amended plans.

Main Issues

3. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area, and
 - (ii) the living conditions of neighbouring properties with particular regard to overlooking and privacy.

Reasons

Character and appearance of the area

4. The appeal site is a two-storey semi-detached dwelling on the western side of Old Lodge Lane. The site has a long rear garden that slopes upwards away from the dwelling. The character of the area is predominantly residential with a mix of detached and semi-detached dwellings. Many of the properties along the western side of Old Lodge Lane, including the appeal site, have outbuildings of varying sizes located at the end of their rear gardens. There is an access road along the rear boundary that serves the appeal site and other outbuildings located to the rear of properties.
5. The outbuilding at the rear of the appeal site's garden is proposed to be altered and extended to create additional ancillary accommodation. The existing

outbuilding is a large and prominent structure within its setting due to its scale and elevated position. From the information before me and as observed on my site inspection, it is notably larger than other outbuildings to the rear of properties. Despite its scale and elevated position, it retains the appearance of a domestic outbuilding that is subservient to the host dwelling due to its functional design with small openings, as well as part of the structure being set back from the front elevation.

6. I agree with the Council's pre-application advice that the proposal to extend the outbuilding is acceptable subject to due consideration of the design before me. In this case, the appeal proposal would increase the height by around 1m to make alterations to the roof to accommodate an increase in floorspace, mezzanine and rear dormer. Given the elevated position within the site, the proposed height and altered roof form would appear as a substantial increase to what is already an uncharacteristically large outbuilding for the area that would bear almost no relationship to the scale of outbuildings on nearby and adjacent gardens.
7. Moreover, whilst I acknowledge the changes made during the application, the proposal with its large and prominent ground floor frontage windows would result in the proposal appearing, as a whole, more akin to a small dwelling rather than a domestic outbuilding. When the appearance is considered together with the increase in height and elevated position within the plot, the proposal would not have a subservient relationship with the host dwelling.
8. Whilst wider views of the proposed building would be limited mainly to those from the adjoining properties and their gardens, it would still appear as an overly large and prominent outbuilding within its garden setting out of character with the scale, form and appearance of domestic outbuildings in the area.
9. To the rear, outbuildings in and around the appeal site along the rear access way appear as subservient and domestic structures. In contrast, the alterations to the rear including the proposed box-like dormer would be a prominent and discordant change to the character and appearance of the rear access way. That said, the rear access way does not appear to be frequently used or visible from wider public vantage points and the harm to the character of the area in this direction would be limited.
10. In terms of other matters raised, I am satisfied that the increase in footprint can be accommodated within the appeal site in principle due to the size of garden area available subject to an appropriate overall design. I also find that the siting of the appeal proposal is acceptable given the location of the existing outbuilding and those in nearby and adjoining properties that are all sited in similar locations to the rear of their respective garden areas. The proposed design in terms of its materials is also acceptable. However, finding no harm in these respects does not outweigh the harm to the character of the area that would be caused from the excessive height and incongruous appearance of the proposed outbuilding.
11. I have also reviewed the examples provided by the appellant of other outbuildings approved by the Council. None of the other examples are directly comparable in view of the topography and rising land that exists at the appeal site. These examples, therefore do not provide any weight for or against the

appeal proposal other than confirming that conditions can be used to ensure the development would remain ancillary to the main dwelling, which I discuss further later in this decision.

12. For the aforementioned reasons, the development would harm the character and appearance of the area contrary to Policy D3 of the London Plan 2021 (LP) and Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP), which amongst other things requires development to be subservient to buildings that are being retained, respond positively to local distinctiveness, respects and enhances Croydon's varied local character and be high quality respecting the appearance and built features of the surrounding area. The proposal is also contrary to Paragraph 135 of the National Planning Policy Framework (the Framework) that requires development to be sympathetic to local character.
13. I note the Council's decision notice also referred to the proposal being contrary to Policy D4 of the LP. As highlighted by the appellant, Policy D4 is more aimed at larger developments and not directly relevant to the consideration of this appeal.

Living conditions

14. I agree with the appellant that the rooflights would not result in any harm to living conditions due to their location in the roof space and position of the mezzanine floor. However, the additional windows at ground floor level on the front elevation would be a notable and visible change to adjoining properties when compared with the small and low level openings that currently exist.
15. I acknowledge that the separation distances in this case would be large, but this is tempered by the rising land and the proposal being located on a part of the site that would likely to be prominently visible from parts of the adjoining properties. Even with some of the views being screened by mature vegetation the scale of the proposal would result in an imposing and intrusive structure that would increase the perception of overlooking and loss of privacy as a result of the ground floor front elevation windows.
16. The appellant's suggestion of addressing this with a condition to require the windows to the games room are obscure glazed would not suitably overcome the issue of an increased perception of overlooking that arises from the size and overall design of the windows.
17. For the foregoing reasons, the proposal would result in an increase in the perception in overlooking and loss of privacy to the neighbouring properties contrary to Policy DM10 of the CLP, which seeks to ensure that the amenity of the occupiers of adjoining buildings are protected. I find the proposal also conflicts with Paragraph 135 of the Framework that seeks to ensure development creates places that have a high standard of amenity for existing and future users. I further note that the Council's decision notice referred to Policies D1 and D4 of the LP, but as highlighted by the appellant are not relevant as they make no reference to the impact of a development on the amenities of adjoining properties.

Other Matters

18. The Council has highlighted a potential concern that the outbuilding could be considered as tantamount to a new dwelling. I understand the concerns given

the size and layout of the proposal. However, as has been demonstrated this issue could be reasonably controlled by a suitably worded condition to ensure the property remained ancillary to the host dwelling. However, as I have found the proposal to be unacceptable for the reasons stated, I do not need to consider this matter any further in this decision.

Conclusion

19. To conclude, the development would have an adverse impact on the character and appearance of the area and living conditions of neighbouring properties. There are no material considerations that would outweigh the conflict with the Development Plan and therefore the appeal is dismissed.

N Perrins

INSPECTOR