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## Appeal Decision

Site visit made on 9 July 2024

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> August 2024**

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**Appeal Ref: APP/L5240/W/23/3330711**

**Land adjoining No. 2 Round Grove, Croydon CR0 7PP**

- 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 Ms Ciara Shevlin against the decision of the Council of the London Borough of Croydon.
  - The application Reference is 23/01204/FUL.
  - The development proposed is the erection of a new detached dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of a new detached dwelling on land adjoining No. 2 Round Grove, CR0 7PP Croydon in accordance with the terms of the application, Ref. 23/01204/FUL and the plans submitted with it, subject to the following conditions in the attached Schedule.

### Main Issues

2. The main issues are (i) the effect of the development on the living conditions for adjoining occupiers as regards outlook and privacy; (ii) the adequacy of living conditions for future occupiers of the proposed dwelling, and (iii) the effect of the proposed parking space on highway safety. As regards (i) I have carefully considered the objections of those affected as well as the Council's.

### Reasons

3. On the first issue, the Council's objection is that the proposed dwelling would have an unacceptable impact on the living conditions for the occupiers of No. 2 Round Close, the adjacent dwelling to the east. Firstly, as regards the outlook from that property, there is already a building in the position of the proposed dwelling and indeed closer to the boundary. The development is a chalet bungalow with rooms in the roof as opposed to a two-storey structure and because of this it would have a low eaves line (indeed the same as existing) with the roof sloping away. Accordingly, I do not consider that the building would be overbearing for the occupiers of No. 2 or be perceived as comprising an excessive degree of enclosure.
4. As regards privacy, although the proposed rooflights are directly adjacent to the garden, the angle of the windows would be such as to make it easier for anyone in the room to look upwards and outwards than downwards. The Council has referred to the proposed floor to window cill height as being just 1.3m, but in fact this limited ceiling height would result in adults having to stand away from the windows and thereby tend to limit or preclude downward

- views depending on the persons height and exact standing position. Moreover, there is already a sightline into the rear garden of No. 2 from the upstairs windows of the houses to the east and south, and overall on this issue I do not find that the effect on neighbours would be other than that which might be reasonably expected in a suburban location of a medium housing density.
5. Turning to issue (ii), the Council is concerned that the accommodation in the proposed dwelling would be deficient as regards ceiling height and the width of the smaller second bedroom. As regards the former, the appellant has demonstrated in this appeal that there would be a total 66sqm of a minimum floor to ceiling height. And when read together, the section plan and annotated floor plan 4318/PFPE Rev. A showing the extent of floorspace with the differing ceiling heights appear to agree. With respect to the bedroom size, the dimensions exceed the minimum stated under paragraph 3 of 'Private Internal Space' in Policy D6 of the London Plan. Clearly this bedroom is more suitable for a child than an adult and this is the proposed occupancy in this case, with potential future occupiers being able to take this limitation into account.
  6. On the final issue, I consider that the Council has applied its guidance on vehicle crossovers without sufficient regard to the particular circumstances of this case. The appeal site is in a cul-de-sac with a low level of relatively slow moving traffic. The visibility for the driver of an emerging vehicle is unrestricted and in this case the slightly different angle to that in the guidance will in my view have no detrimental effect at all on highway safety.
  7. Overall, and taking all three issues together, I Find that there would be no harmful conflict with Policies SP2, SP4, DM10, DM29 & DM30 of the Croydon Local Plan 2018; Policies D3, D6 & T4 of the London Plan 2021 or with Government policy in the National Planning Framework 2023. I am additionally mindful that the appeal scheme would provide an additional dwelling at a time when current Government policy is to significantly increase the housing supply.
  8. I shall therefore allow the appeal. In so doing I shall impose a number of conditions on the lines suggested by the Council, albeit I have excluded those that in my view are unnecessarily overly prescriptive and more suited to a block of flats than to a small single dwelling. I have additionally deleted discretionary elements in a number of the conditions as appropriate in order to comply with the Government's online Planning Practice Guidance.
  9. A condition requiring development to comply with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning, whilst a condition requiring the Council to approve external materials will safeguard visual amenity. The restriction of permitted development rights by a condition is required because it is important to safeguard the amenity of adjacent residents and the locality in a situation where development site is small in size and in a prominent position.
  10. Finally, conditions as regards fire safety, accessibility and water economy are appropriate to respectively ensure that the dwelling is safe to live in, suitable for lifetime occupation including for persons with disabilities and contributes to the conservation of water as a sustainable natural resource.

*Martin Andrews*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans: Drawing No. Series 4318: Plan Nos. /PBP/OS; /EPSS (both versions); /SCV; /PFPE Rev. A; /PST; 23.82.001;
- 3) Prior to the commencement of above-ground works, full details including samples of external facing materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details;
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order 2015 (as amended) no developments relating to Classes A, AA, B, C, D and E of Part 1 (Development within the curtilage of a dwellinghouse) of Schedule 2 (Permitted Development Rights) shall be undertaken;
- 5) The development hereby permitted shall be carried out in accordance with the provisions of the Fire Safety Strategy received by the Council on 24th of March 2023;
- 6) The dwelling hereby approved shall be constructed and fitted out to comply with optional requirement M4(2) 'Accessible and Adaptable' of the Building Regulations 2010 (as amended);
- 7) The development hereby permitted shall achieve a minimum water efficiency standard of 110 litres per person per day.