



Appeal Decision

Site visit made on 30 July 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13TH August 2024

Appeal Ref: APP/L5240/D/24/3342542

76 St Peter's Street, South Croydon, CR2 7DE

- 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 Miss Ros Ajlboye against the decision of the Council to the London Borough of Croydon.
 - The application Ref is 24/00024/HSE.
 - The development proposed is described as erection of single storey rear, flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As pointed out by the appellant within the council's delegated report the dwellings at 74 and 78 St Peter's Street (No.74 and No.78) are incorrectly numbered. Notwithstanding this, it is clear from the report which dwellings the comments relate to and so this error has not affected my ability to determine this appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of No.74, with particular regard to visual impact and daylight.

Reasons

4. This part of St Peter's Street is characterised by modest sized two storey Victorian terraced houses with varied sized narrow rear gardens. The ground floors of the dwellings slightly elevated above street level and their rear gardens which slope down gradually away from the dwellings.
5. To the rear the dwellings have rear projections of various depths and heights. Consistent with this the appeal dwelling has a single storey rear projection with a hipped roof, which adjoins a similar rear projection at No.78. Due to the sloping ground levels within the rear garden, the height of the rear projections in relation to the ground level increases as they progress into the rear garden.
6. On the opposite side of the appeal dwelling is a narrow strip of garden that projects up to the boundary with No.74. The dwelling at No.74 similarly has a single storey rear projection, which is separated from the boundary between the two properties by a narrow strip of garden. As with the appeal dwelling,

this rear projection increases in height as the land falls away to the rear. As a consequence, the ground floors within the rear projections and the windows are raised to match the main parts of the dwellings.

7. Together and amongst other things Policies D1 and D4 of the London Plan and policy DM10.6 of the Croydon Local Plan 2018 (LP) seek to ensure that proposals should protect the amenity of and should not result in a significant loss of existing sunlight or daylight for the occupiers of adjoining buildings.
8. The proposed extension would fill the gap between the appeal dwelling's rear projection and the boundary with No.74. Its depth and eaves height would be consistent with that of the existing rear projection and its flat roof would be continued over the existing rear projection. This would avoid a fragmented appearance and the resultant extension would reflect the uncluttered appearance of the host dwelling.
9. The proposed extension would be partly screened from the dwelling at No.74 by a tall fence, which increases in height as the rear garden falls away. However, the proposed upper side wall of the proposed extension would be visible and would have an unduly enclosing and overbearing impact on the outlook from the adjacent rear and side facing windows at No.74. This is due to its overall depth combined with the height of the rearmost part of the proposed extension. Whilst the loss of daylight within the rooms served by these windows would be modest, it would nonetheless exacerbate the sense of enclosure for the occupiers of No.74.
10. I have taken into consideration and have given some weight to the fact that the proposed extension would facilitate the provision of a less steep staircase and an upstairs W.C. The size of the resultant living room and kitchen/dining areas would be larger and would provide enhanced living conditions for the occupiers of the property. However, notwithstanding the absence of a formal objection from the owner/occupiers of No.74, these benefits would be clearly outweighed by the harm that would be caused to the living conditions of the occupiers of No.74. Further as this harm could not be satisfactorily addressed without reducing the depth of the proposed extension, it is not a matter that could be dealt with by condition.
11. Finally, as the proposed extension would not project above or beyond the existing projection to the rear of the appeal dwelling, the proposal would not have a material impact on the living conditions of the occupiers of No.78.
12. I conclude on the main issue that the proposal would unacceptably harm the living conditions of the occupiers of No.74 due to its visual impact and associated loss of daylight. It would therefore conflict with policies D1 & D4 of the London Plan and LP Policy DM10.

Other matter

13. Regarding Flood Risk, the council has stated that this is something that could be satisfactorily addressed through the provision of a water butt. This is something that could be secured through the imposition of a condition.

Conclusion

14. Whilst I have found in favour of the proposal on some matters, the conclusion on the main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR