

Appeal Decision

Site visit made on 30 August 2024

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2024

Appeal Ref: APP/L5240/W/24/3338411

197 Church Road, Upper Norwood, Croydon, London SE19 2PS

- 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 Nikki Griffiths and Luke Moseley against the decision of the Council of the London Borough of Croydon.
- The application Ref is 23/03549/FUL.
- The development proposed is described as the conversion of the existing flat into 2 dwellings. A roof extension to the cottage and changes to the rear elevation of both the main house and cottage to facilitate the conversion. Changes to the landscaping at the front to rationalise the parking, bin and bike store areas.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dormer extension on the character and appearance of the Church Road Conservation Area.

Reasons

3. The appeal property forms part of 197 Church Road which is a converted two storey detached property with a basement and roof level accommodation and an attached single storey cottage. The property has distinctive architectural detailing including gables with curved fascia boards and finials. The property is located within the Church Road Conservation Area (CRCA) which is characterised by its many grand Victorian buildings set in spacious plots with mature landscaping. The appeal property is one such example and positively contributes to the character and appearance of the CRCA. It is also a locally listed building.
4. The proposed dormer would be located to the rear elevation of the cottage. Although it would not be hugely prominent when viewed from the Church Road street-scene, it would be highly visible from the rear amenity space and would also be visible from The Park to the side of the property, which is identified as a woodland walk and appears to have unrestricted public access.

5. The dormer would be a significant intrusion into the rear of the property. It would amount to the upward continuation of the ground floor, breaking through the existing eaves. I acknowledge that the appellant has sought to replicate the pleasant fascia boards and finials, however where such features are used in the host property they are drawn to a single point. The trapezium shape of the installation would appear alien to the building, where roof alterations are accommodated within the distinctive gable features.
6. The expansive fenestration, whilst no doubt providing a pleasant outlook for the occupants, would also be out of character with the host property and it would not relate well to the fenestration of the ground floor.
7. Section 72(1) of the Act¹ requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area when considering development proposals. Due to its overall design, size and shape, the proposed development would have a harmful impact on the character and appearance of the CRCA and would thereby fail to preserve or enhance its character and appearance. For these same reasons, it would also harm the character and appearance of the locally listed building. It would be contrary to Policies DM10 and DM18 of the Croydon Local Plan (2018) and Policy HC1 of the London Plan (2021). Collectively, these policies seek to ensure that development is of good design which does not harm the significance of heritage assets.
8. The proposed development would also be contrary to the requirement of the National Planning Policy Framework (2023) (the Framework) that heritage assets are conserved in a manner appropriate to their significance, and that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Other Matters

9. The appellant has referred to a number of building alterations in the surrounding area. Although I do not have full details of these examples in order to give them significant weight, from the submitted evidence none relate to the same forms of development and are in different contexts. Either way, I have considered the appeal on its own individual planning merits and these examples do not lead me to conclude in favour of the appeal.
10. The appellant suggests that the volume of the dormer is below the allowed permitted development rights for roof extensions to semi-detached properties. As, however, acknowledged by the appellant, the property does not currently benefit from such permitted development rights and therefore this is not a fallback and is of limited weight in the appeal.
11. The appellant also suggests that the proposed development would make it more likely that the property would be maintained properly. This has not been substantively demonstrated. The appeal property did not appear to be in urgent need of maintenance, and it is not clear why any such maintenance would be reliant on the implementation of the proposed development. It does not overcome the harm I have identified.

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Balance and Conclusion

12. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial or less than substantial harm to its significance.
13. Having regard to paragraph 208 of the Framework, I find that as the proposed development would affect a limited part of the conservation area, the harm to the conservation area is relatively localised, and therefore the proposed development would cause less than substantial harm to the significance of the designated heritage asset. Under such circumstances the Framework advises that this harm should be weighed against the public benefits of the proposal.
14. The proposed development as a whole would result in the creation of an additional dwelling. Although this is a public benefit, the Council have outlined how they have a 5-year housing land supply. Furthermore, I am not certain that the proposed dormer is the sole means of achieving this benefit. Either way, the provision of the additional dwelling does not outweigh the harm that would be caused.
15. The proposed development would therefore conflict with the development plan and there are no identified other considerations, including the Framework, that outweigh this conflict.
16. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR