



Appeal Decision

Site visit made on 22 October 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/L5240/W/24/3343069

Flat 2, 9 Stuart Road, Thornton Heath, Croydon CR7 8RA

- 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 A Ally (Bensham Investments Limited) against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00504/FUL.
 - The development proposed is the formation of rooms in roof space with erection of dormers to main roof and rear annexe and installation of velux rooflights to the front elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of rooms in roof space with erection of dormers to main roof and rear annexe and installation of velux rooflights to the front elevation at Flat 2, 9 Stuart Road, Thornton Heath, Croydon CR7 8RA in accordance with the terms of the application, Ref 24/00504/FUL, subject to the following conditions:
 - 1) The development shall be begun within three years of the date of the permission.
 - 2) The development shall be carried out entirely in accordance with Plan Nos. Existing Plans SR/10, Proposed Plans SR/11.
 - 3) The materials to be used for the external surfaces of the development hereby permitted along with work of making good shall be carried out in materials to match those of the existing building.
 - 4) Prior to the commencement of development, a Planning Fire Safety Strategy or a Reasonable Exception Statement shall be submitted to and approved in writing by the Local Planning Authority.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and area.

Reasons

3. The appeal site comprises a mid-terrace property with subordinate rear outrigger which has been converted into two flats. It is set along a row of similarly styled terraces addressing Stuart Road with the rear aspect presenting to Garnet Road and a small area of open space surrounding two flat blocks.

4. The proposal seeks to form a roof extension as a pair of interconnected flat-roofed dormer windows. The style and appearance of these dormer windows would be large and bulky and a somewhat incongruous feature in the roof slope. They would be harmful to the character and appearance of the existing property and be visible from the rear.
5. However, I am mindful that the dormer windows would be very similar to that immediately next door at number 8 Stuart Road. No. 8, however, is a house and benefits from 'permitted development rights' such that this structure could be built with deemed permission. The same does not apply here. Even so, I cannot disregard its existence.
6. These two properties share the inside return elements to their respective outriggers along this part of the terrace row. In this sense, the construction of the dormer windows at number 9 would balance the pair and even the impact. Views would be quite confined due to surrounding buildings. Even so, I am conscious that repeating this form of development along the whole row of terraces could have a deleterious effect on their character. It is only because of the balancing effect and recessed nature of the dormers between nos. 8 and 9 that I am able to conclude that the development proposed here is acceptable. In these specific circumstances, I conclude that the development complies with policies SP4 and DM10 of the Croydon Local Plan 2018 and policies D3 and D4 of the London Plan 2021 (LonP). These policies seek high quality design that respect development pattern, layout and siting.
7. In reaching this conclusion I have been mindful of the appeal decision at 10 Stuart Road¹. The difference between these schemes is that No. 10 is set on the corner with Cotford Road in a very exposed position. It does not have the benefit of being largely screened on three sides by the existing buildings including their outriggers as is the case here.

Conditions

8. I have imposed the conditions recommended by the Council including a time limit condition to accord with the Town and Country Planning Act 1990 (as amended), a plans condition for certainty and matching materials in the interests of the character of the area.
9. I have imposed a condition requiring the submission of a fire safety strategy to comply with policy D12A of the LonP. This is in the interests of the safety and reduction in risk to life. This is a pre-commencement condition, and the appellant has indicated that they are satisfied that it is imposed.

Conclusion

10. For the reasons given above the appeal should be allowed.

Nick Bowden

INSPECTOR

¹ APP/L5240/W/21/3284386