



Appeal Decision

Site visit made on 11 December 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/L5240/D/24/3348154

125 Dunley Drive, Croydon CR0 0RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr S. Akioyame against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01641/GPDO.
 - The development proposed is ground floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development solely on its impact on the amenity of any adjoining premises, taking into account any representations received. I have determined this appeal on the same basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers at 123 and 127 Dunley Drive (No 123 and No 127).

Reasons

4. The appeal site includes a mid-terrace dwelling, neighboured on either side by No 123 and No 127 Dunley Drive respectively. None of these three dwellings have previously been extended to the rear, and their side boundaries are marked by ordinary garden fencing. Garden buildings are located close to the rear boundary of each property. These features combine to create an open feel at the rear of the dwellings, the value of which to occupiers of No 123 and No 127 is indicated by the presence of glazed doors leading out onto patio areas, connecting house and garden in both cases.
5. The proposed development comprises a single storey rear extension some 6m deep and with a height of 3m, built to the boundaries with No 123 and No 127, where it would replace the existing fencing. In addition, skylights some 300mm in height above the roof line are proposed. An objection has been received from one of the two neighbouring homes citing, amongst other things, adverse effects on outlook and light.

6. The replacement of the existing fences with solid walls at least a metre taller, and spanning 6 metres of the boundary, would significantly erode the current sense of openness experienced from the garden, patio, and internal ground floor at both No 123 and No 127. The proposed development would dominate the outlook therefrom, creating an invasive, harmful feeling of enclosure in locations where the current sense of openness an important feature of these properties.
7. Neither 121 or 129 Dunley Drive have rear extensions comparable to the proposed development in terms of depth, height, and design. As a result, the proposed development would not contribute to the creation of a corridor effect, whereby similar extensions would exist on either side of No 123 or No 127. Nevertheless, and even if allowing the appeal did not set a precedent leading to the erection of similar extensions at those sites, the effect of the proposed development on living conditions must be assessed on its own merits. As set out above, the resultant harm would be such that the scheme is unacceptable, and I attach minimal weight to the absence of comparable developments, therefore.
8. I appreciate that the General Permitted Development Order (GPDO) has been amended expressly to include provision for 6-metre-deep extensions and that, in not breaching a 45-degree line measured vertically from the centre of openings at No 123 or No 127, the proposed development would likely not have an unacceptable effect on levels of light to either home. At the same time, the GPDO contains a requirement that the impact on the amenity of any adjoining premises be assessed if an objection is received. As set out above, I have found the effect on outlook to be so harmful as to render the proposed development unacceptable.
9. My attention has been drawn to an appeal decision¹ in which an extension of similar proportions to the proposed development was allowed. That decision did not address the effect of the proposal on neighbours on either side, only to the rear. Moreover, I have no evidence that the relationship between that extension and any neighbouring windows, doors, or patios was comparable to that described above. As such, I do not consider the cited decision to set a precedent for this appeal.
10. The proposed development would cause unacceptable harm to the living conditions of existing occupiers of Nos. 123 and 127 Dunley Drive in terms of outlook and, as such, would conflict with Policies SP4.1 and DM10.6 of the Croydon Local Plan (2018) where they require development to protect the amenity of the occupiers of adjoining buildings and be of a high quality.

Conclusion

11. For the reasons given above the appeal is dismissed.

A Knight

INSPECTOR

¹ Appeal Decision APP/L5240/D/19/3222881