
Appeal Decision

Site visit made on 6 January 2025

by **M Ollerenshaw BSc(Hons) MTPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/L5240/W/24/3351079

Embassy Court, Avenue Road, South Norwood, Croydon, SE25 4DY

- 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 Kris Collett of Imberhorne Investments Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00580/FUL.
 - The development proposed is the erection of a two storey roof extension to the building to provide 3no. additional flats. Associated site alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey roof extension to the building to provide 3no. additional flats. Associated site alterations at Embassy Court, Avenue Road, South Norwood, Croydon, SE25 4DY in accordance with the terms of the application, Ref 24/00580/FUL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development above has been taken from the decision notice, as it accurately describes the proposal. The appellant has raised no specific objection to that description, which they have subsequently referred to in their statement of case.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. The main parties were given the opportunity to comment on the relevance of this to the appeal, and I have had regard to the comments received and the revised Framework in my decision.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the neighbouring occupiers of 14 Avenue Road, with particular regard to privacy;
 - whether the proposal would provide satisfactory living conditions for future occupiers having regard to internal space; and,
 - whether the proposal would provide adequate standards of fire safety.

Reasons

Character and appearance

5. Embassy Court is a block of flats comprising two distinct sections, with the front block rising to three storeys with a pitched roof over, attached to a lower two storey block to the rear, which has a flat roof. The building is prominently located on the corner of Avenue Road and Warminster Road on a large plot which includes gardens to the front and rear, and garages to the rear accessed from Warminster Road.
6. The surrounding area is residential and features a variety of building forms, ranging from semi-detached and terraced houses to purpose built blocks of flats. There is significant variation in building heights with three and four storey blocks of flats contrasting with two storey houses. Although the architecture of development is mixed, there is a common theme of properties being arranged on linear building lines and set on generous plots, resulting in a spacious, suburban character.
7. The proposal would comprise two additional storeys to the front block, together with two new storeys above part of the width of the rear block. A second floor roof terrace would be formed above the remaining part of the rear block. The plans also detail two dormers to the rear roof of the front block. The Council does not object to the proposed new storeys above the front block and this aspect of the scheme has been approved under a previous application, though without the dormers now proposed.
8. While the proposed extension above the rear block would substantially increase its scale, massing and presence within the street scene, it would remain subservient to the front block due to its smaller proportions, with the roof being set well below the ridge of the main block and set in from its gable end. The resultant building would be substantially larger than some neighbouring properties, particularly the two storey houses to the north, but this would not be harmful given the varying building heights in the area. Indeed, the pitched roof design of the extension would be more sympathetic than the existing flat roofed structure and arguably improve the visual relationship between the two blocks. The part width of the extension over the rear block and the side terrace would not be prominent in views along the road.
9. The proposed dormers would be well proportioned additions to the new pitched roof, sitting well below the ridge line and set in from either gable end. Consequently, they would not appear as dominant additions. Moreover, dormers are a feature of the area, albeit they tend to be smaller and do not feature balcony areas, as proposed here. The position of the dormers on the rear roof would ensure that they are not prominent, and where visible they would be seen in the context of nearby dormers. I am therefore satisfied that the dormers would sit comfortably within the street scene.
10. For the above reasons I conclude that the proposal would not be harmful to the character and appearance of the area. Accordingly, it complies with Policies D3 and D4 of the London Plan (2021) and Policies DM10 and SP4 of the Croydon Local Plan (2018) (Local Plan). Amongst other things, these policies seek high quality design with appropriate scale, height and massing which respects local character.

Living conditions of neighbouring occupiers

11. The closest neighbouring property is 14 Avenue Road, a residential care home bordering the site to the south east. This property includes several windows to the rear elevation and there is a shared garden to the rear which adjoins the site.

12. The proposed roof terrace would have the potential to overlook the neighbour's rear windows and garden from an elevated position close to the boundary. However, the garden is already overlooked from the windows in the south eastern elevation of the rear block and the proposed terrace would not significantly worsen this situation, particularly given the proposed privacy screen. This would consist of translucent glass to a height of 1.8m around part of the terrace and would screen views from it to the neighbour's garden. As it would only extend part way around the terrace, I can see no reason why the screen would result in an undue sense of enclosure for future occupiers of the flat. Its lightweight appearance and position to the south eastern side mean it would not be prominent, and the details can be agreed by condition.
13. The Council has identified no harm in relation to the effect on the privacy levels of other neighbouring occupiers, or any other harm to their living conditions. I share that assessment given the relationship between the appeal site and these neighbours.
14. For the reasons set out above I conclude that the proposal would not be significantly harmful to the living conditions of the neighbouring occupiers of 14 Avenue Road in respect of privacy. It therefore complies with London Plan Policy D3 and Local Plan Policies DM10 and SP4 which, amongst other things, seek to ensure that development protects the amenity of neighbours.

Living conditions of future occupiers

15. The Council says that the gross internal floor space of the proposed flats would meet the minimum space standards for these property types, as set out in the Technical housing standards – nationally described space standard (2015) (NDSS). While the single bedroom in the flat over the rear block would fall short of the minimum requirement of 7.5m² for a single bedroom, the double bedroom would comfortably exceed the NDSS standards for internal floor area for this type of room. Overall the unit would provide an acceptable standard of accommodation for future residents.
16. I therefore conclude that the proposal would provide satisfactory living conditions for future occupiers with regard to internal space. Thus, there is no conflict with London Plan Policy D6 and Local Plan Policies DM10 and SP4 which require development to be of high quality design that provides comfortable and functional layouts.

Fire safety

17. Part A of London Plan Policy D12 sets out that all development proposals must achieve the highest standards of fire safety, taking into account factors which include fire risk reduction, fire escape and evacuation. The submitted plans indicate that fire safety measures have been taken into account in the design of the scheme.
18. While Part B of the policy requires submission of a Fire Statement as part of major development proposals, this is not a requirement for minor development such as the appeal proposal. Moreover, fire safety compliance is covered by Part B of the Building Regulations. From the evidence before me and having regard to the scale and nature of the development, I can see no reason why the proposal would not be able to achieve adequate standards of fire safety. Therefore, subject to a suitably worded planning condition requiring submission, approval and implementation of a fire safety strategy, I find no conflict with London Plan Policy D12.

Other Matters

19. Although I have had regard to the other concerns raised by interested parties, these do not form part of the Council's reasons for refusal, and neither alone nor in combination do they amount to a reason to dismiss the appeal. The Daylight and Sunlight Assessment indicates that the proposal would not have a significant overshadowing effect on the windows of the existing flats at Embassy Court or those to No 14. There is no substantive evidence before me to suggest that the proposal would exacerbate parking stress in the area. Matters relating to bin storage and collection can be addressed by way of a planning condition.

Conditions

20. I have had regard to the conditions suggested by the Council. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty. To protect the living conditions of neighbouring residents and highway safety, a pre-commencement condition is necessary to agree the details of a construction logistics plan. In the interests of biodiversity and ecology a construction environmental management plan is necessary prior to development commencing. A condition requiring the approval and implementation of a fire safety strategy has been imposed for fire safety reasons. Conditions requiring details of external materials and landscaping are necessary in the interests of the character and appearance of the area. Details of cycle and refuse storage arrangements are required by condition in order to ensure satisfactory provision in the interests of future occupiers. To ensure sustainable drainage, I have imposed a condition requiring the provision and retention of a water butt.

Conclusion

21. For the above reasons, I conclude that the proposal complies with the development plan and there are no material considerations to the contrary. Therefore, subject to conditions, the appeal should be allowed.

M Ollerenshaw

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 hereby permitted shall be carried out in accordance with the following approved plans: CMD-P058-TP001 Rev 001, CMD-P058-TP030 Rev 001, CMD-P058-TP031 Rev 001, CMD-P058-TP032 Rev 001, CMD-P058-TP033 Rev 002, CMD-P058-TP034 Rev 002, CMD-P058-TP035 Rev 002, CMD-P058-TP040 Rev 002, CMD-P058-TP041 Rev 002, CMD-P058-TP042 Rev 002, CMD-P058-TP043 Rev 002, and CMD-P058-TP045 Rev 001.
- 3) Prior to the commencement of development including demolition, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development: a) Hours of construction; b) Hours of deliveries; c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors; d) Facilities for the loading and unloading of plant and materials; e) Details of any site hoardings; f) Details of the precautions to guard against the deposit of mud and substances on the public highway; and g) Dust control methods. All construction phases of the development shall be carried out strictly in accordance with the approved details.
- 4) Prior to the commencement of development including demolition, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be implemented and adhered to throughout the construction period strictly in accordance with the approved details.
- 5) Prior to the commencement of development, a Fire Safety Strategy demonstrating how the development will achieve the highest standards of fire safety shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy and thereafter maintained for the lifetime of the development.
- 6) Prior to the commencement of above ground works, full details of external facing materials including samples of all 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 details approved.
- 7) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: a) Hard landscaping materials, including samples as appropriate; b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees; c) Boundary treatments; and d) Balcony screening. The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed

within that period shall be replaced by planting of a similar size and species to that originally planted.

- 8) Prior to the commencement of above ground works, full details of cycle and refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be completed prior to the first occupation of the development and thereafter maintained for the lifetime of the development.
- 9) Prior to the first occupation of the development hereby permitted, at least one water butt of 100 litre volume shall be installed on a downpipe attached to the roof at the rear or side of the property and shall thereafter be retained and maintained for the lifetime of the development.