



Appeal Decision

Site visit made on 6 January 2025

by **Les Greenwood MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3RD February 2025

Appeal Ref: APP/L5240/D/24/3352499

6 Twinners Road, Coulsdon, Croydon CR5 3LS

- 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 Ms J Green against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/02216/HSE.
 - The development proposed is a loft conversion to include front and rear dormers and side rooflights.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms J Green against the Council of the London Borough of Croydon. This is the subject of a separate Decision.

Preliminary matters

3. In addition to the dormer windows and rooflights, the submitted drawings show the rearrangement of existing solar panels on the front roof slope and the insertion of a triangular glazed section at the apex of a rear-facing gable. Although these matters are not included in the description of proposed development, they are minor matters which are part of the proposed loft conversion and clearly shown on the drawings so I consider them to be part of the appeal scheme.
4. A revised version of the National Planning Policy Framework (the Framework) with relevant changes to Green Belt policies, was published on 12 December 2024 during consideration of the appeal. Both of the main parties have had an opportunity to comment on these changes.

Main Issues

5. The main issues are:
 - i) The effect on the character and appearance of the house and the local area;
 - ii) Whether the proposal would be for inappropriate development in the Green Belt and if so, the effect on the openness of the Green Belt; and
 - iii) The effect on living conditions at neighbouring properties.

Reasons

Character and appearance

6. 6 Twinners Road is a detached house, set on a sloping site within a modern residential estate of similarly designed houses. The proposed loft conversion would include 2 small flat roofed dormers at the front, a larger box dormer at the back, a small rooflight to each side of a rear projecting gable and the triangular glazing referenced above. The Council advises that a condition of the planning permission for development of this estate removes normal permitted development rights for such alterations. This means that planning applications are required for most external changes, which then fall to be assessed on their merits.
7. Dormer windows are commonplace within the estate, on both front and back roof slopes, evidently as part of the original building designs. The front dormers would be modest in size and designed to fit in well with both the pattern of windows and the design of nearby houses. The Council states that the estate was predominately laid out so that the properties with front dormers only face properties without front dormers. This may be the case, but that pattern is not an obvious or noteworthy local characteristic. The proposed front dormers would fit seamlessly into the street scene. Although the Council refers in this matter to a Design Code for Cane Hill, it does not confirm the status of this Code or refer to any specific guidance within.
8. Due to the elevated position of 6 Twinners Road, the existence of an area of open space at the back and gaps in the neighbouring built frontage on Philand Lane, the rear dormer and triangular glazing would be seen from a number of public vantage points, especially during winter months when a particular tree would not be in leaf. The dormer has, however, been well designed to fit into the roof, being set well in from the side wall, up from the eaves and down from the ridge. It would not be nearly as deep as the existing rear gable wing and its finish would match those of other nearby dormers. The triangular glazing would be a minor feature, adding a further contemporary touch to what is already a contemporary design. I note that a very similar loft conversion has taken place nearby at 6 Chaplin Place, with planning permission, and is also visible from the street without causing any notable harm.
9. The rooflights and revised solar panel layout would not have any significant effect on the house's appearance. I conclude that the proposal would preserve the character and appearance of the house and the local area. It accords in this respect with The London Plan 2021 (TLP) policy D3, Croydon Local Plan 2018 (CLP) policies SP4 and DM10 and the Framework, which seek high quality design that responds to the existing character of a place. I furthermore have seen not seen any conflict with adopted design guidance.

Green Belt

10. The estate is within the designated Green Belt. Framework paragraph 153 advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 explains that construction of new buildings should be regarded as inappropriate in the Green Belt, except for listed exceptions. One of these exceptions is for extensions and alterations to buildings provided that these do not result in disproportionate additions over and above the size of the original building.

TLP policy G2 and CLP policies SP7 and DM26 likewise aim to protect the Green Belt from inappropriate development, in line with national policy

11. The proposed extensions would be relatively small in scale and the Council does not argue that they would be disproportionate additions, either in themselves or in conjunction with any other extension. These extensions appear to be well within the guidelines set out in CLP policy DM26. I find that the proposal would not be inappropriate development in the Green Belt.
12. The Council does argue that the proposal would harm the openness of the Green Belt. The Court of Appeal¹ has confirmed, however, that where development is found to be 'not inappropriate', it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt.
13. The appellant references policy changes in the December 2024 Framework, regarding Green Belt policy. These do not affect my findings as set out in the preceding paragraphs and therefore do not need to be considered further. I conclude that the proposal would not constitute inappropriate development in the Green Belt and accords with the above-mentioned policies.

Living conditions

14. No 6 sits well above the neighbouring house at 16 Philand Lane, facing its rear garden at close range and with angled views towards its rear windows. No 6's existing first floor rear window closest to 16 Philand Lane is obscure glazed and serves a bathroom, limiting the amount of overlooking. In contrast, the proposal would introduce a much larger, higher level window that would be the main window serving a bedroom. This would give much more extensive and intrusive views of 16 Philand Lane's garden and rear windows, substantially reducing privacy. The gap between new window and garden boundary would be less than the minimum 10 metres recommended by CLP policy DM10, and the effect would be accentuated by the difference in levels.
15. I appreciate that the Council raises no concern about this effect on neighbours' privacy, but this important matter is raised by objectors. As this would be the primary window to a main habitable room, I do not consider that a condition requiring obscure glazing would be an appropriate solution.
16. The proposed triangular glazing would be set further away and would not look directly towards No 16, so would not have a similar effect on privacy. No other neighbours' privacy would be significantly affected. The Council's sole concern in regard to the issue of neighbours' living conditions is about the impact of the rear dormer and triangular glazing on the outlook from neighbouring properties. These would, however, be comparatively minor features that would mainly sit within the visual envelope of the building, as viewed from neighbouring properties. They would not be at all overbearing or visually intrusive.
17. I conclude that, due to increased overlooking of 16 Philand Lane from the proposed dormer window, the proposal would unacceptably harm living conditions at that property. It therefore conflicts in this respect with TLP policy D3 and CLP policy DM10, which aim to ensure that the amenity of occupiers of adjoining buildings is

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor [2016] EWCA Civ 404

protected, including in relation to overlooking of habitable rooms and private outdoor space. The Council also refers to CLP policy SP4 here, but I find no directly relevant provisions.

Other matters

18. I have considered all other matters raised. In particular, I recognise the appellant's reasonable wish to improve the family home. The proposal would make effective use of the existing site to provide better accommodation. I find nothing, however, that would alter or add to my conclusions on the main issues.
19. The appellant suggests that a split decision could be issued if some parts of the proposal are found to be acceptable. Although I find no objection to some aspects of the proposal, it does not appear to me that the various elements of this proposed loft conversion can be easily severed, so I do not take this course of action.

Conclusion

20. Although I find in favour of the appellant in some respects, my concerns in relation to neighbours' privacy are sufficiently compelling for me to conclude that the proposal conflicts with the development plan, taken as a whole, and that the appeal should not succeed.

Les Greenwood

INSPECTOR