



Appeal Decision

Site visit made on 24 February 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/L5240/D/24/3355212

110 Edgecoombe, South Croydon, Croydon CR2 8AD

- 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 Mrs Sylvia Salako against the decision of the Council of the London Borough of Croydon.
 - The application ref is 24/02623/HSE.
 - The appeal development is described as: A rear ground floor conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for a rear ground floor conservatory at 110 Edgecoombe, South Croydon, Croydon CR2 8AD in accordance with the terms of the application, ref 24/02623/HSE, and the plans submitted with it.

Preliminary Matters

2. I have taken the description in the heading above from the application form, removing reference to retention and application, as these do not constitute acts of development.
3. At the time of my site visit, the rear ground floor conservatory appeared to be complete.
4. In respect of the effect on neighbouring occupiers the decision notice refers to 108 Edgecombe. When reading the Council's submissions as a whole, it is clear that its concerns are the effect of the development on occupiers of 112 Edgecombe. I have proceeded on this basis.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of occupiers of 112 Edgecoombe, with particular regard to outlook, and levels of daylight and sunlight.

Reasons

6. The appeal property forms a two-storey semi-detached dwelling adjoining 112 Edgecoombe. There is an existing single-storey extension to the rear of the appeal dwelling adjoining the shared boundary with No 112, in addition to a modest sized fence. No 112 sits at a lower ground level than the appeal site, with the exiting rear extension of the appeal property and boundary fence affecting the outlook, and levels of daylight and sunlight received from the ground floor rear openings of No 112.

7. The appeal development projects beyond the rear elevation of the existing single storey extension, along the boundary with No 112. The Council consider that the proposal would breach the 45-degree test set out within the British Research Establishment (BRE) guidance. However, from the drawings provided, the 45-degree test is already not met by the existing rear extension. So as a matter of my planning judgement, the question therefore is whether the appeal proposal makes the living conditions situation appreciably worse. The appeal proposal would utilise a flat sloping roof, minimising its massing when viewed from the rear ground floor openings of No 112. Further, the proposal would project minimally above the boundary fence, limiting its effect on the existing outlook, and levels of daylight and sunlight of occupiers of No 112. As such, I am satisfied that the appeal proposal preserves the existing outlook, and levels of daylight and sunlight of occupiers of No 112.
8. For these reasons, therefore, the development would be acceptable with particular regard to its effect on the living conditions of occupiers of No 112 with regard to outlook and levels of daylight and sunlight. Consequently, in this regard, it would comply with the relevant provisions of Policies SP4 and DM10 of the Croydon Local Plan 2018 (2018) and Policy D6 of The Spatial Development Strategy for Greater London (2021). When read together these require new development to protect the living conditions of adjoining occupiers, enhance well-being, and provide sufficient daylight and sunlight to surrounding occupiers.

Conditions

9. As it would seem the appeal development has already been carried out, a commencement condition, plans condition, and materials condition are not necessary.
10. The Council has requested a condition requiring a rainwater harvesting device to minimise flood risk. However, the Council's case has not been substantiated in this regard and I am therefore not satisfied this condition is necessary or reasonable in this case.
11. The Council has requested a condition requiring the development to be carried out in accordance with the provisions of the Fire Safety Statement. The Fire Safety Statement is a broad statement of intent and compliance with it would be neither precise nor enforceable. Further, there is nothing to indicate that the appeal development would not be safe from fire and therefore, in the specific circumstances of this case, such a condition is not necessary.

Conclusion

12. For the reasons above, the appeal should be allowed.

N Unwin

INSPECTOR