



Appeal Decision

Site visit made on 23 April 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/L5240/D/25/3361387

33A Reddown Road, Coulsdon, Croydon CR5 1AN

- 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 Gary Newman against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/03326/HSE.
 - The development is the erection of a glass safety balustrade to a flat roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area and (b) the living conditions of the occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The appeal property is a bungalow with accommodation within the roof. The property has been extended to the rear by the addition of a single storey roof extension. The development comprises the erection of a glass balustrade with metal posts sited adjacent to the rear and side elevations of the addition.
4. Surrounding the property are a variety of residential properties of varying sizes and designs. When viewed from the property's garden and surrounding roads, the rear of some of these dwellings have balconies at first floor level of varying designs. Within the context of these other balconies, the appeal scheme is not an incongruous feature within this primarily residential area. Further, the lightweight construction of the balustrade results in it not being a visually dominant nor conspicuous form of development, including when viewed from the gardens of surrounding dwellings and the gaps between the property and 31 and 33B Reddown Road.
5. On this issue, it is concluded that the development does not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it does not conflict with Policies SP4 and DM10 of the Croydon Local Plan (CLP). Amongst other matters, these policies require development to be informed by its context and be of a high quality of design.

6. CLP Policy SP1 is primarily directed towards the principle of sustainable development and is not a specific development management policy which is directed at the assessment of this type of householder appeal scheme. Similarly, Policy D3 of the London Plan (LP) is not of direct relevance to this main issue because it concerns optimising site capacity through a design led approach rather than specifically householder schemes.

Living Conditions

7. The appellant claims that the balustrade has been erected as a safety rail rather than to create a roof terrace, particularly in circumstances where the roof has not been designed for use as a terrace and the balustrade is not of the required height. However, there is access to the roof via patio style doors from a bedroom. Although it may not be the appellant's intention to use the flat roof as a terrace, the presence of the balustrade does indicate that there is at least the potential for the use of the roof as a terrace by future occupiers.
8. If the flat roof was used as a terrace at a future date, then there would be an outlook from the roof directly overlooking the patio areas directly abutting the rear elevations of Nos 31 and 33B. The outlook from the terrace would also be towards a rear first floor habitable room window of No. 31 which is situated close to the roof. Although some overlooking of gardens occurs in urban areas, in this case there would be an unacceptable effect on the privacy of the occupiers of these neighbouring dwellings.
9. Whether there would be unacceptable noise and disturbance associated with the potential use of the roof as a terrace, as claimed by the council, involves an element of speculation about the nature of any such use. However, there might be the potential for some noise and disturbance which adds, but only in a limited way, to the unacceptable harm which has been identified.
10. Consideration has been given to the potential for a condition to be imposed precluding the use of the roof as a terrace. However, such a condition would normally be for situations where there is neither an existing patio door providing access to a roof nor a balustrade which has been erected around a roof. For these reasons, the council's concerns about the enforceability of a condition precluding the use of the roof as a terrace in the future is well founded in this case.
11. For the reasons given, it is concluded that the development causes unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it conflicts with CLP Policies SP4 and DM10. Amongst other matters these policies required high quality design which ensures that the amenity of the occupiers of adjoining buildings is protected, including from direct overlooking of private outdoor space and habitable rooms in the main rear elevations.
12. LP Policies D3 and D6 are not of direct relevance to the assessment of this main issue because they relate to housing development and optimising site capacity.

Conclusion

13. Although the proposed development does not cause unacceptable harm to the character and appearance of the host property and the surrounding area, this matter is demonstrably outweighed by the unacceptable harm caused to the living

conditions of the occupiers of neighbouring properties. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR