



Appeal Decision

Site visit made on 8 April 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/L5240/D/25/3358369

54 Buckingham Avenue, Croydon, Thornton Heath CR7 8AS

- 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 Adam Zbros against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/04202/HSE.
 - The development proposed is described as: The installation of timber decking with timber roof set on timber posts to provide a covered surface between the rear elevation of the dwelling to an existing outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice and appeal form as this represents a more accurate and succinct description of the proposal.
3. Development has occurred at the appeal site in the form of a structure between the rear elevation of the appeal property and an outbuilding to the rear. However, my decision is based on the drawings provided.

Main Issues

4. The main issues relevant to this appeal are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupiers of 52 Buckingham Avenue and 56 Buckingham Avenue with particular regard to outlook, and levels of daylight and sunlight.

Reasons

Character and appearance

5. The appeal site forms a terraced dwelling with small rear garden. Many of the surrounding dwellings have undergone extensions to the rear with these displaying a varied character. Despite their diversity of form and design, the scale of these extensions in combination with outbuildings is such that they continue to retain a modest open area of the compact rear garden, giving them and subsequently the area a spacious character. The modest gap between the rear of the appeal property and outbuilding maintains an open area that contributes to the existing spacious character of the surrounding rear gardens.

6. The proposal, in combination with the existing outbuilding would occupy almost the entirety of the rear garden area. In combination with the existing outbuilding it would result in a level of development uncharacteristic of the surrounding rear gardens. Consequently, the proposal would harm the existing open character of the area.
7. Whilst views of the proposal would be limited from the public realm, its substantial roof would project above the existing boundary treatment, appearing prominent when viewed from the rear gardens and first-floor windows of the surrounding dwellings. The open side elevations of the proposal and predominantly timber construction would do little to mitigate its significant form, particularly when combined with the existing outbuilding. Even if the proposal does not affect identified views, panoramas, setting of landmarks, vistas and skylines, this does not justify its unacceptable impact on the spacious character of the area.
8. For these reasons, therefore, the development would be harmful to the character and appearance of the area. Consequently, in this regard, it would conflict with the relevant provisions of Policies SP4.1, SP4.2, and DM10 of the Croydon Local Plan (2018) (Local Plan). When read together these policies require development to respect local character including layout, massing, and density.
9. Policy D4 of The Spatial Development Strategy for Greater London (2021) (London Plan) is referred to in the Councils first reason for refusal. It has not been explained how this is relevant to this main issue and so I consider it weighs neither in favour of nor against the appeal proposal.

Living conditions

10. The appeal site adjoins 52 Buckingham Avenue (No 52) and 56 Buckingham Avenue (No 56). The shared boundary features a high fence. The existing outbuilding projects notably above the boundary fence, appearing prominent when viewed from the rear garden and ground floor windows of No 52 and No 56. Nevertheless, the gap between the rear of the appeal dwelling and the outbuilding provides an open outlook for the occupiers of the adjoining dwellings. Limited development along the rear boundaries of No 52 and No 56 provides good levels of daylight and sunlight to their rear garden areas.
11. The proposal would be approximately the same height as the existing outbuilding, filling the gap between it and the appeal dwelling. Whilst the proposal would be open on each side, its roof would appear prominent when viewed from the adjoining properties and their rear gardens due to its elevated position. As such, in combination with the adjoining outbuilding, the proposal would create a continuous and prominent development along the shared boundary projecting above the existing boundary fence. It would therefore appear overbearing and have an unacceptable effect on the outlook of the occupiers of No 52 and No 56.
12. The proposal's location along the northern boundary of No 56 would limit its effect on levels of sunlight received at this property. Further, whilst the proposal is to the south of No 52, its slight setback from the boundary would limit its impact on levels of sunlight received by this property. Moreover, the proposal would not affect the levels of daylight and sunlight received from the rear boundary of No 52 and No 56. As such, the proposed development would not harm levels of daylight and sunlight of the occupiers of No 52 and No 56.

13. Whilst there would be acceptable effect on daylight and sunlight levels, it would harm the outlook of the occupiers of No 52 and No 56. As such, in this regard, it would be contrary to the relevant provisions of Policies SP4.2 and DM10.6 of the Local Plan. When read together these policies require development to enhance well-being and protect the living conditions of adjoining occupiers.
14. Policy D4 of the London Plan is referred to in the Council's second reason for refusal. It has not been explained how this is relevant to this main issue and so I consider it weighs neither in favour of nor against the appeal proposal.

Other Matters

15. I have carefully considered the reasons why the appellant has applied for planning permission for the proposed development. I have no doubt that the proposed development would result in improvements in living conditions for the appellant. These are circumstances to which I attribute weight in favour of the appeal.
16. In weighing such circumstances in the planning balance, these must be considered against the significant adverse effects that would arise to the living conditions of the occupiers of the neighbouring residential properties and the adverse effects on the character and appearance of the surrounding area.
17. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which specifies the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act 1998, which requires that decision makers have due regard to Human Rights and any protected characteristics in decision making.
18. In respect of the above, a refusal of planning permission is a proportionate, and necessary approach to the legitimate aims of ensuring that developments are appropriately designed and do not harm the living conditions of the occupiers of neighbouring properties.
19. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of rights of the appellant. Therefore, whilst I acknowledge these personal circumstances, I conclude that this is not a matter that outweighs the harm that would be caused by the proposed development in respect of my previous conclusions on the other main issues.

Conclusion

20. The proposal would conflict with the Development Plan. There are no material considerations that indicate that the decision should be made other than in accordance with the Development Plan. Therefore, for the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR