



Appeal Decision

Site visit made on 23 April 2025

by **J Heppell BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th of June 2025

Appeal Ref: APP/L5240/W/24/3350419

5 Jamaica Road, Thornton Heath, Croydon CR7 7HD

- 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 J Chaudary against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01241/FUL.
 - The development proposed was originally described as a ground floor single storey extension to provide a three bedroom 4 person small family unit on ground, first and second floor with entrance down side. Existing front door will open onto a studio flat. The permitted extensions at rear ground and on roof of rear addition are being constructed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When determining the application, the Council amended the description of development to include a proposed loft extension, which the appellant had indicated was to be constructed under permitted development rights following the previous grant of a Lawful Development Certificate.¹ Given that the appellant sought to amend the design of the loft extension during the determination of the application, and used the Council's description of development on the appeal form, I have taken the Council's amended description of development to be an accurate description of the development for which permission is sought: 'erection of a single storey rear extension and loft extension in the rear of the outrigger roof, to provide 1 x three bedroom flat on ground floor, first and second floors and 1 x studio flat on the ground floor, and provision of associated refuse and cycle stores'. I have determined the appeal on this basis.
3. The site's planning history shows that the property was previously subdivided into two flats, albeit planning permission does not appear to have been granted for this subdivision. The application form and plans indicate that the property is now a single dwelling, but the Council's Delegated Business Meeting report indicates that, although the case officer was unable to gain access to the property, council tax records and the number of refuse bins suggest that the property is still in use as two flats. An interested party has also confirmed that the property is currently let as two flats. Although I was not able to go inside the property, I gained access to both the front and rear of the site, and I noted at least six bins and two door bells. I therefore consider that the property is in use as two flats. However, for the reasons that follow, irrespective of the existing use of the appeal property, I found harm to

¹ Council reference 19/02419/LP

the character and appearance of the area and living conditions, such that this matter has not been determinative.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
- the character and appearance of the host property and the surrounding area;
 - the living conditions of future occupiers with particular reference to private garden space; and
 - the supply of family dwellings in the area.

Reasons

Character and appearance

5. The appeal site is located in an area characterised by semi-detached and terraced dwellings in a tight knit layout. The appellant wishes to convert the property to a three bedroom flat and a studio flat by adding a rear ground floor extension and a rear loft extension. A previous proposal to convert the property to a one bed flat and a two bed flat was refused and the subsequent appeal dismissed².
6. There is currently a flat roofed loft extension on the rear section of the main roof of the property, and the proposal would add an adjoining loft extension of similar height and appearance above the rear outrigger. The proposed loft extension would be bulky and overbearing, possessing a flat roof which would be out of character with the existing pitched roof of the rear outrigger. The extension would dominate the dwelling when viewed from the rear, in contrast with the existing flat roofed loft extension on the property, which is less incongruous by virtue of being positioned above the main part of the house instead of the outrigger.
7. Whilst the extension would not be visible from public vantage points, it would be visible from a number of properties at the rear. I noted on my site visit that there is a similar extension on a nearby property, but this does not alter my view that the proposed extension would be an incongruous and alien feature which would be significantly harmful to the appearance of the host property. The proposed loft extension is the same width but slightly deeper than the loft extension which was previously dismissed at appeal, and I therefore see no reason to depart from the conclusions of the previous Inspector, who considered the loft extension to be poorly proportioned and unsympathetic to the existing building.
8. The proposed single storey rear extension is not objectionable since, although flat roofed, it is of modest size and represents an appropriate addition to the rear of the property, which would not be at odds with its character or appearance.
9. The appellant has argued that, as a single dwelling, the property benefits from permitted development rights, as demonstrated by the Certificate of Lawful Development granted in respect of a single storey rear extension and dormer extension. However, the Certificate is predicated on the basis that the property is a single dwelling, but as I have noted, the property appears to still be in use as two

² PINS reference APP/L5240/W/20/3245987

flats. Therefore permission is required for the proposed roof extension, meaning that it cannot be constructed as permitted development. It therefore does not constitute a fallback position that attracts weight in the planning balance.

10. I conclude that the proposal would unacceptably harm the character and appearance of the host property and the surrounding area, contrary to Policy D3 of the London Plan March 2021 (LP) and policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP), which together require development of high quality which responds positively to local distinctiveness.

Living conditions of future occupiers

11. The proposed three bed flat would retain the use of the rear garden, with the proposed studio flat having access to a small rear patio and the front forecourt of the property. The rear garden would provide an adequate amenity area for the three bedroom flat, but the patio area that would be carved out of the rear garden for the studio flat would be heavily enclosed such that, even at 5sqm, it would be unduly overshadowed, contrary to the advice in Part C of the Housing Design Standards Supplementary Planning Guidance (HDS) that main private outside space should be optimised to make the most of the best views and orientation, and enjoy reasonable privacy. It would be in close proximity to both the rear garden gate and the door into the hall of the three bed flat, such that it would be subject to disturbance, and moreover it could not be accessed directly from the studio flat, making it impractical for regular use.
12. The front forecourt would be shared with the bins for both flats and the cycle store for the studio flat, contrary to the advice in Part C of the HDS that homes with rear gardens which can be accessed directly from the street should be used to accommodate bins. The storage of bins would reduce the usable area of the forecourt as well as subjecting residents utilising it to potentially unpleasant odours. Furthermore the front forecourt would be overlooked from the road and would therefore lack sufficient privacy, contrary to Part C of the HDS. The appellant has indicated that the forecourt could be enclosed with a hedge and provided with a bench, but this would not overcome the concerns I have identified.
13. The proposal would not therefore provide suitable living conditions for future occupiers of the studio flat, contrary to Policy D6 of the LP and policies SP4 and DM10 of the CLP, which together require a high standard of urban design and private amenity space, including a minimum of 5sqm of private amenity space per 1-2 person unit.

Supply of family dwellings

14. In order to maintain housing choice and meet the identified need for family homes, Policy DM1.2 of the CLP states that the Council will permit the redevelopment of residential units where it does not result in the net loss of 3 bedroom homes (as originally built) or the loss of homes smaller than 130sqm.
15. The property was originally built as a three bed dwelling of less than 130sqm, and by proposing a 3 bedroom flat of less than 130sqm (along with a studio flat), the proposal would retain a three bedroom family home. The 3 bed flat would moreover retain the use of the rear garden of the property, underpinning its credentials as a family home. The proposal therefore overcomes the concern identified by the

previous Inspector, who considered that a scheme for a two bed and a one bed flat contravened Policy DM1.2.

16. I therefore conclude that there would not be a loss of a family dwelling, and consequently that Policy DM1.2 of the CLP, the aims of which I have outlined above, would not be breached by the proposal.

Conclusion

17. For the above reasons, the proposal conflicts with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

J Heppell

INSPECTOR