



Appeal Decision

Site visit made on 4 August 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/L5240/D/25/3367068

73 Winterbourne Road, Thornton Heath, Croydon CR7 7QY

- 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 Syamala Kesavan against the decision of the Council of the London Borough of Croydon.
 - The application ref is 25/00452/HSE.
 - The development proposed is a single story rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of 71A Winterbourne Road (No 71A), with particular regard to outlook, daylight and sunlight.

Reasons

3. No 71A has two ground floor rear facing windows. The evidence shows that the window situated directly adjacent to the boundary with the appeal property 73 Winterbourne Road (No 73) serves a kitchen, whilst the window in the extension of No 71A serves a bedroom.
4. The proposal would introduce a deep ground floor extension at the appeal site set on the shared boundary that would extend past the rear building line of No 71A. Whilst the extension would be single storey in stature and would not result in direct overlooking into No 71A, it would introduce built form of a significant length above the shared boundary fence. This would create an overbearing and enclosing effect which would be detrimental to the outlook of the occupiers of No 71A from both of the rear windows and the garden area.
5. The appellant has highlighted that the kitchen of No 71A is not considered to be a primary habitable area which would reduce any harm identified. Nevertheless, I have found the proposal would also result in harm to the outlook from the ground floor bedroom window and garden area, along with this window. Overall, this would cause significant harm to the living conditions of the occupiers of No 71A.
6. In relation to sunlight and daylight, I have not been provided with any technical evidence from either party. Due to the location of the proposed extension in relation to the path of the sun and No 71A, along with the height of the extension, I do not consider that the proposal would restrict the daylight and sunlight received

or cast shadows over the garden area and ground floor bedroom window of No 71A. The living conditions of the occupiers of No 71A would not be harmed in this regard.

7. The proposed extension would be located directly adjacent to the kitchen window of No 71A. However, the kitchen window is currently situated between the existing extensions of No 71A and No 73. The main effect on this window would be from the built form closest to the window. As such, whilst the proposed extension has a greater length than the existing extension of No 73, it is unlikely to cause a materially greater effect on the daylight and sunlight received by this window than the existing situation. The proposal would therefore not cause a materially harmful loss of daylight and sunlight to the kitchen window of No 71A and the living conditions of the occupiers of this property would not be harmed in this regard.
8. Whilst the proposal would not cause a materially harmful loss of daylight and sunlight, it would result in an overbearing and enclosing effect that would lead to a loss of outlook and significant harm to the living conditions of the occupiers of No 71A. The proposal would therefore conflict with Policies SP4 and DM10 of the Croydon Local Plan (2018) and Policy D3 of the London Plan (2021). These policies, amongst other criteria, seek to ensure development is of a high quality that ensures the amenity of the occupiers of adjoining buildings is protected.

Other Matters

9. The appellant has included within their evidence written confirmation from the current owners of No 71A stating that they do not object to, and expressed their support for, the proposed development. However, each case is assessed on its own planning merits. Support from neighbours for the development does not mean that no harm would occur when assessing the proposal on its individual planning merits.
10. The appellant has also stated that other properties within the area have received approval for similar extensions. However, no specific examples have been provided within the evidence. Therefore, I cannot be certain that these extensions are comparable to the appeal proposal and the circumstances of this case. I therefore cannot attribute any weight to these potential examples.
11. The appellant has suggested that similar extensions could be undertaken under permitted development rights. However, I do not have plans before me demonstrating what this extension would look like, or a certificate of lawful development confirming the lawfulness of an alternative permitted development extension. I therefore have insufficient evidence to conclude that there is a greater than theoretical possibility that the fallback development might take place or that it would be more harmful than the proposal before me. I can therefore only afford this very limited weight.
12. The proposal would improve the living conditions of the occupiers of No 73 by providing additional floor space. However, this is a personal benefit of the scheme and it attracts limited weight in favour of the proposal.
13. These matters are insufficient to outweigh the harm that I have identified.

Conclusion

14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR