



Appeal Decisions

Site visit made on 11 August 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal A Ref: APP/L5240/C/23/3317908 & APP/L5240/C/23/3317909

32 Hillcote Avenue, Norbury, London SW16 3BH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr. Trevor Powell and Mrs. Julaine Powell against an enforcement notice issued by the Council of the London Borough of Croydon.
 - The notice was issued on 6 February 2023.
 - The breach of planning control as alleged in the notice is: Erection of a large hip to gable and rear dormer roof extensions which have been built without planning permission.
 - The requirements of the notice are:
 - 1) Demolish the roof as built and rebuild the roof as shown in the submitted drawing "Existing Plans, Elevations and Sections Roof Extension" dated 16 January 2020, Scale 1:100, un-numbered drawing to Croydon Council planning reference 20/00223/HSE which was refused planning permission by the Council on the 18 March 2020.
 - 2) Remove all the resultant debris from the premises as a result of compliance with requirements 1 as identified above.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is:

- corrected by deleting the allegation within section 3 of the enforcement notice (the matters which appear to constitute the breach of planning control) and its replacement with:

"without planning permission, the erection of a hip to gable roof extension and a rear dormer"

2. Subject to the correction, the appeals are allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a hip to gable roof extension and a rear dormer at 32 Hillcote Avenue, Norbury, London SW16 3BH referred to in the notice.

Procedural Matters

3. The allegation in the Enforcement Notice (as outlined in the banner heading above) is poorly worded as it is unnecessary to use the word "large" to describe the works carried out without permission. The appellant appears to have understood the allegation and, in my opinion, the misdescription does not render the notice unclear. It is necessary to correct the allegation. This would not cause injustice, and

I can therefore use my powers under the provisions of s176(1)(a) of the Act to make this correction.

4. The Council's Notice refers to Policies contained within the former London Plan consolidated with alterations since 2011. However, this was replaced with the London Plan 2021 (London Plan), adopted on 2 March 2021. This must be given full weight in the decision-making process. Both parties have been given the opportunity to comment on the current London Plan and so have not been prejudiced. I have therefore not assessed the development against the superseded policies of the earlier London Plan.

The Appeals on ground (b)

5. To succeed on this ground, the onus is upon the appellant to demonstrate on the balance of probabilities that the allegation has not occurred as a matter of fact.
6. This has not been demonstrated. On the contrary, the appellants state that works began in 2019 to erect a rear dormer and hip to gable roof extensions under permitted development legislation (PD), but that the development did comply with PD since the volume added to the roof was 61.38 cubic metre (over the 50 cubic metres permitted) and that the rear dormer roof extension was only set back 0.15m from the eaves (and not 0.2m from the eaves).
7. Furthermore, the erection of the roof extensions were further confirmed by own site inspection. Therefore, the matters as alleged by the notice have occurred as a matter of fact.
8. Accordingly, the appeals on ground (b) must fail.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issue

9. The main issue is the effect of the development on the character and appearance of the host building and the area.

Reasons

10. The appeal property is a two-storey semi-detached property, situated in a residential area comprising mainly detached and semi-detached properties, a number of which have carried out rear dormer roof extensions and hip to gable roof extensions. The property has been previously extended with a single storey rear extension and a first-floor side extension.
11. I appreciate that the rear dormer roof extension is not set back 0.2m from the eaves and exceeds 50 cubic metres in volume, contrary to the PD. Nevertheless, the rear dormer is set in from the eaves and the development has not exceeded the main ridge of the house. Furthermore, the size of the rear dormer roof extension, is not dissimilar in size and scale to the adjacent rear dormer extension at No 30 Hillcote Avenue. The roof extension is also constructed from materials which match the main roof and neighbouring properties.
12. I also observed that there were a variety of roof forms in the area, including hip to gable roof extensions, and rear dormers of various sizes. Whilst I appreciate many of these would have been built under PD and therefore their planning merits would

not have been assessed against the Council's development plan, these developments nevertheless form part of the existing character and appearance of the area. Therefore, in this context, the hip to gable roof extension and the rear dormer does not harm the character and appearance of the building or area.

13. I therefore conclude that the development does not have a harmful impact upon the character and appearance of the host building and area. In this respect the development complies with Policy DM10 of the Croydon Local Plan, 2018 (CLP) and policies D3 and D4 of the London Plan. Amongst other things, these require that development be of a high quality, which respects and enhances Croydon's varied local character.

Other Matters

14. The Council have also referred to Policies HC1 and HC3 of the London Plan. However, these relate to Strategic and Local Views and Heritage Assets which does not appear to be relevant to the case or the appeal site which is not located within a Conservation Area or an area of a strategic or important views. Similarly, Policy D8 of the London Plan relates to the public realm which is also not relevant to this appeal for a loft extension to a dwelling. I therefore find no conflict against these policies.
15. Whilst not referred to within the Notice, the Council's appeal statement raises an additional concern that the development is detrimental to the living conditions of neighbouring occupiers in terms of outlook. However, the loft extension does not extend above the existing ridge line or extend beyond the existing rear building line. As such, the development does not harm the living conditions of neighbouring occupiers in terms of outlook or an increased sense of enclosure.
16. Comments made by third parties have been taken into account but do not alter the conclusions reached in this decision. Reference has been made to the raised patio, location of new doors and windows in the flank wall of the property, scaffolding erected and the condition of the site generally during construction. However, these matters do not feature within the Notice and therefore are not a matter for me to consider as part of this current appeal.
17. No conditions have been suggested by the Council and as the development appears to be largely completed with materials which match the existing property, there is no need for any.

Conclusion

18. For the reasons given above I conclude that the appeals succeed on ground (a). I shall grant planning permission for the development described in the enforcement notice as corrected. The appeals on grounds (f) and (g) do not therefore fall to be considered.

R Satheesan

INSPECTOR