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**London Borough Croydon**

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## PLANNING SUB-COMMITTEE AGENDA

8<sup>th</sup> September 2016

### PART 6: Planning Applications for Decision

### Item 6.2

#### 1 APPLICATION DETAILS

Ref: [16/02756/P](#) (*link to associated files on the Planning Register*)  
Location: 53 Chapel View, South Croydon, CR2 7LJ  
Ward: Selsdon and Ballards  
Description: Retention of alterations to land levels, retaining walls and boundary fencing at rear  
Drawing Nos: A02, OS map, A01  
Applicant: Mr Uchuvatov  
Case Officer: Louise Tucker

- 1.1 This application is being reported to committee because the ward councillor (Cllr Sara Bashford) made representations in accordance with the Committee Consideration Criteria and requested committee consideration.

#### 2 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 2.1 The development would not have a detrimental impact on the character of the dwelling or the surrounding area.
- 2.3 The development would not have a detrimental impact to the amenity of adjoining occupiers.

#### 3 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission.
- 3.2 That the Director of Planning and Strategic Transport is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

##### Conditions

- 1) In accordance with submitted drawings
- 2) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

##### Informatives

- 1) Removal of Site Notices
- 2) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

## 4 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 Full planning permission is sought for excavations to the rear of the property to create a levelled garden and patio area. Permission is also sought for boundary fencing along both side boundaries. Works on site have commenced and are near completion.
- 4.2 Land levels rise to the rear of the site. Excavation and engineering works have taken place in the rear garden to terrace the garden to create a paved area adjacent to the rear boundary with two level areas gradually sloping down towards the end of a rear extension. Retaining walls have been constructed, of a maximum 1.3m in height, with steps up towards the rear levelled area.
- 4.3 Timber fencing on a concrete base has been constructed along both side boundaries. The height varies where land levels rise towards the rear of the site, but the maximum height including the base is approximately 2.3m high (in the centre of the site).
- 4.4 A single storey outbuilding to the rear of the garden is shown on the submitted plans. This appears to be permitted development but is not part of this application. For a formal decision the applicant is advised to submit a Lawful Development Certificate application. The only works to be considered are those outlined in the description.

### Site and Surroundings

- 4.5 The application site comprises a two storey detached dwelling on the north eastern side of Chapel View in South Croydon. A single storey rear extension and detached side garage were demolished to make way for construction of new extensions.
- 4.6 The site is not subject to any designations within the Croydon Local Plan: Strategic Policies (2013) map, but does border Metropolitan Green Belt to the rear and is sited opposite a Shopping Parade. Land levels rise steeply towards the rear of the site.

### Planning History

- 4.7 15/02341/P – Erection of single storey rear extension and two storey side extension – Permission refused  
15/04706/LP – Erection of single storey side and rear extensions – Certificate granted  
16/03110/P – Retention of single storey side and rear extensions – Under consideration on this committee agenda

## 5 CONSULTATION RESPONSE

5.1 The views of the Planning Service are expressed in the Material Planning Considerations section below.

## **6 LOCAL REPRESENTATION**

6.1 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. The number of representations received from neighbours, local groups etc. in response to notification and publicity of the application were as follows:

No of individual responses: 6      Objecting: 6    Supporting: 0    Comment: 0

6.2 The following Councillor made representations:

- Councillor Sara Bashford [objecting]

6.3 The following Resident's Association made representations:

- Croham Valley Resident's Association [objecting]

6.4 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

### **Objections**

- Out of character with the area
- Excavations will lead to/has lead to structural and land instability on neighbouring properties, will cause landslides
- Fencing too high and overbearing
- Impact on trees and shrubs along the boundary
- Impact on Local Nature Reserve and Site of Nature Conservation Importance to the rear

6.5 The following issues were raised in representations, but they are not material to the determination of the application:

- Applicant has carried out works without planning permission [OFFICER COMMENT: Consideration of the application is not affected by the works having been undertaken, a decision can be made retrospectively and works without planning consent were undertaken at the risk of the applicant]
- The height of the fencing in parts exceeds permitted development limits so the planning application should be refused [OFFICER COMMENT: Permitted development requirements allow certain works to be carried out without the need for planning permission. Works outside the scope of permitted development require planning permission and allow the Council to consider the merits of the scheme]
- Comments relating to the rear outbuilding [OFFICER COMMENT: This is not part of the application and is considered to be permitted development]

## **7 MATERIAL PLANNING CONSIDERATIONS**

7.1 The main planning issues raised by the application that the committee must consider are:

- 1) The design and appearance of the development and its effect upon the character and appearance of the area
- 2) The impact of the development upon the residential amenities of the adjoining occupiers
- 3) Other planning issues

### **The design and appearance of the development**

7.2 London Plan Policies 7.4 Local Character and 7.6 Architecture state that development should have regard to the character of the area, and that architecture should make a positive contribution to the public realm. Policies SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013) (CLP) reiterate this and state that development should be of high quality design, enhance Croydon's varied character and be informed by the Places of Croydon. Furthermore, the relevant Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 (the UDP) include UD2 which covers "the layout and siting of new development" and stipulates that proposals should reinforce and respect the existing development pattern. Policy UD3 covers "the scale and design of new buildings" and states that proposals should respect the height and proportions of surrounding buildings. Supplementary Planning Document No. 2 (SPD2) on Residential Extensions and Alterations provides detailed guidance on the design of household extensions.

7.3 Material has been excavated from the sloping garden to facilitate landscaping and terracing of the rear garden, directly beyond the existing single storey rear extension stepping up on terraced levels bound by retaining walls. The upward sloping profile of the garden, seen on all properties on this side of Chapel View including both neighbouring properties has been retained with levels graduating upwards towards the rear. The garden was terraced originally prior to works taking place, whilst the retaining walls are now higher and more material has been excavated to produce more defined levels, the character of the original garden has been retained in this respect. Other properties in the vicinity have similar levelled gardens bound by retaining walls given the changes in land level. The development would not be visible from the streetscene being fully to the rear of the property. Grassed areas and flower beds have been incorporated to avoid an over-dominance of hard landscaping. It is considered this element of the scheme is acceptable.

7.4 Timber boundary fencing has been constructed on both sides of the plot. Boundary treatments in the area are varied and there is no set character to adhere to in this respect. The height of the fencing increases towards the rear of the site reflecting the change in land levels, which is in keeping with neighbouring

properties. A fence of 2 metres in height of the same form could be constructed under permitted development. It is not considered the fencing is sufficiently harmful to character to justify refusing planning permission.

- 7.5 Taking all factors into account it is not considered the proposal would cause sufficient undue harm to the host property or the character of the surrounding area, in accordance with policies UD2 and UD3 of the UDP and SPD2.

### **The residential amenities of the adjoining occupiers**

- 7.6 The policies quoted above refer to the relationship of development to the surrounding area and are of relevance when considering the impact of development on adjoining occupiers. Policy UD8 of the UDP aims to protect residential amenity and requires the Council to have regard to the privacy and amenity of the occupiers of surrounding buildings when considering development proposals. SPD2 requires boundary enclosures to be simple in design, respect the height of other enclosures and reinforce any dominant boundary treatment type.
- 7.7 Excavations have been undertaken to provide a terraced rear garden. Land levels to the rear of properties on this side of Chapel View rise steeply to the rear, and the works are in keeping with this character. Prior to works taking place the garden was terraced with sections bounded by retaining walls and whilst these have been constructed larger in height, it is not considered this has provided a significantly more harmful opportunity for overlooking. Land levels in both the neighbouring sites follow the same prevailing increase from south west to north east. The property and garden of no.55 Chapel View are on a higher land level than that within the application site, so it is not considered the terracing of the garden has given rise to any additional harm through overlooking. Whilst no. 51 is on a lower land level than the application site, land levels within this property also rise towards the rear and given the existing situation before works were commenced, it is not considered there would be severe additional harm caused to occupiers of no. 51 from any loss of privacy. As the levels increase in height, the distance from the rear windows of the neighbouring properties increases and the fencing constructed provides a degree of screening from any views into neighbouring gardens. Considering the above factors, it is not considered the alterations to land levels and construction of retaining walls would result in any harmful loss of privacy to adjoining occupiers.
- 7.8 The boundary fencing is at its lowest level nearest the rear walls of both neighbouring properties, and steps up to higher levels further away from neighbouring rear windows. This relationship is expected, given the steep change in land levels from south west to north east on this side of Chapel View. The height of the fencing is 2m closest to the rear of the neighbouring buildings, and fencing of this height could be constructed without requiring planning permission. Both neighbouring properties are detached and are set in from their side boundaries, providing an adequate separation distance between the fencing and rear ground floor windows. The higher sections of fencing are further up the

garden and thus set away from the neighbouring houses. Taking into account the above considerations and the height of fencing that could be constructed under permitted development, it is not considered the fencing would result in harm to the neighbouring occupiers through loss of light or outlook to justify refusing planning permission. It is acknowledged there is a flank window to no.51 that serves a kitchen. As a non-habitable room window the relationship would be acceptable.

- 7.9 For the above reasons, it is considered the impact on the residential amenities of neighbouring properties is acceptable and in accordance with policy UD8 and SPD2.

### **Other planning issues**

- 7.10 Representations have raised concern that the proposed engineering works and excavation that has taken place would result in structural instability on neighbouring properties and gardens. Land stability can be a material planning consideration, but a risk based approach should be taken based on the individual site circumstances and proposed development. The site is not in an area notified as being at risk from land stability issues. Land level changes adjacent to buildings or their approach is a matter controlled by Building Regulations, and the provisions of the Party Wall Act may also be relevant for these issues. Representations have requested that supporting walls should be constructed along the boundaries with neighbouring properties to ensure land is stable following the excavation works. However this would be a private matter between the parties and given the above factors is not something that would be under planning control. It is considered that the development here proposed would not lead to significant detrimental impact to neighbouring properties in these terms.
- 7.11 Representations have raised concerns regarding the impact of the fencing and excavations on neighbouring trees and shrubs along the boundary. There is no Tree Preservation Order on the site (or neighbouring sites) and the site is not within a Conservation Area, so trees on the site are not subject to planning control. Representations have raised concern regarding alleged damage to trees and shrubs within neighbouring sites as a result of the works but this would be a private matter.
- 7.12 Representations have raised concern about the impact on the Local Nature Reserve and Site of Nature Conservation Importance to the rear of the site. The use of the site remains as a residential garden and whilst a fence has been constructed along the rear boundary, the works are wholly contained within the site. There was an existing paved area to the rear of the site. It is not considered the development would have a harmful impact on the designated Local Nature Reserve and Site of Nature Conservation Importance to the rear of the site.

### **Conclusions**

7.13 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.