

<p>Report of: Head of Development Management</p> <p>Author: Pete Smith</p>	<p>Title: Planning Appeal Decisions (June 2019)</p>
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Housing, Communities and Local Government.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Planning Committee, Planning Sub Committee or by officers under delegated powers. It also advises on appeal outcomes following the service of a planning enforcement notice.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. APPEAL DECISIONS

- 2.1 The following appeal decisions have been received by the Council during the reporting period.

<i>Application Nos:</i>	<i>18/00075/FUL</i>
<i>Site:</i>	<i>97A Central Hill, Upper Norwood, SE19 1BY</i>
<i>Proposed Development:</i>	<i>Installation of side doorway</i>
<i>Decision:</i>	<i>REFUSE PLANNING PERMISSION</i>
<i>Appeal Method:</i>	<i>WRITTEN REPRESENTATIONS</i>
<i>Inspector's Decision</i>	<i>DISMISSED</i>
<i>Case Officer</i>	<i>Daniella Ellis</i>
<i>Ward</i>	<i>Crystal Palace and Upper Norwood</i>

- 2.2 This property is located in the Harold Road Conservation Area and whilst the Council refused planning permission for the new doorway and formation of two studio units, the Planning Inspector was clear that the application only related to the doorway. He advised that the Council would be open to enforce against any alleged breach of planning control (in respect of the two residential units) if it was satisfied that a breach of planning control had taken place and that there was good reason for doing so.

- 2.3 The main issues in this case related to the effect of the development on the character and appearance of the conservation area and the effect of the new access door on the safety and security of the occupier of the unit. Whilst the door is fabricated using UPVC, the Planning Inspector was content that as the installation was to the side of the property and not overly visible from the frontage, the development caused only a neutral effect on the character and appearance of the conservation area.
- 2.4 He was more concerned about the safety of the access for the occupier of the unit it serves. The doorway opens out onto a narrow alleyway which serves as an access to a car body repair shop and he was concerned that there was insufficient width in the access for a person to step out through the doorway and still allow for a vehicle to pass. He therefore concluded that the doorway and use of this access significantly increased the risk of pedestrian and vehicular collisions.
- 2.5 The appeal was DISMISSED. Officers are now determining how best to deal with the breach of planning control.

Application No:	18/04970/FUL
Site:	Glendale, Mowbray, Upper Norwood SE19 2RN
Proposed Development:	Erection of a rear roof extension
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Victoria Bates
Ward	Crystal Palace and Upper Norwood

- 2.6 The main planning issues in this case involved the effect of the rear roof extension on the character and appearance of the area.
- 2.7 The site is a relatively modern, detached two storey property located adjacent to the Church Road Conservation Area. The proposal involved a full width rear roof extension (removing hipped roof features also). The Planning Inspector noted that neighbouring properties had been retained (largely unaltered) and he referred to the former SPD2 which advised that rear roof extension should not normally be designed as full width and that hip to gable extensions would not normally be permitted,
- 2.8 He was concerned that the roof extension would have been visible between the houses nearby and would have been visibly unsympathetic to the immediate area
- 2.9 The appeal was DISMISSED.

Application No:	18/01213/FUL
Site:	The Welcome Inn, 300 Parchmore Road, CR7 8HB
Proposed Development:	Erection of single storey rear

Decision:	<i>extension to existing outbuilding and partial demolition of existing rear addition in connection with the conversion of the upper floors to 4x1 bed flats along with the retention of the public house (at ground floor and basement)</i>
	PLANNING PERMISSION
	REFUSED (Planning Committee – Overturn)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector’s Decision	ALLOWED
Case Officer	Chris Grace
Ward	Thornton Heath

2.10 The main issue in this case was whether the scheme would have suitably protected the long-term viability of the public house; the scheme sought planning permission to alter the layout of the public house (including reduced floorspace) to allow for improved access to the proposed upper floor flats.

2.11 The upper floor is currently in use as an HMO and the scheme also sought planning permission for the conversion of the property to provide self-contained residential accommodation in the form of 4x1 bed flats. Whilst the Planning Inspector accepted that the overall floorspace for the public house would have been reduced by 26%, even with evidence submitted by third parties he was satisfied that there was no substantive reason to conclude that the public house would not continue to operate as a viable concern.

2.12 The loss of the HMO was raised by third parties and he noted that the London Plan HMO policy only seeks a general requirement (rather than being mandatory) to protect HMOs. In any case, he accepted that the residential units would make a useful contribution to general housing delivery and a wider mix of accommodation.

2.13 The appeal was ALLOWED.

Application No:	18/04734/FUL
Site:	206 Norbury Crescent, SW16 4JY
Proposed Development:	Erection on a two-storey side and rear extension and single storey rear extension in connection with the conversion of the property into 5 flats (4x1 bed and 1x2 bed)
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector’s Decision	DISMISSED
Case Officer	Wayne Spencer
Ward	Norbury and Pollards Hill

- 2.12 The main issues in this case were the proposed housing mix, the overall size of individual flats, the lack of amenity space for each of the units and the capacity for adequate refuse storage.
- 2.13 The Planning Inspector accepted that the property was a 3 bedroom unit (as originally built) and therefore was not satisfied with the proposed mix of accommodation and supported the Council's desire to retain small family accommodation.
- 2.14 As regards overall size of individual units, he was satisfied that the units would have all complied with the space standards and did not agree with the Council that the ground floor 1 bed (1 person) unit had been designed to avoid overall non-compliance.
- 2.15 Only the 2 bed (3 person) unit had access to private amenity space and whilst none of the other units would have benefitted from private amenity, he was satisfied that the large communal garden to the rear could have been subdivided or maintained as a large communal garden for residents. Whilst he accepted that the scheme did not comply with policy, he was not convinced that harm would have been caused for future residents. He was also satisfied that refuse storage arrangements could be suitably managed through the use of planning conditions and did not accept the Council's view that the storage area was in excess to the 20 metre drag distance bearing in mind that a refuse collection area had been proposed.
- 2.16 The appeal was DISMISSED.

Application No:	18/04411/GPDO
Site:	382 Selsdon Road, CR2 7AB
Proposed Development:	Erection of a 6 metre-deep extension (with pitched roof) to replace existing conservatory
Decision:	REFUSE PRIOR APPROVAL
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Hayley Crabb
Ward	South Croydon

- 2.18 The main issue in this case was the effect of the single storey extension on the immediate neighbours.
- 2.19 The property forms part of a semi-detached pair and whilst the Planning Inspector accepted that the extension would have been larger than the conservatory it was proposed to replace, he was satisfied that parts of the proposed extension would have been lower than the existing structure and would have been partially obscured by existing fences (especially from the adjoining property at 284 Selsdon Road). He was satisfied that the scheme would not have caused undue harm and therefore the appeal was ALLOWED.

Application No: 18/04907/HSE
Site: 16 Kings Walk, CR2 9BS
Proposed Development: Erection of a part single, part two storey side extension
Decision: REFUSE PLANNING PERMISSION
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision ALLOWED
Case Officer Violet Dixon
Ward Sanderstead

2.20 The main issue in this case was the effect of the two-storey side extension on the amenities of the immediate neighbour (18 Kings Walk). The Council had previously granted planning permission for a two-storey side extension and this new proposal sought an enlarged extension – with a further extension at ground floor level.

2.21 The appeal property is set back from the front building line of the adjacent property and in effect, the rear elevation of 18 Kings Walk is in line with the front elevation of the appeal property. The Planning Inspector was satisfied with the separation between the proposed ground floor extension and the neighbour, with fences helping to mitigate the impact of the relatively large ground floor extension.

2.22 The appeal was therefore ALLOWED.

Application No: 18/04801/FUL
Site: 30 Croham Road, CR2 7BA
Proposed Development: Erection of a rear roof extension
Decision: REFUSE PLANNING PERMISSION
Appeal Method: WRITTEN REPRESENTATIONS
Inspector's Decision ALLOWED
Case Officer Violet Dixon
Ward South Croydon

2.23 The main issue in this case was the effect of the rear roof extension on the character and appearance of the property and its immediate surrounding.

2.21 The appeal property is a mid-terraced property with a two-storey outrigger (used as two flats – and therefore outside permitted development). Whilst the Planning Inspector accepted that the proposed rear dormer would not have complied with the SPD (on house extensions) he was satisfied that there was varied character in the vicinity with a number of properties having been extended in similar forms.

2.22 He therefore concluded that the proposed extension would not have been harmful to the character and appearance of the area and the appeal was therefore ALLOWED. This is an interesting decision which links extensions requiring planning permission with extensions to other properties which

were able to be undertaken under permitted development. This inevitably leads to a variety of roof forms which was considered critical in this particular case.

Application No:	18/02370/FUL
Site:	7 Leicester Road, Croydon, CR0 6EB
Proposed Development:	Erection of single storey rear extensions and a rear roof extension in connection with the conversion of the property into 3 flats (1x2 bed and 2x1 bed)
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Wayne Spencer
Ward	Addiscombe West

2.22 The main issues in this case included the following:

- The quality of the development for future occupiers (as regards the quality of outdoor amenity space)
- Whether there was sufficient space for refuse storage
- The effect of the extensions on the character and appearance of the area.

2.23 Only the ground floor flat would have benefited from private amenity space and whilst the upper floor units were slightly oversized, the Planning Inspector was concerned that the other units would not have had access to any private amenity space. In this case, no communal provision was proposed either.

2.24 He also questioned whether there would be adequate space to store refuse within the front garden area (to accommodate the various refuse requirements) and was not prepared to impose a condition requiring details (preferring instead to have the details indicated "upfront").

2.25 As regards the appearance and design of the rear mansard extension, he did not feel that the extension would have been overly prominent – especially with the obscuring effect of the two storey outrigger. Whilst he accepted that the scheme would have run contrary to the former SPD (2006) he concluded that the rear roof extension would not have visually dominated the appearance of the host property.