

PLANNING COMMITTEE AGENDA

May 2020

Part 8 Other Planning Matters

Item 8.2

Report of: Head of Development Management Author: Pete Smith	Title: Planning Appeal Decisions (April 2020)
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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 No:</i>	<i>19/04517/FUL</i>
<i>Site:</i>	<i>30 Coombe Road, CR0 1BP</i>
<i>Proposed Development:</i>	<i>Erection of a three-storey rear extension, rear dormer extension and formation of an additional residential units at lower ground floor level.</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>Peter Milles</i>
<i>Ward</i>	<i>South Croydon</i>

- 2.2 This property is included within the Chatsworth Road Conservation Area and the main issues in this case were as follows:
 - The effect of the proposal on the character and appearance of the conservation area
 - The impact of the development on the amenities of immediate

neighbours (28 and 30 Coombe Road)

- The quality of accommodation – provided for the lower ground floor units (outlook, light and provision of outdoor private amenity space)
- The adequacy of refuse and cycle storage

- 2.3 The Planning Inspector noted that the original form of buildings largely had been retained (even with a variety of extensions having been carried out in the past) but concluded that the scale of the three-storey rear extension would have been over-sized and disproportionate. He was less concerned about the scale and design of the rear dormer extension but concluded that the visual impact of the scale and bulk of the rear extension would have been further exacerbated by the more modest scale of extensions to neighbouring properties. Moreover, he felt that the proposed flat roof would have introduced a jarring and incongruous feature - out of keeping with the character of the host building and would have disrupted the scale of buildings to the south of Combe Road. He therefore concluded that the development would have harmed the character and appearance of the Chatsworth Road Conservation Area and did not feel that the benefits of the development (an additional flat and larger more spacious units) would have outweighed the harm caused.
- 2.4 He also concluded that the scale and extent of projection would have resulted in harm to the amenities of immediate neighbours, particularly to rear windows at ground and lower floor levels resulting in an increased sense of enclosure. He was also concerned about loss of sunlight and daylight – although was more comfortable with reductions in privacy caused by additional windows (in view of existing levels of overlooking). He was more concerned about the effect of the proposed balcony on privacy levels enjoyed by neighbouring residents and he concluded that privacy screens would have only added to the bulk of the proposed extension.
- 2.5 In terms of living conditions for future residents, he was concerned that some of the bedrooms would have had no outlook/windows which would have been oppressive and unattractive for those using the rooms. He was also concerned about the proposed ground floor flat (north facing) with it having poor outlook (looking out onto the proposed car parking area). He also noted that this flat would not have had any private amenity space and that a number of the other apartments would have had substandard balcony spaces with many of the units not meeting the minimum floorspace standards.
- 2.6 He was also concerned about the quality of the proposed lower ground floor studio flat, which would have been overly enclosed by existing boundary walls and fences - severely compromising light and outlook. He was less concerned about the lack of play space for the studio flat, with the existing communal garden being made available – which could be shared with the other flats – but he felt that private amenity space should have been made available for the studio flat.

2.7 Finally, in terms of proposed refuse and cycle storage, he felt that the applicant had been unable to provide satisfactory evidence that there was suitable capacity on site, bearing in mind that the property was already in use as flats. He concluded that the intended refuse storage would not have been integral to the development and was not prepared to accept the imposition of planning conditions to deal with these issues at a later date.

2.8 The appeal was comprehensively DISMISSED.

Application No:	19/03930/FUL
Site:	85 Coulsdon Road, Coulsdon, CR5 2LD
Proposed Development:	Demolition of garage and alterations to house in connection with the erection of a two-storey detached building to the rear with associated car parking, refuse and cycle storage
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Hayley Crabb
Ward	Old Coulsdon

2.9 The main issues in this case focussed on the effect of the proposed development on the character and appearance of the Bradmore Green Conservation Area, the impact of the development on the amenities on neighbouring properties and the acceptability of the living conditions for future occupiers (outlook and the provision of amenity space).

2.10 The Inspector felt that the generous spacing between buildings contributed positively to the semi-rural character and appearance of the conservation area. He also focussed on compliance with Policy DM10 and SPD guidance which focussed on subordination and concluded that the overall scale, bulk and mass of the proposed dwelling would have been disproportionate to the existing dwelling and would not have accorded with the requirement for subservience.

2.10 He was also concerned about the tight relationship between the proposed development and the host property - with less than 10 metres separation, which would have also been out of keeping with the spacious character of the conservation area.

2.11 Whilst he appreciated that over 600 square metres of garden would have been available for use by the host property, he was concerned about the close relationship between the two properties which would have harmed outlook enjoyed by the occupiers of the host property.

2.12 The appeal was comprehensively DISMISSED.

Application No:	19/03118/FUL
Site:	3 West Hill, South Croydon, CR2 0SB
Proposed Development:	Redevelopment of site involving the demolition of the existing house and the erection of a three-storey apartment building containing 9 self-contained flats with separate bicycle and bin storage
Decision:	REFUSE PLANNING PERMISSION (Overturned Recommendation)
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Tim Edwards
Ward	Sanderstead

- 2.13 This application was refused planning permission at the 7th November 2019 Planning Committee on grounds of the failure of this flat roofed scheme to respect the character and appearance of the immediate locality and predominant townscape. The main issue in this appeal was therefore the extent to which the scheme respected existing character and appearance.
- 2.14 West Hill is characterised by large detached houses set in spacious plots – set back from the West Hill frontage; although the Planning Inspector noted that this character changes somewhat towards the southern end of West Hill, where the buildings exhibit a wider range of building styles. He also referred the largely completed “Jasmine Lodge” (2A West Hill) which has a predominant flat roof profile.
- 2.15 He was satisfied that the proposed development would have been appropriately set back from the West Hill frontage and would have respected the general pattern of development and whilst he accepted that the proposal would have been unashamedly contemporary in its design approach, he was satisfied that the proposed building would have contributed positively the character and appearance of this part of West Hill. He concluded that the building would have added to the diversity of building styles found in the immediate area.
- 2.16 Notwithstanding the objections raised by immediate neighbours, he did not feel that the scheme would have caused harm to neighbouring amenities and on street car parking/congestion, either by itself or cumulatively with other recent developments taking place within the road.
- 2.17 The appeal was ALLOWED. He queried a number of planning conditions recommended by the local planning authority (standard conditions requiring carbon reductions and savings in water consumption, arguing that they were imprecise). This is of concern moving forward as applicants will be expected to provide more details at application stage which might

well prove difficult when the principle of the development has yet to be accepted.

Application No:	19/03971/FUL
Site:	19 Ashburton Road, CR0 6AN
Proposed Development:	Conversion of a rear outbuilding to provide a 2 bed flat
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Chris Grace
Ward	Addiscombe East

2.15 The main issues in this case were as follows:

- The effect of the development on the character and appearance of the East India Conservation Area
- Whether the proposal created satisfactory living conditions for future occupiers – outlook and standard of light
- The effect of the development on the amenities of the immediate neighbours – especially 19 Ashburton Road in terms of loss of privacy and garden amenity
- Whether the scheme would have provided adequate refuse storage arrangements

2.16 The appeal site is a large single storey outbuilding to the rear of an existing detached property that is currently subdivided into 5 flats. The Planning Inspector referred to the East India Conservation Area CAAMP which highlighted spacious and distinctive formal layouts. He noted that the existing out-building took up much of the rear garden – and whilst not seen from the street, had a large and expansive roof-scape. He felt that the scheme would have domesticated the outbuilding – changing its character to the degree that it would have been identifiable as a residential dwelling which would have given it additional prominence in the rear garden. He concluded that a dwelling in this location would not have been consistent with the prevailing pattern of development found in the conservation area. He concluded that the development would have been harmful to the character and appearance of the East India Conservation Area. Moreover, he did not feel that the benefits of the development (creation of an additional dwelling) would have been sufficient to outweigh the harm caused.

2.17 In terms of living conditions for future occupiers, whilst he acknowledged that the proposed flat would be enclosed, daylight, sunlight and outlook would have been adequate. He was also satisfied that the development

(in view of its scale and the presence of the existing outbuilding) would have maintained existing amenities enjoyed by other occupiers of the site – with no loss of garden or substantially increased comings and goings. He was also satisfied that refuse storage could be adequately accommodated on site.

- 2.18 Notwithstanding the above, the appeal was DISMISSED on grounds of harm caused to the East India Conservation Area. The application for costs against the Council (siting unreasonable behaviour in refusing planning permission) was also DISMISSED.

Application No:	18/05921/LP
Site:	13A The South Border, Purley, CR8 3LL
Proposed Development:	Certificate of Lawful Development – to affix a wire and plastic floral replica to authorised gates
Decision:	REFUSE CERTIFICATE
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Richard Freeman
Ward	Purley and Woodcote

- 2.19 The main focus of this appeal was whether the affixing of the floral replica onto the gates constituted development – as defined by Section 55(1) of the Town and Country Planning Act 1990. It was accepted by the Planning Inspector that the gates and gate pillars represented a building and that the netting represented an alteration to that building (on a fact and degree basis). Consequently, he agreed with the Council that the netting required planning permission. He therefore DISMISSED the appeal.

- 2.20 Officers will now ensure that previous unlawful works to the gate are removed, although an application for planning permission for the netting might reasonably be anticipated.

Application No:	19/03061/FUL
Site:	40 West Street, CR0 1DJ
Proposed Development:	Alterations to front elevation, the erection of a first-floor rear extension and change of use from office to a single dwelling
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Dean Gibson
Ward	Fairfield

- 2.21 Whilst the Council was not opposed to the principle of the change of use, the main issues of contention were as follows:

- The effect of the character and appearance of the area
- The effect on the amenities of neighbouring occupiers
- The quality of accommodation for future occupiers of the dwelling

2.22 The property lies within the Laud Street Local Heritage Area which comprises mainly 2 and 3 storey properties. The main issues of concern were the design of the ground floor frontage alterations and the impact of the first floor rear extension. The Planning Inspector concluded that the proposed flat roof design would be out of character with the predominant roof forms and would have struck a discordant note. He was also concerned about the form and proportion of the proposed ground floor windows – with a horizontal emphasis. Again, he concluded that the alterations to the front elevation would have been incongruous in the street-scene.

2.23 He was less concerned about the amenity impact of the first-floor extension on neighbouring properties – with neighbouring properties having extensions of a similar depth. Moreover, whilst he accepted that the Council's policy to require amenity spaces in all situations was a laudable aim, in the case of conversions, he concluded that a degree of compromise was necessary. He was not convinced that a smaller extension would have resulted in a retained open area to the rear being of sufficient quality to facilitate the provision of high-quality amenity space (being enclosed on all sides by commercial workshops) which would have been unappealing.

2.24 The appeal was DISMISSED on grounds of character and appearance.

Application No:	19/04039/FUL
Site:	59 Isham Road, Norbury SW16 4TG
Proposed Development:	Conversion of dwelling into 2 self-contained flats
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	George Clarke
Ward	Norbury and Pollards Hill

2.25 The main issues in this case involved the following:

- The effect of the proposed development on the supply of small family houses
- The quality of accommodation for future occupiers

2.26 The Planning Inspector accepted the Council's arguments that the scheme would have resulted in the loss of a three-bedroom house (as originally built) and would have been contrary to policy. He also noted that it would not have contributed to the strategic target which states that 30% of new homes should have 3 bedrooms. He also noted that the two-bed unit would not have had direct access to garden amenity – and therefore

would not have been of suitable quality for a small family.

2.27 He recognised however that the garden could have been sub-divided with both flats having access (with the upper flat accessing via a side gate off Tisdale Road) which would have provided satisfactory space for a household without children – the more likely outcome in respect of the proposed the first floor flat.

2.28 The appeal was DISMISSED.

Application No:	19/01534/FUL
Site:	129 Mersham Road, Thornton Heath, CR7 8NT
Proposed Development:	Erection of a rear roof extension and first floor rear extension (with roof terrace and external rear staircase) in connection with the conversion of the ground and first floor flat into a studio and 2 bed flat.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Victoria Bates
Ward	Thornton Heath

2.29 The main issues in this case were as follows:

- The effect of the development on the continued supply of small family housing
- The quality of accommodation – particularly in terms of the proposed internal floorspace and availability of amenity space and cycle storage;
- Neighbour impacts (privacy and outlook)
- The effect of the proposed extensions on the character and appearance of the immediate area.

2.30 The Planning Inspector accepted the Council's position in terms of the loss of small family accommodation – even though the existing layout suggested that the existing flat had 2 bedrooms. He took the view that the floorspace proposed for the two proposed flats (36.5 sqm and 70 sqm – including the proposed extensions) would have resulted in a loss of a family home – less than 130 sqm.

2.31 In terms of residential quality, he was similarly concerned about the size of one of the bedrooms proposed for the two-bed flat and concluded, when viewed alongside the overall non-compliance with prescribed floorspace standards, that the accommodation would have been substandard. He was also concerned about the proposed balcony space (in terms of space available – below policy requirements) and the failure to deliver adequate cycle storage for the proposed 2 bed flat

2.32 In terms of privacy impacts, he agreed with the Council that the proposed balcony and external staircase would have also resulted in significant loss of privacy for neighbouring occupiers at 125, 127, 133 and 135 Mersham Road. He did not feel that the proposed planting scheme would have mitigated this impact effectively.

2.33 The Planning Inspector also concluded that the size of the rear dormer and the proposed balcony would have been at odds with the character and appearance of the surrounding area and he was not convinced that there was adequate capacity within the front forecourt to accommodate all refuse storage requirements without blocking access or limiting outlook for the ground floor flat. He was concerned that bin storage would have appeared disorderly and cluttered, causing visual harm to the appearance of the street.

2.34 The appeal was comprehensively DISMISSED.