

## PLANNING COMMITTEE AGENDA

15<sup>th</sup> August 2019

### Part 8 Other Planning Matters

### Item 8.1

<b>Report of:</b> Head of Development Management  <b>Author:</b> Pete Smith	<b>Title:</b> Planning Appeal Decisions (July 2019)
---	--

#### 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.

<b>Application No:</b>	<b>18/05444/GPDO</b>
<b>Site:</b>	<b>50 Strathyre Avenue, SW16 4RG</b>
<b>Proposed Development:</b>	<b>Erection of a ground floor rear extension (6 metres in depth)</b>
<b>Decision:</b>	<b>REFUSE PRIOR APPROVAL</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>ALLOWED</b>
<b>Case Officer</b>	<b>Robert Lester</b>
<b>Ward</b>	<b>Bensham Manor</b>

- 2.2 The only issue for consideration was the effect of the development of the amenities of immediate neighbours. Whilst the extension would have projected 6 metres into the rear garden, he concluded that the works would have maintained the amenities of neighbours. He emphasised that the GPDO allows for extensions of a depth proposed and he saw no exceptional circumstances which outweighed the principle of such an extension.
- 2.3 The appeal was ALLOWED.

<b>Application No:</b>	<b>18/01089/FUL</b>
<b>Site:</b>	<b>15 Imperial Way, Croydon, CR0 4RR</b>

<b>Proposed Development:</b>	<b>Use of commercial premises as a place of worship</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>ALLOWED</b>
<b>Case Officer</b>	<b>Tim Edwards</b>
<b>Ward</b>	<b>Waddon</b>

- 2.4 The main planning issues in this case involved the effect of the loss of the former employment generating use within a Strategic Industrial Location (Tier 1).
- 2.5 The premises had been in use as a place of worship for in excess of 9 years and whilst the Planning Inspector accepted that the scheme ran contrary to planning policy, he concluded that the length of time the use had been operating, alongside the extent of employment activity that appeared to be taking place as part of the use, represented significant material considerations that weighed against the harm caused to the availability of industrial floorspace. He felt that the existing church should be regarded as a positive element of social infrastructure, assisting in the delivery of cultural services
- 2.6 The appeal was therefore ALLOWED and the on-going enforcement investigation will now be closed down.

<b>Application No:</b>	<b>18/05007/FUL</b>
<b>Site:</b>	<b>230-234 Portland Road, SE25 4SL</b>
<b>Proposed Development:</b>	<b>Erection of a second-floor extension to provide 1x2 bed flat including alterations to the front and rear elevation and the provision of cycle and refuse stores</b>
<b>Decision:</b>	<b>PLANNING PERMISSION REFUSED</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>ALLOWED</b>
<b>Case Officer</b>	<b>Chris Grace</b>
<b>Ward</b>	<b>Woodside</b>

- 2.7 Prior approval had already been granted for the conversion of the property to 12 self-contained flats and this scheme sought planning permission for a further extension to provide a further unit of accommodation whilst providing spaces for refuse and bicycle storage within the small forecourt area. The main issues were the effect of the development on the character and appearance of the immediate area and on the amenities of future occupiers of the building.
- 2.8 The Council was content with the design of the extension and the main focus of concern was the effect of the refuse and bicycle storage arrangements. The property is bounded (onto Portland Road) by a wall and railings and the Planning Inspector was satisfied that with suitable screening/landscaping, the bike and bin storage areas would be suitably screened and would be well set back from the windows of future ground floor occupiers.
- 2.9 He accepted the arrangements and therefore the development as a whole, but imposed conditions requiring details of the bicycle and bin storage arrangements which would need to be in place and permanently retained, following first occupation of the development. The appeal was therefore ALLOWED.

- 2.10 This is a disappointing decision bearing in mind that it is inevitable that the various elements associated with bicycle and refuse storage associated with this development (fronting onto Portland Road) would be very visible (with inevitable limited landscaping maintenance over time). Many sites within Portland Road have poor refuse and bicycle storage arrangements and this is likely to be an issue unless properly managed by the developer and future occupiers/managing agents.

<b>Application No:</b>	<b>18/04575/FUL</b>
<b>Site:</b>	<b>49A and 49B South End, CR0 1BF</b>
<b>Proposed Development:</b>	<b>Erection of a first-floor rear extension (to both properties) and the conversion of both properties to each provide 2x1 bed and a studio flat (6 flats in all)</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>ALLOWED</b>
<b>Case Officer</b>	<b>Justine Aldersey</b>
<b>Ward</b>	<b>South Croydon</b>

- 2.11 The main issues in this case was whether the proposed mix of accommodation (focussing purely on non-family accommodation) was appropriate and whether the scheme provided satisfactory living accommodation (in view of the lack of private amenity space).

- 2.12 The Planning Inspector noted that planning policy only required family accommodation to be provided where more than 10 units of accommodation were proposed and also recognised that the property would be unlikely to be suitable for family living, in view of access arrangements and the issues associated within living in a vibrant and potentially noisy town centre environment (within close proximity to the restaurant quarter).

- 2.13 He also accepted that the size of the units was adequate and did not see the lack of private amenity space as being critical, especially as space available (as part of a conversion) was fixed, with the scheme needing to work with the existing form and layout. He therefore concluded that the lack of private amenity space would not have resulted in substandard accommodation. He noted that the site was located within a highly sustainable location with access to town centre amenities and open spaces (available within the wider area).

- 2.14 The appeal was ALLOWED.

<b>Application No:</b>	<b>18/05642/HSE</b>
<b>Site:</b>	<b>196 Norbury Crescent, SW16 4JY</b>
<b>Proposed Development:</b>	<b>Erection of a single storey rear extension</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>
<b>Case Officer</b>	<b>Sera Elobisi</b>
<b>Ward</b>	<b>Norbury and Pollards Hill</b>

- 2.15 The main issue in this case was the extent to which this extensive ground floor rear extension would have affected the amenities of the immediate neighbours

in terms of outlook, daylight and sunlight.

- 2.16 The appeal premise is a mid-terrace property and the Planning Inspector concluded that the 6 metre deep extension (added onto a former 2 metre deep extension and extending the full width of the plot) would have resulted in an oppressive and over-bearing form of development and an unacceptable increased sense of enclosure. The height of the extension (at 3 metres) would have been significantly higher than existing fences. With properties being south-west facing, he was also concerned about some negative effect on sunlight and daylight conditions.

- 2.17 The appeal was DISMISSED.

<b>Application No:</b>	<b>18/05677/HSE</b>
<b>Site:</b>	<b>7 Leicester Road, CR0 6EB</b>
<b>Proposed Development:</b>	<b>Erection of a single storey side and rear extension (wrapping around the rear out-rigger)</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>
<b>Case Officer</b>	<b>Roberta Henriques</b>
<b>Ward</b>	<b>Addiscombe West</b>

- 2.18 The main issue in this case was the extent to which this wrap-around ground floor rear extension would have affected the amenities of the immediate neighbour at 5 Leicester Road.

- 2.19 The appeal property is a two-storey terraced property with a two storey out-rigger and the extension proposed to wrap-around the outrigger and would have extended over 7 metres alongside the boundary with 5 Leicester Road. The Planning Inspector was concerned that this would have resulted in a cramped arrangement between these two properties with some windows having a much restricted and unacceptable outlook. He felt that the presence and impact of the existing outriggers did not render the proposal less harmful in view of the extent and height of the proposed ground floor extension.

- 2.20 The appeal was therefore DISMISSED.

<b>Application No:</b>	<b>18/04981/HSE</b>
<b>Site:</b>	<b>277 Thornton Road, CR0 3EW</b>
<b>Proposed Development:</b>	<b>Formation of a vehicle access</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>
<b>Case Officer</b>	<b>Victoria Bates</b>
<b>Ward</b>	<b>West Thornton</b>

- 2.21 The main issue in this case was the effect of the proposed access on highway safety for pedestrians and other road users.

- 2.22 Thornton Road is a busy thoroughfare and forms part of the TRLN (managed by Transport for London – which objected to the proposed development). The space in front of the property is relatively shallow and would not have allowed a vehicle to turn on site and exit in forward gear. With the presence of a mature street tree

in close proximity of the proposed access, the Planning Inspector was concerned about the adequacy of site-lines and concluded that the manoeuvre would have caused highway safety issues. Whilst there were existing access points for both neighbouring properties, he felt that each case should be determined on its own merits and he remained concerned that high safety would have been compromised.

2.23 The appeal was therefore DISMISSED.

<b>Application No:</b>	<b>19/00020/HSE</b>
<b>Site:</b>	<b>118 Stanley Road, CR0 3QB</b>
<b>Proposed Development:</b>	<b>Erection of a ground floor rear extension (retrospective)</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>
<b>Case Officer</b>	<b>Sera Elobisi</b>
<b>Ward</b>	<b>West Thornton</b>

2.24 This application sought to retain a ground floor rear extension which had been undertaken without the benefit of a planning permission. The main issue involved the effect of the extension on the amenities of the neighbouring residential occupiers at 116 Stanley Road in terms of loss of outlook and increased enclosure.

2.25 The Planning Inspector was concerned about the height and depth of extension along the boundary and concluded that it was overly obtrusive and overbearing.

2.26 The appeal was DISMISSED and officers are now re-engaging with the owner of the property to resolve the on-going breach of planning control.

<b>Application No:</b>	<b>19/01394/HSE</b>
<b>Site:</b>	<b>29 Woodcote Grove Road, CR5 2AG</b>
<b>Proposed Development:</b>	<b>Formation of a vehicle access and hardstanding for vehicle parking</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>
<b>Case Officer</b>	<b>Chris Stacey</b>
<b>Ward</b>	<b>Coulsdon Town</b>

2.27 The main issue in this case was the effect of the vehicular access on pedestrian and highway safety (in view of the relatively shallow space between back edge of footway and the front façade of the house).

2.28 The Planning Inspector was concerned that a car parked on the hardstanding would have projected over the footway and would have impeded pedestrian movements on the footway. Whilst he acknowledged that there were other crossovers and use of hardstanding areas for off street car parking, he concluded that this would not have rendered the scheme acceptable, especially as there was evidence that cars do project over the footway. Whilst he recognised that the parking of a small car might have been possible, there was no way to insist that only a small car is parked on the space

2.29 The appeal was therefore DISMISSED.

<b>Application No:</b>	<b>18/01755/FUL</b>
<b>Site:</b>	<b>40 Raymead Avenue, Thornton Heath, CR7 7SA</b>
<b>Proposed Development:</b>	<b>Erection of a single storey rear extension and rear roof extension in connection with the conversion of the property into 2x2 bedroom flats</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>
<b>Case Officer</b>	<b>Chris Grace</b>
<b>Ward</b>	<b>West Thornton</b>

2.30 The main issue in this case was the loss of a small family house and the quality of the proposed flats in terms of internal space dimensions, especially as one of the flats was proposed to be laid out across two levels.

2.31 The existing house provides 3 bedrooms and the Planning Inspector agreed with the Council that the scheme was contrary to policy which seeks to protect small family houses, with replacement accommodation not being suitable for alternative family occupation. Moreover, he was concerned that one of the units would have been undersized (by 3 square metres) which he concluded was critical. He was less concerned about inadequate details proposed for bicycle storage, which he felt could have been suitably controlled through the use of planning conditions

2.32 The appeal was DISMISSED.

<b>Application No.</b>	<b>19/00369/HSE</b>
<b>Site:</b>	<b>87 Sandown Road, London, SE25 4XD</b>
<b>Proposed Development:</b>	<b>Erection of a single storey side and rear extension</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>
<b>Case Officer</b>	<b>Victoria Bates</b>
<b>Ward</b>	<b>Woodside</b>

2.33 The main issue in this case was the effect of this extension on the living conditions of the occupiers of 89 Sandown Road.

2.34 The application site is a two-storey terraced property which has a two-storey rear extension set back off the side boundary. The Planning Inspector was concerned that the ground floor extension (which would have projected above the fence-line) would have affected the outlook enjoyed from the neighbouring living room window which would have suffered an increased sense of enclosure (with the 6-metre depth of extension rising to a height of 2.8 metres).

2.35 The appeal was DISMISSED.

<b>Application No.</b>	<b>18/03319/FUL</b>
<b>Site:</b>	<b>11 Barham Road, CR2 6LD</b>
<b>Proposed Development:</b>	<b>Formation of basement accommodation and the erection of a</b>

**Decision:**

**Appeal Method:**

**Inspector's Decision**

**Case Officer**

**Ward**

**part single, part two storey side and rear extension in connection with the conversion of the property to form 5 self-contained residential units**

**REFUSE PLANNING PERMISSION**

**(Overturned by Planning Committee)**

**WRITTEN REPRESENTATIONS**

**ALLOWED**

**Cost Application DISMISSED**

**Rachel Gardener**

**Waddon**

2.36 The main issues in this case centred on the quality of the residential accommodation for future occupiers in terms of the internal floorspace of the accommodation and the availability of outdoor amenity space.

2.37 The Planning Inspector noted that approximately 176 square metres of communal amenity space would have been provided within the rear garden along with 120 square metres for one of the basement flats. He was satisfied that it would have been difficult to provide private balconies as part of the conversion without loss of privacy to neighbours and therefore accepted that the private amenity space was not necessary (especially in view of the availability of communal space which could be accessed down the side of the property). A landscaping condition was imposed and he saw no reason to doubt that the area would be an attractive area for future residents. In terms of overall flat size, he noted that only Flat 4 would have not met the standards (with a short fall of 1.2 square metres) which he concluded would not have been critical. The appeal was ALLOWED. The amended application (which sought to overcome the previous reasons for refusal) which was considered and deferred by Planning Committee at meeting of the 30<sup>th</sup> May 2019 has subsequently been withdrawn by the applicant. One therefore presumes that the scheme the subject of the appeal will now progress.

2.38 The cost application focussed largely on the decision to refuse planning permission by Planning Committee contrary to the officers' recommendation. This was not accepted by the Planning Inspector who found the decision to be complete, specific and relevant to the planning application and had been adequately substantiated. The application for costs was therefore DISMISSED.

**Application No:**

**Site:**

**Proposed Development:**

**Decision:**

**Appeal Method:**

**Inspector's Decision**

**Case Officer**

**Ward**

**18/05112/FUL**

**St Andrews Vicarage, Julian Road, Coulsdon, CR5 2DN**

**Erection of a part 1, part 2, part 3 and part 4 storey building comprising 9 flats with vehicle access from Woodmansterne Road and with basement car parking for 11 car parking spaces.**

**REFUSE PLANNING PERMISSION**

**WRITTEN REPRESENTATIONS**

**DISMISSED**

**Louise Tucker**

**Coulsdon Town**

2.39 The appeal site sits in a prominent location at the junction of Julian Road and

Woodmansterne Road and the Planning Inspector noted that the dwellings in the immediate area were relatively traditional in appearance with pitched roofs of various forms.

- 2.40 He was concerned that the proposal would have involved the introduction of a building of significant bulk and mass with its footprint occupying a large proportion of the site. He was concerned that the scheme would have disrupted the overall sense of space. He felt that the introduction of flat roofs and a very modern design would have been specifically at odds with the prevailing pitched roofed character, especially with the heavy use of glass which would have been at odds with the prevailing character. He felt the issues associated with the form, mass and design of the building were accentuated by its corner location.
- 2.41 He referred to the Suburban Design Guide and even though the SPD advises that design should be innovative and original, it also advises that it should respect the existing character of the area and not create any negative aspects on that character. He was satisfied that this scheme conflicted with SPD Guidance.
- 2.42 In terms of the quality of on-site communal amenity space, he was concerned about the location of the space (whether situated on an overshadowed roof) or tucked away and only accessed via the stairwell of the under-croft car park. He concluded that the siting of the communal amenity space (linked to the scale and mass of the building) would have not been of sufficient quality.
- 2.43 The appeal was DISMISSED.

<b>Application No:</b>	<b>18/05041/FUL</b>
<b>Site:</b>	<b>172 Parchmore Road, Thornton Road, CR7 8HA</b>
<b>Proposed Development:</b>	<b>Revisions to planning permission (LBC Ref 16/05935/FUL) for alterations to a two storey element to the rear involving a further 0.9 metre extension, alterations to windows and the conversion of the first floor to provide an additional 1 bedroom flat – totalling 6x1 bed flats</b>
<b>Decision:</b>	<b>REFUSE PLANNING PERMISSION</b>
<b>Appeal Method:</b>	<b>WRITTEN REPRESENTATIONS</b>
<b>Inspector's Decision</b>	<b>DISMISSED</b>
<b>Case Officer</b>	<b>Chris Grace</b>
<b>Ward</b>	<b>Thornton Heath</b>

- 2.44 This case has extensive planning history following on from a 2016 planning permission for extensions and the conversion of the property into 5 self-contained flats. The developer failed to carry out the development in accordance with the approved drawings with the property now being used as six self-contained flats without the benefit of planning permission. Over recent years he has continually attempted to modify the scheme (as part of a planning application process) in order to regularise the use of the property as six self-contained flats.
- 2.45 The main issue in this case was the effect of the proposed alterations on the living conditions of the proposed flats and neighbouring flats in the block by way of the quality of internal and external space, privacy and outlook. In effect, the proposal involved the splitting up of the rear addition into two small flats. His main



concern was the quality of the first floor flat in terms of the size of some of the rooms, the lack of adequate head height, the reliance on roof-lights and the proposed dormers potentially overlooking the neighbouring properties – with potential noise nuisance from the adjacent access road and car park.

- 2.46 As regards amenity space provision, he referred to the Croydon Local Plan which now advises that accommodation should be provided with private amenity space. He noted that the first floor flat would have no private amenity space and the ground floor flat would have amenity space which would be oppressive (having to be screened) and he was very concerned about the failure of other flats failing to have access to private amenity space, with the communal garden appearing somewhat contrived. He also noted that it would have been necessary to demolish an existing outbuilding within the rear garden area to form meaningful communal garden spaces and he was far from satisfied that the communal space would have compensated for the failure of the scheme to provide private amenity space.
- 2.47 Finally, he was concerned about the capacity of the refuse storage area (to accommodate the sixth unit) which again pointed to the cramped nature of the proposal (in view of the six units proposed). The appeal was DISMISSED.
- 2.48 It is interesting that the Planning Inspector (in his concluding remarks) commented that the scheme had developed incrementally with a previous Planning Inspector indicating that an appeal process should not be used to evolve a scheme. This developer has continued to try and secure planning permission for 6 flats over an extensive period of time (with no success) the time has now come to enforce against this on-going breach of planning control and ensure that the breach is fully resolved. Continued submission of planning applications to modify the scheme and still secure 6 residential units is clearly not sustainable.