

PLANNING COMMITTEE AGENDA

10th October 2019

Part 8 Other Planning Matters

Item 8.2

Report of: Head of Development Management Author: Pete Smith	Title: Planning Appeal Decisions (September 2019)
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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 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.

Application Nos:	17/03318/FUL (Appeal A) 17/03319/LBC (Appeal B)
Site:	45 High Street, Croydon CR0 1QD
Proposed Development:	Alterations to listed building in connection with the conversion of property to provide student accommodation (9 self-contained units)
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	Appeals A and B DISMISSED
Case Officer	Dean Gibson
Ward	Fairfield

- 2.2 Prior to the appeal process, the appellant submitted amended drawings which in effect resolved the issues associated with physical works to the listed building. The main issue was therefore the failure of the scheme to properly deal with the affordability of the proposed student accommodation.

- 2.3 The Mayoral SPG on affordable housing advises that where student accommodation is not affiliated to any recognised college, rental levels for student accommodation should be suitably capped and reviewed annually.
- 2.4 Whilst the Planning Inspector acknowledged that there had been some attempt to deal with the issues, no finalised S.106 Agreement or alternative legal undertaking had been issued for consideration. On this basis, he concluded that there was no method in place to ensure that the scheme complied with the SPG. The appeals were therefore DISMISSED.

Application No:	18/04551/FUL
Site:	79A-81 Church Street, Croydon CR0 1RH
Proposed Development:	Alterations to shop front including installation of a pin-hole roller security shutter
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Victoria Bates
Ward	Fairfield

- 2.5 The scheme involved the retention of a roller shutter that had recently been installed to a property within the Church Street Conservation Area. The Planning Inspector considered that the replacement shutter had a visually solid and harsh relationship which had an unacceptable appearance, detrimental to the character and appearance of the conservation area.
- 2.6 Whilst he acknowledged the appellants security arguments, he attached significant weight on the harm caused to the character and appearance of the conservation area.
- 2.7 Whilst there were other shutters present in the immediate area, he had no details of any approval of these shutters and the appeal was therefore DISMISSED. Officers will now continue to resolve the breach of planning control.

Application No:	19/000812/HSE
Site:	185 Upper Selsdon Road, South Croydon, CR2 0DY
Proposed Development:	Erection of a double hip to gable and a rear dormer loft extension
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Justine Aldersey
Ward	Sanderstead

- 2.8 The works appeared to be underway at the time of the site inspection and the main issue in this case was the effect of the extensions on the character and appearance of the host property and the wider street scene.
- 2.9 The property is a two-storey detached property situated on a corner plot and the Planning Inspector noted that there was variety of built forms in the immediate vicinity. Whilst he accepted that the extensions would have modified the form and design of the property, he was not convinced that this would have resulted in significant harm. He concluded that the property would have remained appropriately residential in scale and entirely proportionate.
- 2.10 Immediate neighbours objected to the scale of the extensions and loss of privacy from the dormer extension. He saw no issue with this level of overlooking, which he considered was commonplace in a suburban situation.
- 2.11 The appeal was ALLOWED.

<i>Application No:</i>	<i>19/00740/HSE</i>
<i>Site:</i>	<i>4 Haslemere Road, Thornton Heath, CR7 7BE</i>
<i>Proposed Development:</i>	<i>Erection of a roof extension across the rear roof slope and the rear outrigger</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>Roberta Henriques</i>
<i>Ward</i>	<i>Bensham Manor</i>

- 2.12 The main issue in this case was the effect of the extensions on the character and appearance of the area.
- 2.13 The property is a mid-terraced dwelling with similar properties either side. The proposed extension was shown full width and extending over the rear outrigger and the Planning Inspector was concerned that the rear part of the dormer would have resulted in a top heavy and dominant appearance and would have departed significantly from the scale, appearance and proportions of most other dormers present in the immediate vicinity
- 2.14 The appeal was DISMISSED.

<i>Application No:</i>	<i>19/00809/FUL</i>
<i>Site:</i>	<i>6 Ashburton Gardens, CR0 6AS</i>
<i>Proposed Development:</i>	<i>Conversion of property into 2 self-contained flats</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>

Case Officer
Ward

James Udall
Addiscombe East

- 2.15 The main issues in this case were the principle of loss of a small family house, the quality of accommodation for future occupiers and the extent to which the proposed conversion would have preserved or enhanced the character and appearance of the East India Conservation Area.
- 2.16 The property is a 1930s dwelling house and it was accepted that the property was well below the 130 square metre threshold; the Planning Inspector recognised that there was a need to protect such accommodation.
- 2.17 He noted that the upper floor accommodation would have been spread across two floors and would have been substantially below recognised floorspace standards. He also noted that no amenity space would have been available for this upper floor flat. He also found the second bedroom (proposed within the extend loft space) would have been overly cramped.
- 2.18 He recognised that the conversion would have led to further demand for refuse bins and cycle storage within the front garden area and he referred to the CAAMP which raised concern over the prevalence of such facilities within front gardens to the detriment of street scheme considerations. He concluded that this also weighed heavily against the proposed conversion.
- 2.19 The appeal was DISMISSED.

Application No:

18/04644/FUL

Site:

130-132 Portland Road/1 Holland Road

Proposed Development:

Alterations to existing accommodation and existing flatted accommodation, including the erection of a 2-storey extension and the extension to the Holland Road frontage to provide 3x2 bed flats (net increase of 3 self-contained flats)

Decision:

REFUSE PLANNING PERMISSION

Appeal Method:

WRITTEN REPRESENTATIONS

Inspector's Decision

DISMISSED

Case Officer

Chris Grace

Ward

Woodside

- 2.20 The main issues in this case included the effect of the development on the amenities of neighbouring properties, the adequacy of refuse storage arrangements and the effect of the development on the character and appearance of the area.
- 2.21 The appeal site comprises two, two storey buildings, located at the

junction of Portland Road and Holland Road and separated by parking and small amenity spaces. The Planning Inspector was concerned that the additional accommodation and footprint would have restricted light and outlook for the existing amenity spaces (which are already constrained) alongside outlook enjoyed by existing ground floor occupiers. He was also concerned about the upward extension to the existing external staircase and the second-floor balcony which he felt would have added to the existing perception of being overlooked. He was not convinced that privacy screens would have been successful – as they would have limited the utility of the balcony.

2.22 The refuse arrangements would have either obstructed circulation in the vicinity of entrances to existing and proposed flats or would have potentially restricted pedestrian movements. He therefore found the arrangements inadequate and was not prepared to deal with the issues through amendments or conditions.

2.23 The Planning Inspector did not agree that the extensions would have been out of keeping with the immediate area, with much variety in scale and form in the immediate vicinity. He was also satisfied that the submitted drawings provided sufficient detail to be confident that the scheme would have led to some improvements in the appearance of the existing buildings.

2.24 The appeal was DISMISSED.

<i>Application No:</i>	<i>18/02008/FUL</i>
<i>Site:</i>	<i>605 Mitcham Road, CR0 3AF</i>
<i>Proposed Development:</i>	<i>Conversion of house into two self-contained flats</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>Kate Edwards</i>
<i>Ward</i>	<i>Broad Green</i>

2.25 The main issue in this case involved the loss of small family housing and the quality of the resulting accommodation – in terms of overall flat sizes.

2.26 Even as extended (roof extension and ground floor rear extension) the property failed to exceed the 130 square metre threshold and he also referred to the three-bedroom threshold requirement – as originally built. He therefore supported the policy approach and agreed that the proposals would have resulted in an unacceptable loss of a small family house.

2.27 In terms of proposed floorspace standards, he was also concerned that the proposed upper flat would have failed to meet the prescribed floorspace standards, although he was more relaxed about the failure of that unit having access to private amenity space (in view of the lack of side access).

2.28 The appeal was DISMISSED.

Application No:	19/01477/FUL
Site:	4A Sylvan Hill, Upper Norwood, SE19 2QF
Proposed Development:	Demolition of house and erection of a two-storey property (with basement) accommodating 8 self-contained flats.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Paul Young
Ward	Crystal Palace and Upper Norwood

2.27 The main issues in this case included the effect of the proposed development on the character and appearance of the Church Road Conservation Area, the effect of the development on the supply of family accommodation, whether the proposals would have provided suitable living accommodation for future occupiers and the impact of the development on the amenities of the immediate neighbour residing at 4 Sylvan Hill .

2.28 The Planning Inspector noted that the scale of development common to Sylvan Hill was subordinate to the larger villas found in Church Road and referred to the property being within a row of four properties with front gardens and parking forecourts and accepted that the property makes a neutral contribution to character and appearance. The Planning Inspector was concerned that the proposed replacement building would have been bulkier (in view of its proposed roof form) and would have projected forward of neighbouring properties which (he concluded) would have resulted in an uncomfortably tight relationship with the neighbouring building (4 Sylvan Hill) and an awkward juxtaposition of roof forms. He therefore felt that it would have been out of character with the spacious relationships between buildings.

2.29 None of the proposed units would have delivered family accommodation (all being 1 bed units) and the Planning Inspector fully embraced the reason for refusal on grounds of inappropriate mix (with all non-family accommodation proposed). Moreover, 6 of the units would not have had access to private amenity space and whilst the appellant tried to argue that other appeals had been allowed with no amenity space having been provided (in Kingston and Brent) he considered the scheme on its own merits and concluded that the failure to accommodate private amenity space was a further flaw. He was less concerned that a number of units were proposed as single aspect units. Moreover, he concluded that the relationship of the proposed development with 4 Sylvan Hill – with some set-backs from the boundary) would have respected the amenities of the immediate neighbours.

- 2.30 The appeal was DISMISSED. This is a worthwhile outcome, with specific focus on the impact of the proposed development on the character and appearance of the conservation area and the schemes failure to deliver replacement family accommodation (even when the scheme proposed less than 10 units).

Application No:	18/05990/HSE
Site:	41 Wilhelmina Avenue, Coulsdon, CR5 1NL
Proposed Development:	Erection of a first-floor extension, and single storey side/rear extension
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Violet Dixon
Ward	Coulsdon Town

- 2.31 Wilhelmina Avenue comprises detached two storey houses, set back from the road with good sized front and rear gardens. The main issue in this case was the effect of the development on the appearance of the host property and the street-scene (the first floor front extension – comprising a dormer extension within the cat slide roof)

- 2.32 The Planning Inspector found that the proposed dormer would have been level with other first floor windows and would have been directly above the garage door. He concluded that the proposed dormer would have related well with the existing window positions and would have been logical in terms of elevational expression. He also did not feel that the dormer would have been overly prominent within the street-scene.

- 2.33 The appeal was therefore ALLOWED.

Application No:	19/00953/HSE
Site:	178 Oval Road, CR0 6BN
Proposed Development:	Erection of a ground floor extension
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Russell Smith
Ward	Addiscombe West

- 2.34 The main issue in this case was the effect of the development on the amenities of the immediate neighbours at 180 Oval Road.

- 2.35 The appeal site is a two-storey mid terrace property with a side boundary to 180 Oval Road comprising a 1.6-metre high fence. The Planning Inspector felt that the proposed extension (3 metres high, 5.2 metres deep

and set back by 0.5 metres off this boundary) would have been overly prominent above the existing fence and would have had a dominating impact on the outlook from existing ground floor windows to 180 Oval Road. He also concluded that the extension would have had an intrusive and overbearing impact when viewed from within the garden

2.36 The appeal was DISMISSED.

Application No:	17/02997/HSE, 14/00591/C
Site:	81 Norbury Hill, SW16 3RU
Proposed Development:	Unauthorised first floor rear extension and roof extension
Decision:	INSTIGATE ENFORCEMENT ACTION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	Appeal 1 (DISMISSED AND ENFORCEMENT NOTICE UPHELD)
	Appeal 2 (DISMISSED AND ENFORCEMENT NOTICE UPHELD)
Case Officer	Paul Watson/Dani Ellis
Ward	Norbury Park

2.37 This enforcement notice related to an oversized roof extension and following on from a previous refusal of planning permission (linked to the works the subject of the enforcement notice) the owner of the property gained planning permission for a smaller and more appropriate extension to the property. The enforcement notice gave the owner the option of implementing this planning permission.

2.38 The owners both appealed on various grounds – although only one of these appeals argued that planning permission should be granted for what has been undertaken on site. A previous refusal of planning permission had been unsuccessfully appealed back in 2018. The Planning Inspector found that the notice was served properly (Ground e) with it being acceptable to affix a notice on land to which the enforcement notice related. He also felt that a breach of planning control had taken place (Ground b) as the materials used in constructing the extension did not have a similar appearance to the remaining elements of the house.

2.39 As regards the merits of the scheme, he concluded that the scale and bulk of the combined first floor and rear dormer caused harm to the character and appearance of the area which was out of keeping with and not subservient to the main dwelling.

2.40 Finally, he concluded that the steps taken to carry out the works and overcome the harm were not excessive, especially as the enforcement notice provided alternative steps to ensure compliance. He dismissed the appellants ideas to face the façade of the extension with vegetation (green-wall).

2.41 Both appeals were dismissed and the enforcement notice upheld in full. Officers are now further engaging with the owner of the property to ensure compliance with the Notice.