

<p>Report of: Head of Development Management</p> <p>Author: Pete Smith</p>	<p>Title: Planning Appeal Decisions (March 2020)</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.

Application No:	19/02364/FUL
Site:	24-26 Northwood Road, Thornton Heath, CR7 8HQ
Proposed Development:	Redevelopment of the site to provide 8 residential apartments (1x3 bed, 5x2 bed and 2x1 bed) with bin and bike storage and vehicle crossover)
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector’s Decision	DISMISSED
Case Officer	Victoria Bates
Ward	Thornton Heath

- 2.2 The main issues in this case were as follows:

- The effect of the proposal on the character and appearance of the area
- The quality of the accommodation for future occupiers
- The impact of the development on highway safety

- The adequacy of refuse storage
- 2.3 The appeal site comprised a pair of semi-detached properties with narrow back gardens - bounded on both sides by commercial property. The scheme sought to replace these modest houses with a four-storey building which would have occupied a large proportion of the plot.
 - 2.4 The Planning Inspector was concerned about the principle of a four-storey building and concluded that the height and depth of the development would have been markedly out of keeping with the scale and character of the residential development found in this part of Northwood Road. This was considered more pronounced, due to neighbouring commercial buildings being set back into their respective sites. He also did not feel that the contemporary design approach would have overcome the incongruous height and scale of the proposed building.
 - 2.5 In terms of living conditions for future residents, he was concerned that some of the bedrooms had no outlook/windows which would have been oppressive and unattractive for those using the rooms. He was also concerned that the proposed ground floor flat (north facing) would have had poor outlook (looking out onto the proposed car parking area only). 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 noted that the scheme would have resulted in an intensification of residential development in an area characterised by low levels of public transport accessibility - with the scheme delivering an on-site car parking shortfall (1 ½ spaces). With high levels of on street car parking stress, he concluded that the proposal would have increased instances of dangerous and obstructive car parking on street, to the detriment of the free and safe flow of vehicular and pedestrian traffic.
 - 2.7 Finally, in terms of proposed refuse storage arrangements, whilst he was content with the proposed location of the refuse store, he was concerned that the doors would have opened out onto the only circulation space down the side of the building, towards the communal garden – doubting whether the bins could fit down the passage-way when in use. He therefore concluded that the arrangements would not have been satisfactory.
 - 2.8 The appeal was therefore comprehensively DISMISSED.

<i>Application No:</i>	<i>19/03211/FUL</i>
<i>Site:</i>	<i>59, Headcorn Road, CR7 6JR</i>
<i>Proposed Development:</i>	<i>Erection of single storey detached house with habitable accommodation in the roof-space</i>
<i>Decision:</i>	<i>REFUSE PLANNING PERMISSION</i>
<i>Appeal Method:</i>	<i>WRITTEN REPRESENTATIONS</i>

**Inspector's Decision
Case Officer
Ward**

**DISMISSED
James Udall
West Thornton**

- 2.9 The main issue in this case focussed on the acceptability of the living conditions for future occupiers, in terms of internal floor space and available amenity space and the extent to which the scheme respected the character and appearance of the area.
- 2.10 The appeal site is currently occupied by a single storey garage situated at the end of the existing rear garden. The scheme proposed a single storey detached property with accommodation in the roof, lit by front and rear dormers. As the property in effect comprised a two-storey dwelling, the Planning Inspector accepted the Council's position that the proposed dwelling would not have complied with the required internal food space standards. He was also concerned about the lack of external amenity space with the majority of outside space taken up by bike storage and refuse storage arrangements.
- 2.11 He also found the site cramped and restricted – giving the appearance of over-development, resulting in a building which would have appeared contrived to meet the circumstances of the site. He felt that it would have introduced an uncharacteristic built form in an area of traditional properties with larger gardens.
- 2.12 The appeal was DISMISSED.

Application No:	19/00491/FUL
Site:	1 Abingdon Road, Norbury SW16 5QP
Proposed Development:	Conversion of a single-family dwelling to 2x1 bed and 1x3 bed flats
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	James Udall
Ward	Norbury and Pollards Hill

- 2.13 The main issue in this case was the quality of accommodation for future residents (the availability of internal floorspace and amenity space). The main issue of concern was the proposed Flat 2 – shown as a 3-bedroom 5-person unit. The Planning Inspector was concerned with the size of this proposed unit (bearing in mind it was expected to accommodate 5 persons). The restricted head height within the roof-space and the lack of dedicated amenity space for the family unit led him to conclude that the accommodation would have been sub-standard.
- 2.14 The appeal was therefore DISMISSED.

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.

<i>Application No:</i>	<i>19/04039/FUL</i>
<i>Site:</i>	<i>59 Isham Road, Norbury SW16 4TG</i>
<i>Proposed Development:</i>	<i>Conversion of dwelling 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>
<i>Case Officer</i>	<i>George Clarke</i>
<i>Ward</i>	<i>Norbury and Pollards Hill</i>

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.