
Appeal Decision

Site visit made on 28 March 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 May 2016

Appeal Ref: APP/L5240/W/15/3139121
393 Wickham Road, Croydon CR0 8DP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Aventier Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/04202/P, dated 18 September 2015, was refused by notice dated 16 November 2015.
 - The development proposed is demolition of the existing dwelling, erection of a three storey building with lower ground floor, comprising 7 two-bedroom flats with associated access and forecourt parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling, erection of a three storey building with lower ground floor, comprising 7 two-bedroom flats with associated access and forecourt parking at 393 Wickham Road, Croydon CR0 8DP in accordance with the terms of the application, Ref 15/04202/P, dated 18 September 2015, subject to the conditions set out in the Schedule.

Procedural Matters

2. The application was submitted in outline with reserved matter approval sought only for layout and scale but with plans indicative of the proposed appearance and means of access. I have dealt with the appeal on this basis.
3. The description of the proposal is that used in the Council's decision notice reflecting the revised plans submitted upon which its decision was made.

Main Issues

4. These are the effect of the proposal on the character and appearance of the area and whether acceptable living conditions would be provided for future occupants, with particular reference to outside space, outlook and daylight.

Reasons

Character and appearance

5. This part of Wickham Road is defined by frontage development set back from the street to an even building line, comprising quite large dwellings, either detached or semi-detached and mainly two-storey with some bungalows interspersed, which provides for a spacious suburban character.
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6. The proposed flats would be set back slightly from the established building line. Outline planning permission (reference 15/02950/0) has been granted on this site for a semi-detached pair of two-storey, four bedroom dwellings of the same scale and position as these proposed flats.
7. The proposed layout would provide a space at the front of the development for the manoeuvring and parking for 7 vehicles and a refuse store, with planting around the boundary. Given the fallback option of implementing the existing outline consent for the semi-detached houses, which would result in a development of the same scale, the Council's concerns relate specifically to the harmful visual effect that hard-surfacing most of the forecourt area, to provide the 7 parking spaces, would have on the character of the area.
8. The appellant points to the existing hard surfacing of the forecourt of the next door dentist surgery and has provided examples of several other nearby dwellings where front garden areas mostly contain hard standing. I consider that the impact of the area of hardened forecourt space required for car parking, relative to the visual effects the approved scheme for two semi-detached houses, would cause no greater material harm to the character and appearance of this area, given the opportunity that exists to require landscaping to the boundary areas.
9. Consequently, the proposal would not be out of keeping with the character of the locality or that the surrounding street scene and would satisfy Policies UD2 and H2 of the Croydon Replacement Unitary Development Plan¹ (UDP) and Policies 7.1, 7.4 and 7.6 of the London Plan² (LP).

Living Conditions

10. Given this would be a flatted development, divided horizontally and on four floors, other than the private sunken veranda offered the lower ground floor unit it is appropriate that the outside space for the other flats would be provided communally. Measures to secure adequate privacy between the private lower-ground veranda area and the communal outdoor open space would be appropriately addressed as later reserved matters.
11. Standard 1.2.3 of the Mayor of London's Housing Supplementary Planning Guidance³ (SPG) would be met through the communal outside space being overlooked by surrounding development, accessible to the disabled, having access to direct sunlight and capable of being subject to suitable management arrangements. The Council refers to the SPG Standard and its minimum requirement that 5m² of private outside space be provided for 1-2 person dwellings (with an additional 1m² for each additional occupant) but has not explained how this might be applied to flats.
12. Although the communal outdoor area would only be indirectly reached via the sides of building, from the front and side entrances, this would not result in it being an inconvenient distance for the flats and would therefore provide satisfactorily accessible outside space for these future residents. The lack of private outdoor space for the units other than that provided with the lower

¹ Croydon Replacement Unitary Development Plan – The Croydon Plan – adopted 13 July 2006, policies saved 2013.

² The London Plan – the spatial development strategy for London consolidated with alterations since 2011.

³ London Plan 2011 Implementation Framework – Housing Supplementary Planning Guidance, Mayor of London November 2012

ground floor unit, or the location of the communal outdoor area, would not provide unacceptable living conditions for its future occupants. Therefore the proposal would satisfy UDP Policy UD8, LP Policy 3.5 and comply with the guidance in the SPG.

13. The lower ground floor flat would be single aspect and north facing, at a below ground level, and therefore have limited direct sunlight to its windows. Paragraph 2.3.32 of the SPG advises that north facing single aspect dwellings should be avoided. The SPG refers to north-facing usually defined as an orientation less than 45 degrees either side of north which would be the case here. However, this flat would be of a shallow plan, and have just two bedrooms, which would gain support though SPG paragraph 2.3.33 and the submitted calculations show that it would gain adequate daylight. Therefore, this lower ground floor flat would provide adequate living conditions for future occupants.
14. Regarding the above ground floor flats, these are dual aspect and, whilst relying on roof lights to the side elevations, there is no reason that reserved matters details governing the appearance of the development could not address the fenestration, and internal layout, such that adequate living conditions, in respect of outlook and daylight, could be provided for future occupants.
15. For these reasons, this proposal would be able to provide acceptable internal living conditions for future occupants and would therefore satisfy UDP Policy UD8, LP Policy 3.5 and the advice in the SPG.

Other Matters

16. Careful regard has been given to the concerns raised by interested parties. The scale and siting of the building would be the same as the semi-detached houses approved by the Council. This proposal was not refused planning permission due to being a cramped, overdevelopment of the site, or having any adverse effect upon the living conditions of any neighbouring occupiers, or providing inadequate car parking or being detrimental to the interests of highway safety. These would not be further matters of sufficient weight to alter this decision.
17. The residential density of the development would not be contrary to the adopted development plan policies and the Council has not sought that weight be given to the proposal being outside of the intensification area provided in the emerging, but yet to be adopted, Croydon Local Plan 'CLP2'.
18. There would be insufficient reason to resist this proposal on account of the loss of the existing dwelling. The retention of the mature street tree could be secured through reserved matters approval. Matters regarding the safety arrangements around the basement light well and the size of refuse storage could also be satisfactorily addressed as reserved matters. There is no firm evidence that the additional 6 dwellings resulting from this proposal would place an unacceptable strain on local education or medical facilities.

Conditions

19. The conditions recommended by the Council have been considered. To comply with the Planning Act the standard time limit for outline planning permission and submission of reserved matters is required. I have imposed a condition

specifying the plans approved to provide certainty. To safeguard the privacy of neighbouring occupiers a condition is necessary to prevent the later insertion of above first-floor side windows. Conditions 6, 7, 8 and 9 are pre-commencement conditions necessary to ensure these matters are agreed with the Council prior to the development taking place. They cover prior agreement of external materials, final floor levels, parking layout, drainage, waste and cycle storage, details of how the development achieves carbon dioxide emission reduction and water use targets and a Construction Method Statement. They are necessary to provide certainty over the satisfactory appearance of the development and the implementation of the matters specified, in meeting the sustainability requirements of the development plan and ensuring that construction takes account of the living conditions of neighbouring residents.

Conclusions

20. For the reasons set out above it is considered that this proposal would be supported by the presumption in favour of sustainable development established by the National Planning Policy Framework. Having considered all other matters that have been raised, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions
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393 Wickham Road, Croydon CR0 8DP

- 1) Details of the access, appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 8025 A100C, 8025 A100c, 8025 A101C, 8025 A102C, 8025 A103C, 8025 A104C, and 8025 A105C.
- 5) No window shall be formed in the north-eastern or south-western elevation at or above first floor level other than high level rooflights.
- 6) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until the prior written approval of the Local Planning Authority shall have been obtained in respect finished floor levels of the buildings in relation to existing and proposed site levels, layout and arrangement of parking, sustainable urban drainage, cycle storage numbers and facilities and waste and recycle bin store and development shall be implemented in accordance with these approved details prior to the occupation of any of the flats.
- 8) No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority over how the development shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations and a water use target of 110 litres per head per day. The development shall thereafter be constructed to meet these agreed details.
- 9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) hours of construction and deliveries;
 - ii) the parking of vehicles of deliveries, site operatives and visitors;
 - iii) loading and unloading of plant and materials;

- iv) storage of plant and materials used in constructing the development;
- v) security arrangements;
- vi) siting of site huts and other temporary structures, including hoardings;
- vii) wheel washing facilities;
- viii) measures to mitigate noise and control the emission of dust and dirt during construction;
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works.
