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## Appeal Decision

Site visit made on 5 September 2016

**by G J Fort BA PGDip LLM MCD MRTPI**

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

**Decision date: 27 September 2016**

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**Appeal Ref: APP/L5240/W/16/3151478**

**39A Chatsworth Road, Croydon CR0 1HF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Victor Coombes against the decision of the Council of the London Borough of Croydon.
  - The application Ref 16/00290/P, dated 19 January 2016, was refused by notice dated 4 April 2016.
  - The development proposed is erection of 8 apartments with associated facilities.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are firstly, the effects of the proposed development on the character and appearance of the Chatsworth Road Conservation Area; and secondly, whether or not the appeal scheme would provide adequate amounts of internal space for the purposes of national and local planning policy.

### Reasons

#### *Character and appearance*

3. Located in the Chatsworth Road Conservation Area, a predominantly residential locale close to the centre of Croydon, the appeal site comprises a pair of modest semi-detached, brick-faced two-storey properties, and their deep back and small front gardens. The appeal site is on the corner of Chatsworth Road and Beech House Road, set back from Chatsworth Road behind a low brick wall and with a well-vegetated front garden. The boundary along Beech House Road is low and rendered, with mature hedges and trees behind this contributing the verdant character of this thoroughfare. Dwellings of varying architectural styles, scales, massing and detailing line each of these highways in the immediate surroundings of the appeal site.
  4. The *Chatsworth Road Conservation Area Appraisal and Management Plan* ("the CAAMP") whilst noting the variety of architectural styles and forms employed in the area notes that buildings are street facing and set in linear fashion along broadly straight streets with consistent building lines. The layout of the conservation area is determined by the 'ladder formation' of five near-parallel streets bounded by Chatsworth Road and Park Lane. The conservation area's
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significance derives to a substantial degree from the way that buildings relate to this historical layout.

5. The proposed development would secure the demolition of the existing dwellings and redevelop the site with a more substantial corner building, of a greater depth, scale and site coverage. From Chatsworth Road, the proposed building's front façade would resemble that of a strongly symmetrical semi-detached pair of properties with two storey bay windows, over which pitched roof dormers would feature. Paired doorways would emphasise the symmetry of the proposal. To the rear the proposal would feature a large outrigger set down from the roof ridge of the element of the building which faced Chatsworth Road. The elevation of the proposed development which faced Beech House Road would feature a two-storey bay window, an entrance door with a pediment, over which, within the roof would be a pitched-roof dormer.
6. I saw that styles, scales and massing of dwellings in the immediate surroundings of the area are varied. However, I noted no other corner buildings that had such a complicated arrangement of two principal elevations addressing two highways. The complexity of this aspect of the proposed development, in particular the Beech House Road frontage and its unusual and uncomfortable relationship with the side elevation of the Chatsworth Road facing element of the appeal scheme would make the building look visually jarring. This discordant aspect of the proposed development would be exacerbated by the building's scale, depth and prominence, which would emphasise the appeal scheme's strong variance with the predominant development pattern of its surroundings, where properties, in the main have only one principal elevation.
7. Whilst the detailing of the proposed development's Chatsworth Road façade, and its scale would not be out of kilter with developments which faced this highway, it would project forward of the established building line to a considerable degree. This would serve to further exacerbate the proposed building's uncomfortable relationship with the conservation area's development grain.
8. Consequently, the proposal would be harmful to the character and appearance of the conservation area, and in failing to respond to its historical street layout would also be harmful to its significance.
9. The National Planning Policy Framework ("the Framework") states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation. Given the relatively small scale of the proposed development in the context of the larger size of the conservation area, I consider that it would cause less than substantial harm. However, less than substantial harm in the context of heritage assets does not mean that less than substantial weight should be attached to it in the overall planning balance. In this regard, the Framework states, at paragraph 134 that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."
10. In the current case, the proposal would deliver additional dwellings. However, due to the limited amount of additional units proposed this matter would only attract modest weight in the overall planning balance. The appeal scheme

would also use brownfield land, however, given the limited scale of the proposal, and that residential uses are already on the site, I attach only very limited weight to this matter in the overall planning balance. Consequently, these public benefits, would not outweigh the great weight and importance that I attach to the harm caused to the significance of the conservation area by the proposed development.

11. I note that the CAAMP assesses the current dwellings on the site as having a neutral effect on the character of the conservation area, and that none of the trees on the site are of significant value. I am also mindful that the architectural detailing proposed picks up cues from its surroundings, and that elsewhere in the conservation area there are large buildings on large plots. However, none of these matters, either individually or cumulatively would soften the proposed development's effects to the character, appearance and significance of the conservation area to such an extent as to render it more acceptable in planning terms.
12. Due to the incongruity of its Beech House Road frontage, and combined with its discordant siting proud of Chatsworth Road's predominant building line, the proposed development would cause harmful effects to the character and appearance and significance of the conservation area. The proposal would thus conflict with Policies UD2, UD3 and UC3 of the *Croydon Replacement Unitary Development Plan* (adopted 13 July 2006) ("the UDP"); Policies SP4.1 and SP4.13 of the *Croydon Local Plan Strategic Policies* (adopted April 2013) ("the Local Plan"; Policies 7.6 and 7.8 of *The London Plan: The Spatial Development Strategy for London- Consolidated with Alterations since 2011* (adopted March 2016) ("the London Plan"); the Framework; and the guidance of the CAAMP. Taken together, and amongst other things, these policies seek to ensure that development respects the character and appearance of its surroundings and avoids harm to designated heritage assets. For the reasons given above, the proposal would also fail to preserve or enhance the character or appearance of the conservation area, and thus would conflict with the statutory duty provided by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### *Internal Space*

13. Policy 3.5 of the London Plan and its related *London Housing Supplementary Planning Guidance* ("the SPG") give local effect to the Government's *Technical housing standards-nationally described space standard* ("the Space Standard"). The Space Standard sets out requirements for the Gross Internal Area (GIA) of new dwellings. For two bed, three person dwellings arranged over one storey the relevant space standard is 61 SqM GIA.
14. The Council's concerns in this regard focus on proposed flats 5 and 8, which would be two bed, three person dwellings. The 'Schedule of Areas' on the relevant floor plans for these proposed flats states that they would provide 55 SqM GIA. Whilst this would clearly be at variance with the minimum requirement of the Space Standard I am mindful of the appellant's comments regarding a drafting error resulting in a discrepancy between the drawn floor plans and the Schedule of Areas. It is clear from the plan that the numbering of flats 4 and 5, and those of 7 and 8 have been confused and that the space actually proposed for these units is 67 SqM. Thus for these reasons I detect no conflict with Policy 3.5 of the London Plan, or the SPG or the Space Standard.

Taken together, this policy and documentation seeks to ensure that new developments provide adequate amounts of internal space to meet the day-to-day needs of their future occupants.

### **Other Matters**

15. I note that the Council has no objections to the effects of the proposed development on the living conditions of the occupiers of adjacent properties in terms of overlooking, loss of daylight or sunlight. However, this is merely indicative of a lack of harm in these regards, and not a positive benefit of the scheme that would outweigh the harmful effects it would cause to the character, appearance and significance of the conservation area.

### **Conclusion**

16. Whilst I have found that flats 5 and 8 of the proposed development would provide adequate floorspace in line with national and local policy and guidance, the harm it caused to the character, appearance and significance of the conservation area would outweigh this in the overall planning balance.
17. The proposal would thus conflict with the development plan, insofar as the policies brought to my attention relating to conservation areas and character and appearance are concerned. No material considerations have been advanced that would outweigh this conflict. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G J Fort*

INSPECTOR