
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: 29 September 2016

Appeal Ref: APP/L5240/W/16/3149310

45 Harold Road, Upper Norwood, London SE19 3SP

- 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 Matthew Heath against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/03898/P, dated 31 August 2015, was refused by notice dated 28 October 2015.
 - The development proposed is demolition of existing bungalow and erection of new part two, part three storey building comprising 6 no. apartments.
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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 appeal scheme on the character and appearance of the area, including its effects on protected trees and the setting of the Harold Road Conservation Area; secondly, its effects on the living conditions of the occupants of 47 Harold Road in terms of outlook, and those of 35, 37 and 39 Orleans Road in terms of privacy; and thirdly, whether or not the proposal makes adequate arrangements for car parking.

Reasons

Character and appearance

3. Sitting within the immediate setting of the Harold Road Conservation Area, the appeal site occupies a prominent corner position on the bend of Harold Road close to its intersection with Bedwardine Road. The site is currently occupied by a detached bungalow, set back from the highway behind a small brick wall topped with hedges. Immediately within the boundary are a number of lime trees and a yew, which are attractive specimens making a substantial and positive contribution to the visual amenity of the area, as recognised by their inclusion in a Tree Preservation Order.
 4. Across Harold Road from the appeal site, the substantial dwellings of the conservation area are set back from the highway behind hedges and low boundary treatments and some include, particularly in the case of No 48, well-vegetated front gardens.
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5. The significance of the conservation area adjacent to the appeal site derives to a considerable degree from the rich architectural detailing of these buildings, with gables, turrets and two-storey bay windows adding articulation and visual interest to the roof scape. This architectural expression is complemented by the harmonious materials palette employed, including slate roof coverings, and elevations employing decorative brick work, stone banding, and the use of stucco.
6. Immediately adjacent to the appeal site and outside the conservation area, dwellings are much plainer in style being more modern brick-faced two-storey semi-detached buildings on deeper set backs from the highway. To the rear of the appeal site the dwellings of Orleans Road are again of two storeys and semi-detached.
7. The appeal scheme seeks to demolish the existing house on the site and build a larger flat-roofed structure, of between two and three storeys comprising 6 apartments. Two of the protected trees would be removed to facilitate the development: a lime at the eastern boundary of the site and the yew. The proposed development would be faced in red brick with some stone banding, and its upper floor would be faced with metal cladding.
8. The appeal site is in a prominent location within the immediate setting of the conservation area. The National Planning Policy Framework ("the Framework") makes it clear at paragraph 132 that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation... Significance can be harmed or lost through ... development within its setting"
9. The appeal proposal would constitute a significant increase in built development on the site, both in terms of its site coverage and its overall scale. The resultant plot ratio would be strongly at variance with the development patterns of surrounding properties, which in general have more generous and regularly shaped plots. Combined with the excessive massing of the appeal scheme, which would be a marked contrast to its adjacent semi-detached properties, the proposal's site coverage would create an impression of cramped overdevelopment, which would be dominant in the streetscene and thus cause harm to the character and appearance of its surroundings.
10. In making this assessment I am mindful of other developments in the surroundings, cited by the appellant, which are of similar densities in terms of habitable rooms per hectare to that of the appeal proposal. I am aware also that the proposed density could meet the objectives of *The London Plan: The Spatial Development Strategy for London Consolidated with Alterations Since 2011* ("the London Plan") in these regards. However, each proposal has to be assessed on its own merits, and in this instance compliance with these aspects of the London Plan does not alter my view that the development would appear cramped and visually harmful, for the reasons I have given.
11. I am also aware of the appellant's submission with regard to the level of extension and alteration that could be undertaken to the existing property on the site arising through permitted development rights, and the hypothetical scheme depicted in the Design and Access Statement. However, whilst this shows a large amount of site coverage, as the property is a bungalow any extensions would be unlikely to be of the scale and massing of the proposal. Moreover, I have been supplied with no substantive evidence such as a lawful

development certificate to show conclusively that such a scheme would be permitted development. But even if it is, I have no clear indication of any genuine desire or need to carry out such a development. Overall, therefore, it has not been demonstrated that such extensions would be likely to be built, and I consequently attach only limited weight to this matter in my assessment of the scheme.

12. In the immediate surroundings of the appeal site properties predominantly have pitched roofs. Indeed close to the appeal site the articulation of the pitched roofs of the conservation area's dwellings contribute a great deal to the character and appearance of the area. Within this context, the proposed flat roof would read as a discordant feature, the incongruity of which would be exacerbated by the proposal for it to be faced in a metal cladding, which would only serve to further emphasise the appeal scheme's discordant relationship with its wider surroundings.
13. I note that the *Harold Road Conservation Area Appraisal and Management Plan* (CAAMP) advises that complementary materials should be employed in new developments, and does not counsel restriction of materials to those already present in the area's buildings. However, the use of metal cladding to the extent proposed would contrast strongly with the more limited use of lead at roof level in adjacent buildings, and have a considerably different visual effect to tile hanging or slate roof coverings, which are common in the wider area. As a result, the cladding would be a material that failed to complement those employed in the facing of its surrounding buildings.
14. I am aware that scales of buildings in the environs of the appeal site vary, and indeed some of the traditional properties are taller than the proposed development. However, combined with the excessive site coverage, incongruous roof form and prominent positioning of the proposed building, its scale would further exacerbate the building's uncomfortable and discordant relationship with its surroundings.
15. The proposed development would thus cause harm to the significance of the conservation area in these regards. Although this would be less than the 'substantial harm' referred to in paragraph 133 of the Framework, this does not mean that less than substantial weight should be ascribed to it in the overall planning balance. The Framework makes it clear that less than substantial harm should be "weighed against the public benefits of the proposal, including securing its optimum use", considerations to which I will return later in the decision.
16. Whilst I note that the proposed removal of the two trees and replacement of the lime was accepted by the Council, I am aware that the proposal will bring built development closer to the root protection areas of the retained trees. I am mindful of the discrepancies in the submitted drawings, however, the appellant's *Phase 2 Arboricultural Report* (dated August 2015) ("the Arboricultural Report") suggests that development could be accommodated within the guidelines set out within the British Standards publication *BS 5837:2012 Trees in relation to design, demolition and construction- Recommendations*. Moreover, whilst the appeal scheme would introduce upper floors on the site in a closer relationship to the retained trees than the current dwelling that occupies the site I am conscious of the findings of the Arboricultural Report, which states that the trees have been previously the

subject of works to contain the crown spread in relation to the existing dwelling. Consequently, I am not persuaded that any additional operations of this nature, arising in respect of the appeal scheme, would be likely to have a material effect on the health or contribution to visual amenity of the retained trees.

17. The proposed development's employment of brick with stone banding would echo some of the detailing in the conservation area, and its building line would conform to that of Harold Road. The vertical emphasis of the fenestration pattern would also reflect detailing elsewhere in the conservation area. Moreover, the bungalow on the appeal site is something of an unusual design within its immediate context. I consider too that the proposal would avoid pastiche. I am aware also that the appellant has evolved the design based on the reasons for refusal of a previous scheme. However, these matters would not outweigh the proposal's material harm to the character and appearance of its surroundings, or that of the harm to the significance of the conservation area.
18. I discern that no significant harm would occur to the retained trees as a result of the proposal, and thus I find no conflict with Policies NC4 and UD2 of the *Croydon Replacement Unitary Development Plan* ("the UDP") insofar as they seek to ensure that new development protects retained trees. However, other aspects of the appeal scheme would be demonstrably harmful to the character and appearance of the area, and the significance of the conservation area. I am aware that paragraph 63 of the Framework states that "great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally in the area", however, due to the appeal scheme's demonstrably harmful effects on the character and appearance of its surroundings I consider that this has not been demonstrated in this case. Consequently, the proposal would conflict with the Framework; Policies, UD2, UD3, UC3 and H2 of the UDP; and SP4.1 and SP4.12 of the *Croydon Local Plan-Strategic Policies* ("the Local Plan"); Policies 7.1, 7.4, 7.6 and 7.8 of the London Plan; and the guidance in the CAAMP. Taken together, and amongst other matters, the guidance and policies seek to ensure that new development is sensitive to its surroundings and avoids harm to the significance of designated heritage assets.

Living Conditions

19. The proposal would introduce flank walling in closer proximity to the boundary of 47 Harold Road, and to a greater depth than the existing bungalow on the site. The separation achieved from the flank wall of No 47 and that of the appeal proposal would be considerable, and due to this I consider that the proposal would not have a material effect on the outlook available to the occupiers of No 47 from the windows on that elevation. Moreover, the depth of No 47's garden would mean that the proposed flank wall would only affect the outlook to a limited degree from a modest proportion of that garden. Consequently, when taken together with the adequate separation distance achieved, the proposed flank wall whilst more visible than the existing structure at the appeal site, would be neither overbearing nor enclosing, and thus not interfere to a significant degree with the outlook available to the occupiers of No 47 from their garden.

20. The proposal would introduce windows in its rear elevation which would be closer to the boundaries of Nos 35, 37 and 39 Orleans Road than those of the current bungalow on the appeal site. Moreover, these windows would mostly be at a higher level than those in the existing bungalow. However, the distances that would be achieved between the proposed rear windows and those of the rearwalls of Nos 35 to 39 would be considerable, ranging between around 22m to around 32m. This separation distance, when taken together with the existing vegetative screening along the rear boundaries of these properties would mean any effects in terms of privacy on the occupiers of habitable rooms of the Orleans Road dwellings would not be material. Whilst the appeal proposal's upper rear windows would be closer to the rear boundaries of the Orleans Road properties, with separation distances of between around 5m and 10m, given the mature planting on the boundaries, combined with the depth of the Orleans Road gardens, and proposals for obscured glazing, I consider that they would not cause any significantly harmful effects to the privacy of the gardens of Nos 35, 37 and 39 Orleans Road.
21. Consequently, I can discern no materially harmful effects arising from the proposal in respect of the privacy of occupiers of 35 to 39 Orleans Road, or on the outlook of occupiers of 47 Harold Road. The proposal would thus not conflict with Policy UD2 or UD8 of the UDP; or 7.6 of the London Plan. Taken together, and amongst other things, these policies seek to ensure that new developments cause no significant harm to the amenities and living conditions of the occupiers of their adjacent properties.

Parking

22. The appeal scheme includes no proposals for parking on the site. I note that the site is within an area with a Public Transport Accessibility Level ("PTAL") rating of moderate accessibility, and that the Council has indicated that, due to this, a provision of less than one car parking space per unit could be acceptable. The appellant states that previously a provision of two spaces for a similar scheme at the site was considered acceptable.
23. At the time of my site visit I saw a several spaces available on Harold Road adjacent to the appeal property. Whilst this was only a snapshot in time, the evidence of the appellant's parking survey is comprehensive, and shows availability of parking spaces over different times of the day. Moreover, it shows spaces the use of which would avoid parking on the bend immediately adjacent to the site. This survey adds weight to my observations on site, and consequently, taken together with the Council's acceptance that less than one space per unit would be appropriate in this case, I consider that the proposal's lack of dedicated parking would not cause any significant harm to highway safety or infrastructure close to the site.
24. Moreover, I am conscious of the proposals for car club provision for the site, which could further reduce the necessity for parking. Whilst the feasibility of such a scheme is not before me, I am mindful of the suggested condition submitted by the Council, which could secure an on street car club parking space. Consequently, I am persuaded that a car club scheme could further reduce parking demand arising from the scheme.
25. Although I saw at my site visit that, due to the width of the road, cars were parked with two of their wheels on the pavement, I consider that the proposal

would not lead to a significant degree of extra wear and tear in this regard. Moreover, I note the proximity of the appeal site to the Crystal Palace Triangle and public transport nodes, and whilst the topography of the site's surroundings may limit the attractiveness of walking and cycling to a degree, I consider that this would not necessarily lead to excessive reliance on the private car.

26. For these reasons I discern no conflict with Policy T8 of the UDP or Policy 6.13 of the London Plan, which seek to ensure developments make adequate provision for car parking.

Planning Balance

27. I note the appellant's statement that the Council is unable to demonstrate a 5 year supply of housing land. The Council does not dispute this; however, I have been supplied with no further details regarding the level of the shortfall. In any event, I am conscious of paragraph 49 of the Framework, which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites".
28. Paragraph 14 of the Framework establishes that, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole or specific policies within the Framework indicate that development should be restricted. Footnote 9 establishes that this includes policies relating to designated heritage assets. In the current case, I have found, due to the proposal's harms to the significance of the conservation area, and the character and appearance of its surroundings, that it would conflict with Policies UD2, UD3, UC3 and H2 of the UDP; Policies SP4.1, SP4.12 of the Local Plan; and Policies 7.1, 7.4, 7.6 and 7.8 of the London Plan.
29. In weighing up the scheme overall, I have had regard to the three dimensions of sustainable development outlined in the Framework: the social; the economic and the environmental.
30. The proposed development would deliver clear social benefits, through the delivery of new housing against a current 5 year supply shortfall, which could provide a high quality living space in line with Policy DM1 of the UDP. Although the scheme would deliver a relatively modest amount of dwellings, it is clear that these social benefits would weigh in favour of the proposal to a material degree.
31. In terms of the economic aspect the appeal scheme would deliver some benefits both through employment and supply of materials involved in its construction, and by the contribution to the local economy through use of businesses and services by the proposed development's occupants. However, the temporary nature of the economic benefits accruing during its construction phase, and the likely modest scale of the contribution of the limited number of additional households to the local economy, mean that these matters attract only limited weight in the overall planning balance.

32. Turning to the environmental aspect, the appeal scheme would be sited in a moderately accessible location, would increase planting to the rear of the site, and would raise the density of development in line with London Plan objectives. However, none of these matters weigh heavily in the scheme's favour, particularly when balanced against the environmental harm that would be caused to the significance of the conservation area, and the character and appearance of the proposed development's surroundings. These are considerations to which I attach considerable weight and importance, and thus the proposed development would not meet the environmental aspect of sustainable development.
33. Accordingly, whilst the social and economic benefits of the appeal scheme would weigh in its favour, they would be significantly and demonstrably outweighed by the environmental harms caused to the significance of the conservation area, and to the character and appearance of the proposed development's surroundings. Consequently, the appeal scheme would not comprise sustainable development for the purposes of the Framework.
34. My findings above also lead me to the view that there are no public benefits sufficient to outweigh the harm to the conservation area's significance. Consequently, there is conflict with Paragraph 133 of the Framework. In these circumstances, Paragraph 14 of the Framework must be applied in the context that a specific policy in the Framework means that development should be restricted, and the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. In my assessment there are no material considerations sufficient to outweigh the harm I have found and consequent conflict with the development plan in this instance.

Conclusion

35. 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