

Appeal Decision

Site visit made on 14 September 2016

by David Cliff BA Hons MSc MRTPI

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

Decision date: 20TH October 2016

Appeal Ref: APP/L5240/W/16/3152658 41-43 Orchard Way, Croydon CR0 7NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Aventier Land Bank against the Council of the London Borough of Croydon.
 - The application Ref 16/01738/P, is dated 8 April 2016.
 - The development proposed on the application form is 'demolition of two dwellings and erection of two blocks containing a total of 9 x 2 bed residential apartments, formation of revised vehicular access and provision of associated parking'.
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Decision

1. The appeal is dismissed and planning permission refused.

Procedural Matters

2. Following the submission of the application, the description was altered by the Council to reflect the composition of the proposed residential accommodation to include 3 x 2 bedroom flats and 6 x 3 bedroom flats. The Council explains in its officer delegated report that this is to reflect the fact that a number of the flats contain a room marked as a study that is over the size required for a single bedroom. The revised description is stated in the appeal form and I have determined the appeal on this basis.
3. The application is in outline with details of access, layout and scale to be considered as part of the application whilst details of appearance and landscaping are matters reserved for future consideration. The submitted drawings include details of the appearance of the elevations of the proposed buildings. I have taken such drawing into account in my consideration of the scale of the proposal as this is a detailed matter for my consideration. However, solely in relation to appearance, I have treated these drawing as being only indicative or illustrative given that this is a matter reserved for future consideration.

Main Issue

4. The Council has submitted a copy of its officer delegated report setting out its views on the planning merits of the case, including its reason to contest the appeal. Taking this into account and my consideration of the evidence before
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me, including representations from interested parties, I consider the main issue to be the effect of the proposed development upon the character and appearance of the area.

Reasons

5. Other than the primary school (with secondary school beyond) on the opposite side of Orchard Way to the appeal site, the surrounding area is predominantly residential in character. The majority of existing residential properties are dwelling houses, though there are also several developments containing flats in the vicinity of the site including at 73-75 Orchard Way.
6. The proposed development, following the demolition of the existing bungalows, would comprise two buildings fronting onto Orchard Way. The buildings would each be of a greater width than the majority of other residential properties on this part of Orchard Way. In itself, this need not lead to a discordant development within the streetscene. Nevertheless, both buildings would be set forward of both the existing bungalows and the adjacent building to the south of the site. They would also be closer to the pavement edge than most other existing buildings in the streetscene. The proposed building at 43 Orchard Way would be particularly so and would be prominently located at the corner of Orchard Way and Orchard Grove.
7. Whilst their maximum heights would be lower than the adjacent building to the south, both proposed buildings would generally be of a greater depth and overall massing than those prevailing around the site. Whilst the rear of the building at 43 Orchard Way would be recessed inwards from the main side elevations, taking into consideration the forward siting of both proposed buildings and their proximity to the front pavement, the proposed development would appear as unacceptably intrusive and incongruous within the streetscene.
8. In determining the scheme for the existing development containing flats at 73-75 Orchard Way the appeal Inspector¹ found it to safeguard the character and appearance of the area. Whilst that development is of a considerably greater width than other buildings and of a higher density, I consider it to better respect the building line than the current appeal proposal and it does not appear as being unacceptably intrusive within the streetscene. The current appeal scheme is also located on a prominent corner plot which increases its impact within the surrounding townscape. I have therefore given the existing scheme at nos.73-75 only limited weight.
9. I therefore find that the layout and scale of the proposed development would result in significant harm to the character and appearance of the area contrary to the relevant design aims of policies 7.4 and 7.6 of the London Plan 2015 (Consolidated with alterations since 2011), policies SP1.2, 4.1 and 4.2 of the Croydon Local Plan Strategic Policies 2013, saved policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 and the National Planning Policy Framework (the Framework).

Other Matters

10. The Framework seeks to increase the supply of housing and includes a presumption in favour of sustainable development. The proposed development

¹ APP/L5240/A/09/2111260

would make a considerable contribution towards the local housing supply, seeking to make a more efficient use of previously developed land within the urban area. I also note the proposed measures to adapt to climate change and high environmental standards, the population increase that would result in the local area and the opportunities for the use of alternative means of transport to the private car. However, these benefits would be outweighed by the significant harm I have found to result to the character and appearance of the area. The proposal would not therefore amount to sustainable development as sought by the Framework.

11. I have considered the other matters raised by all parties in connection with the proposed development but from the evidence before me I do not find that the other issues raised alter my overall conclusion in my determination of the appeal.

Conclusion

12. I find that the development would be contrary to the development plan when read as a whole. For all the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cliff

INSPECTOR