
Appeal Decision

Site visit made on 10 October 2016

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 24th October 2016

Appeal Ref: APP/L5240/W/16/3154004

48 Russell Green Close, Purley, Croydon CR8 2NR

- 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 Ryan Godfrey, Lucas Design and Construction Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/00750/P, dated 12 February 2016, was refused by notice dated 29 April 2016.
 - The development proposed is demolition of existing building with proposal for erection of two and half storey building containing 7no. flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the appeal site and surrounding area.

Reasons

3. The appeal site is situated at the head of a cul-de-sac of predominantly detached houses. Although the detailed design of the houses differs, the regular rectangular plots, strong building line, similar building widths and storey heights, repeating pattern of hipped roofs, projecting bays and gable features and the limited palette of materials unifies development in the street.
 4. Due to its location at the end of the cul-de-sac, the existing house at No 48 occupies a larger, more irregular shaped plot than most other properties in the street. Nevertheless, the design and materials of the existing house reflects that of neighbouring houses and the siting and scale of the building sits comfortably within the plot and the surrounding area.
 5. To the rear, the western boundary of the appeal site adjoins Coldharbour Lane, a public footpath which runs through an undeveloped swathe of land planted with mature trees. Levels generally fall from west to east and north to south across the appeal site, so the existing house at No 48 is positioned significantly below the level of this public footpath. In common with most development along the length of Coldharbour Lane, No 48 is set well back from the public footpath thereby preserving the open character and appearance of the route.
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6. The proposed development would replace the existing house at No 48 with a building containing 7 flats. This would have the appearance of a large 2 storey house, but would include accommodation within the roof space served by dormer windows.
7. I note that the scheme has been amended in an attempt to overcome issues raised by the Inspector in appeal decision Ref APP/L5240/W/15/3135005 and by the Council in pre-application advice. The appeal proposal would have a slightly greater degree of separation from the western boundary than was previously proposed, and the number of dormer windows has been reduced.
8. However, the proposed building would be substantially deeper than the existing house. Whilst the appeal site is one of the largest plots in Russell Green Close, the footprint of the appeal proposal would appear disproportionate in relation to the appeal site and surrounding development. Despite revisions to the scheme, the proposed building would nevertheless encroach significantly further into the plot towards Coldharbour Lane than existing development. It would also be situated in much closer proximity to the public footpath that runs along the northern boundary of the site than the existing house.
9. Although the maximum height of the appeal proposal would not exceed the existing building, the overall length of the roof at this height would be considerably greater. The roof would incorporate a sizeable flat crown and a number of dormers, neither of which are characteristic of surrounding development. The resultant form, height and massing of the proposed roof would appear as an excessively large and dominant feature.
10. Overall, the siting, scale and massing of the appeal proposal would be uncharacteristic of the appeal site and surrounding area. It would result in an overbearing form of development when viewed from the public footpath to the north of the site, and would significantly detract from the open character of Coldharbour Lane to the west. Levels within the appeal site fall away from the adjacent public footpaths and this, together with fences and planting, would provide a certain degree of screening. Nevertheless, the proposed development would be prominent due to its scale and close proximity to these boundaries.
11. Some elements of the appeal proposal, including the use of hipped roofs and gable features, painted render with timber detailing and hung tiles would reflect the design characteristics of neighbouring development. The front of the proposed building would be set slightly further back from the road and positioned at a different angle. There would also be a greater separation from the house to the east in order to accommodate the driveway serving the proposed rear parking area. Nevertheless, the proposed 2 storey projecting gable on the front elevation would create a strong focal point which, along with the incorporation of soft landscaping along the eastern side of the driveway at the entrance to the site, would help to integrate the development at the head of the cul-de-sac when viewed from Russell Green Close. However, these positive elements of the scheme would not outweigh the identified harm.
12. For the reasons set out above, the appeal proposal would have a harmful effect upon the character and appearance of the area. As such, the proposed development would not accord with the design aims of Policies 7.4 and 7.6 of the London Plan, Policy SP4 of the Croydon Local Plan Strategic Policies and Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan.

13. In addition to the development plan policies referred to above, I have had regard to the presumption in favour of sustainable development and the policy aims in respect of design set out in the National Planning Policy Framework (the Framework). For the reasons set out above, the proposed development would not promote or reinforce local distinctiveness as specifically required by paragraph 60 of the Framework. As a result, the appeal proposal would fail to protect and enhance the built environment as required by the environmental role set out in paragraph 7 of the Framework. The three dimensions of sustainable development are mutually dependent, and I consider that the conflict with the environmental dimension would outweigh any positive contributions the appeal proposal would make towards the economic and social dimensions through the provision of additional dwellings. As such, the proposal would not constitute sustainable development when assessed against the policies contained within the Framework as a whole.

Other matters

14. Local residents and elected representatives have objected to the appeal proposal on a wider basis, raising concerns including the potential for overlooking of adjacent properties, insufficient outdoor amenity space for future occupants, the anticipated increase in traffic, exacerbation of on-street parking problems, the safety of pedestrians, disturbance during construction, the effect on property values and covenants preventing building works within 25ft of Coldharbour Lane and restricting multiple occupancy of dwellings.
15. In respect of concerns regarding loss of privacy, this did not form part of the Council's reasons for refusal and I am satisfied that, due to the topography of the site and the intervening distances, the appeal proposal would not result in any significant loss of privacy for neighbours.
16. I note the Council's assessment in relation to the adequacy of the proposed outdoor amenity space, and agree with these findings in this instance.
17. In terms of highway safety, I note that this did not form part of the Council's reasons for refusal. The proposed access and parking arrangements would be satisfactory, and the site is well located in relation to sustainable modes of transport and services. I have not been provided with any evidence to demonstrate that the safety of pedestrians or other road users would be adversely affected by the appeal proposal.
18. Disturbance during construction would be for a temporary period. The planning system does not exist to protect private interests such as property values. I have no evidence that planning permission would negate any covenants.
19. However, my findings in relation to these matters do not outweigh my conclusion in respect of the effect of the proposed development on the character and appearance of the area.

Conclusion

20. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR