The Planning Inspectorate

Appeal Decision

Site visit made on 6 September 2016

by Nicola Davies BA DipTP MRTPI

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

Decision date: 26th October 2016

Appeal Ref: APP/L5240/W/16/3151147
25 Warham Road, South Croydon, Croydon CR2 6LJ

- 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 Andrew Brown against the decision of the Council of the London Borough of Croydon.
- The application Ref 15/03212/P, dated 6 July 2015, was refused by notice dated 1 February 2016.
- The development proposed is the erection of a new residential property with 3nr two-bed apartments.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new residential property with 3nr two-bed apartments at 25 Warham Road, South Croydon, Croydon CR2 6LJ in accordance with the terms of the application, Ref 15/03112/P, dated 6 July 2015, and the plans submitted with it, subject to the conditions set out in the Schedule to this decision.

Main Issues

2. The main issues raised in respect of the appeal are the effect of the proposal on: -

   (a) The character and appearance of the area and setting of No.25 Warham Road, a Locally Listed building; and,

   (b) The loss of part of a community facility.

Reasons

The character and appearance of the area and setting of No.25 Warham Road

3. The appeal site fronts onto Nottingham Road and as such would relate more closely to this street scene. This street, in the main, is characterised by mostly two-storey properties comprising a variety of architectural designs and forms set on relatively large sites. The properties opposite the appeal site are positioned close together, however there are more significant gaps between the built developments to the west side of this part of Nottingham Road.

4. The Council is concerned that the infilling of the gap would be harmful to the open, spacious appearance of the street scene and that the proposed development would appear cramped and the sub-division of the plot would not reflect the character of the surrounding area. This would also harm the

appearance and setting of No.25 Warham Road. In addition, the Council do not consider the design to be of high quality, nor do they consider the proposal respects the appearance of the development in the local area.

5. Whilst the appeal site is free from built development, as is generally the gap to the south side of No.18 Nottingham Road, the character of the properties to the other side of the road is overall one of a close knit residential street. The proposal would retain a separation from No.25 to the north. Although the proposed single storey side projection would be positioned close to the boundary with No.18, there would be a separation at first floor level with the existing dwelling to the south. These separations are greater than those of properties to the other side of Nottingham Road. Whilst I accept the resulting plot size would not incorporate a rear garden of proportionate length to other properties close by, the overall size and form of the proposed building would reflect those of other properties in the area. I therefore consider that the proposal would not be cramped as there would be adequate space between the proposal and adjacent properties.

6. The proposal would bring built development, including the erection of a boundary wall, in close proximity to No.25, a Locally Listed building. This adjoining property is larger in size and scale to the residential development in Nottingham Road and the Council considers the plot size to be proportionate to the property, however it has not explained why this is important to the appearance and setting of the Locally Listed building. As noted above, the proposal would retain a separation from No.25. I consider the proposal would have an acceptable relationship with this adjoining Locally Listed building as the development would maintain a visual separation between developments.

7. The proposal, whilst comprising flats, has been designed to appear like a dwelling with a single storey side addition. I am not persuaded by the Council's assertions that the proposal would have an overcomplicated roof form or that the elevations would comprise large areas of blank walls or that the development would appear as a series of extensions rather than a single block. I acknowledge the design approach may be different to other properties in the locality, however there is a variety to the designs and appearances of these dwellings and the proposal would not, in my opinion, be out of keeping in this context or be of poor quality design.

8. Overall on this issue, I consider that the proposed development would not be harmful to the character and appearance of the area, despite infilling an existing visual gap within the street scape, nor would it harm the appearance and setting of No.25 Warham Road, a Locally Listed building. The proposal accords with Policies 7.4, 7.6 and 7.8 of the London Plan, Policies SP1.2, SP4.1, SP4.2, SP4.12 and SP4.13 of the Croydon Local Plan Strategic Policies and Policies UD2 and UD3 of the Croydon Plan Saved Policies. These require development to have regard to the pattern and grain of the existing spaces and streets and to make a positive contribution to the character of a place and conserve the significance of the setting of a heritage asset which includes Locally Listed buildings, amongst other matters.

The loss of part of a community facility

9. The proposal would result in the subdivision of the rear garden relating to a children's nursery. I note the nursery may have ceased operating for a period, however it has been re-registered with Ofsted. Whilst the proposal would

make use of a significant part of the land to the rear of the nursery, a substantial amount of outdoor space that would extend up the boundary with No.18 Nottingham Road would nonetheless be retained associated with the nursery.

10. The Council is concerned that the outdoor amenity space represents a loss of part of a community facility and this loss is unacceptable. The appellant has indicated that the Department of Education's Statutory Framework for the Early Years Foundation Stage does not require nurseries to provide outdoor space. Whilst I understand the Council's concern pertaining to a nursery's on-going ability to operate at the premises with a reduced rear garden area, I have no evidence before me that would indicate the reduced size of the outdoor space would be inadequate to serve the needs of a nursery or that it would not meet the requirements of the Department of Education or Ofsted, particularly as a degree of outdoor space would remain.

11. Overall on this issue, I have no reason to conclude that the loss of part of the outdoor space relating to this community facility would result in the nursery, or an alternative community use of the premises, being unable to operate at the site. The proposal thus accords with Policy CS2 of the Croydon Plan Saved Policies which seeks to prevent loss of community facilities, including day care provision for children, amongst other matters.

Other matters

12. Although some local residents have concerns regarding increased parking problems, loss of on-street parking spaces and lack of parking provision for future occupiers, I am satisfied that the parking provision would be adequate to serve the proposal and that highway safety in the area would not be materially compromised. I have also had regard to other issues raised, including the safety and security of nursery children, the living conditions of adjoining occupiers, trees and landscaping, amongst other matters. I am satisfied these issues would not be materially compromised or could be mitigated by the imposition of appropriate conditions.

Conditions

13. I have had regard to the planning conditions that have been requested by the Council. In addition to the standard time limit condition it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. Conditions relating to materials and hard and soft landscaping, including tree protection and boundary treatments, are appropriate in the interests of the character and appearance of the area. For similar reasons conditions relating to refuse and recycling, along with cycle storage facilities, are necessary. I agree that a condition relating to pedestrian visibility splays, turning, the gradients of parking area and driveway access is necessary to ensure safe vehicle and pedestrian movement is secured and highway safety maintained. The site is located within an Archaeological Priority Zone, therefore a desk top survey is necessary in the interests of the proper recording and preservation of archaeology. I consider a condition relating to finished floor levels to be reasonable to ensure the development is carried out at an appropriate land level.

14. It is not entirely clear what the Council seek to achieve with relation to the submission of a section 278 agreement for works to the highway or removal of parking bays and, in any event, this pertains to separate legislation. That legislation will have to be complied with to enable the development to be constructed with the necessary access. The Council suggest that window restrictions are put in place, however the Council has not explained how this would relate to a planning condition or what they seek to achieve. The requirement to comply with Lifetime Homes standards has now been replaced and such a condition would not be appropriate to impose. The Council has not explained why conditions relating to the reduction in carbon dioxide emission and water use targets or a construction logistics plans are necessary, therefore there is no specific reason for these.

15. Conditions 3, 4, 6, 7, 8, 9 and 11 require details to be submitted and agreed by the local planning authority prior to the commencement of development. These conditions are fundamental to the acceptability of the proposal and therefore are necessary to be agreed before development takes place.

Conclusions

16. For the reasons given above, I conclude that the appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE

CONDIITONS

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the approved plans listed A-002 Revision B, A-100 Revision B, A-101 Revision B, A-102 Revision B, A-700 Revision B, A-701 Revision B, A-702 Revision B and A-703 Revision B.

3) No development shall take place until details of all external materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

4) No development shall commence until a scheme of both hard and soft landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include the retention of the existing planting including the Himalayan Birch. All hard and soft landscaping shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing by the local planning authority.

5) The tree protection fencing and tree protection zone shall be implemented in accordance with drawing no. 151011-P-12. This shall be erected prior to commencement of development on site and remain until works on site have been completed.

6) No development shall take place until details of the boundary treatment, including the acoustic fence along rear boundary and the new opening in the frontage wall, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

7) No development shall take place until details of refuse and recycling facilities have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

8) No development shall take place until details of cycle storage facilities have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

9) No development shall take place until details of the finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

10) No dwelling shall be occupied until details of the pedestrian visibility splays, turning area and gradients of the parking area and driveway access have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

11) No development shall take place until an archaeological Desk Top Study, including recommended measures to record or preserve archaeology remains as necessary, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any recommendations in the approved Desk Top Study.