

Appeal Decision

Site visit made on 15 November 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 2 December 2016

Appeal Ref: APP/L5240/W/16/3155512

4 Cart Lodge Mews, Croydon, London CR0 6FG

- 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 Lujain Alwash against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/01883/P, dated 11 April 2016, was refused by notice dated 23 June 2016.
 - The development proposed is described as 'Proposed new studio on land used for fly tipping – Car Free Development'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the layout and form of the proposed development would be satisfactory and pay sufficient regard to the character and appearance of the surrounding area.

Reasons

3. The National Planning Policy Framework (the 'Framework') stresses the need for new development to be well designed. In accordance with this approach, the development plan policies referred to by the Council require, for example, that new development should generally respect the existing development pattern and the height and proportions of surrounding buildings where these contribute to local character.
 4. The appeal site is a narrow irregularly shaped vacant plot located between the rear gardens of houses on Oval Road and Lebanon Road. It forms part of a 'back land' area to which access is obtained along a passageway which also serves the new dwellings at 1-3 Cart Lodge Mews. Whilst there is variety in the design of buildings in the area, and 1-3 Cart Lodge Mews have a modern mono-pitch design, the nearby streets are characterised by mainly 2 storey traditional terraced or semi-detached housing.
 5. The wedge shaped floor plan of the proposed dwelling would respond to the shape of the site. However, whilst the widest, front portion, of the site would be occupied by a vehicle turning and bin storage area, the dwelling would occupy the very constricted area behind this. The submitted floor plan indicates that no space would be retained between the dwelling and the
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boundary of the site facing the dwellings on Oval Road. Any external space within the plot to its other side would be very narrow and only a small external area would be retained in the rear part of the plot. The development would be awkwardly and incongruously squeezed into the available area.

6. Many of the nearby houses have limited space around them, particularly to their fronts and sides. However, due to a combination of its awkwardly shaped plot and footprint the proposed dwelling would fail to reinforce or respect the predominant pattern and layout of existing dwellings in the area. It would also have a utilitarian flat roofed design which would lack distinctive architectural qualities and fail to respond adequately to the design of nearby houses.
7. Although the proposed development would not be prominently seen from Lebanon Road, Oval Road or Cedar Road, it would be prominent in views from Cart Lodge Mews and nearby dwellings.
8. I conclude that the layout and form of the proposed development would not be satisfactory and would pay insufficient regard to the character and appearance of the surrounding area. Its approval would therefore conflict with relevant provisions in Saved Policies UD2, UD3 and UD8 of the Croydon Replacement Unitary Development Plan (CRUDP) 2013, Policies 3.5, 7.4 and 7.6 of the London Plan and Policy SP4.1 of the Croydon Local Plan: Strategic Policies (CLPSP) 2013.

Other Considerations

9. The proposed development would, by creating a new dwelling, contribute to the Government's objective of boosting significantly the supply of housing. It would also secure the re-use of a previously developed ('brownfield') site which is not of high environmental value. These would constitute material benefits, albeit ones which need to be considered in the context of the shortcomings of the proposal identified earlier.
10. The proposal would secure the removal of fly tipped material from the site and make it unlikely that the site would attract fly tipping in the future. However, it does not offer the only means by which this issue may be managed.
11. The Appellant proposes that the dwelling would be a 'car free development'. However, he has provided no legally enforceable planning obligation which would ensure that occupiers of the dwelling would not park a car or other vehicle at the site. Whilst the proposed dwelling would not unacceptably impact upon the lighting or privacy of neighbouring residents, this point does not reduce the harm that I have found in relation to my main issue.
12. I have noted the Appellant's comments concerning the processing of the application and appeals. However, these do not weigh heavily in my consideration of the proposed development, which I must assess on its planning merits. Although a petition has been submitted in support of the proposal this does not raise any substantive planning arguments in favour of permission being granted and therefore carries only limited weight.
13. Whilst the appeal site is small and vacant, and I am aware of no current alternative proposal which would secure its re-use, these points do not mean that development which is not of sufficiently high quality should be allowed. The other points which have been raised by the parties about landscaping and car parking also do not lead to this conclusion. I have carefully considered all

other matters raised by the Appellant but none of them weighs heavily in favour of allowing the proposed development.

Conclusions

14. I have found that the layout and form of the proposed development would not be satisfactory and would pay insufficient regard to the character and appearance of the surrounding area. Given the emphasis in the Framework and relevant development plan policies on promoting good design, this shortcoming must be given substantial weight.
15. Set against this, the proposed development would add to the supply of housing in the area and secure the redevelopment of a brownfield site. However, these and the other matters raised by the Appellant, considered collectively, are significantly and demonstrably outweighed by the shortcomings of the proposal.
16. I therefore dismiss the appeal.

Jonathan Clarke

INSPECTOR