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## Appeal Decision

Site visit made on 5 December 2016

**by Helen Hockenhull BA(Hons) B.PI MRTPI**

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

**Decision date: 16 December 2016**

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**Appeal Ref: APP/L5240/W/16/3157984**

**Cedar View Care Centre, Stanhope Road, Croydon CR0 5NS**

- 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 Jag Grewel, LRH Homes against the decision of the Council of the London Borough of Croydon.
  - The application Ref 16/00346/P, dated 22 January 2016, was refused by notice dated 21 April 2016.
  - The development proposed is the demolition of former outbuilding (B1) and erection of staff bed-sit accommodation (C2).
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of former outbuilding (B1) and erection of staff bed-sit accommodation (C2) at Cedar View Care Centre, Stanhope Road, Croydon CR0 5NS in accordance with the terms of the application, Ref 16/00346/P, dated 22 January 2016 and the plans submitted with it.

### Procedural Matter

2. The development the subject of this appeal has already taken place and is therefore retrospective. I have considered the appeal on this basis.

### Main Issues

3. The main issues in this case are :
  - the effect of the development on the character and appearance of the area;
  - the effect of the development on protected species.

### Reasons

#### *Character and appearance*

4. The appeal site is located to the southern side of the access road to Cedar View Care Centre. It was previously occupied by a hipped roof single storey building. The Care Centre site is well screened by existing landscaping along Stanhope Road. The bed-sit accommodation can however be viewed from the site entrance looking down the access drive.
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5. The area is predominantly residential in character with a range of dwellings of different architectural styles. Properties immediately to the north of the appeal site are sited at a higher level to the road and have flat roof garages and car parking space to the front of the plots.
6. The development forms a single storey flat roof building of dimensions 5.3 metres by 6 metres approximately. It is clad in softwood horizontal timber material with white uPVC windows and door, white fascia and splashcourse brickwork. I acknowledge that apart from the brickwork, these materials contrast with the white rendered walls and tiled pitched roof of the Care Centre building. However the bedsit has been designed to have the appearance of a small ancillary timber outbuilding. The refuse store immediately adjoining the accommodation to the south is enclosed by timber fencing which reinforces the ancillary nature of the development. Furthermore landscaping has been provided to the side of the building which when established would provide screening.
7. I observed on my site visit that the Cedar View site is well screened by existing landscaping along its boundary with Stanhope Road. The appeal development can only be viewed from the entrance to the site. It is set back into the complex so that it has a limited impact on the street scene. I noted on my site visit that there are a number of flat roofed garage buildings to the front of residential properties on Stanhope Road. The flat roof design of the appeal building is therefore not out of keeping with other ancillary buildings in the locality.
8. Accordingly, I consider that the appeal development would not have a materially harmful effect on the character and appearance of the area. The development therefore complies with Policies 7.1, 7.4 and 7.6 of the London Plan 2016, Saved Policies UD2 and H4 of the Croydon Replacement Unitary Development Plan (the Croydon Plan) 2006 and Policy SP4 of the Croydon Local Plan (2013) Strategic Policies. Amongst other things these policies aim to ensure that development contributes to and respects local character and is of a high quality of design.

#### *Protected species*

9. It is agreed by both parties that badgers have previously been found on the site. Therefore there is a reasonable likelihood that protected species would be present. I am advised that protective fencing was put in place during the development of the Care Home to comply with a condition on the original planning approval for the development. The appellant has confirmed that these measures were also in place during the demolition and construction of the appeal development.
10. The Council's second reason for refusal related to the lack of information regarding protection measures during the construction of the development. In light of the appellant's confirmation that such measures were taken and the lack of any evidence to the contrary, I have no reason to conclude that appropriate mitigation measures were not put in place. It would therefore be unlikely that any harm was caused to protected species on the site. Accordingly I consider that the development complies with the requirements of Saved Policy NC2 of the Croydon Plan 2006 which seeks to ensure that protected species are not adversely affected by development.

### **Conditions**

11. I have had regard to the condition suggested by the Council in light of Planning Practice Guidance and the National Planning Policy Framework (the Framework). The condition requires a post development ecological survey to establish the impact of the development on any protected species and mitigation measures to ensure access routes and foraging areas have not been negatively impacted upon. The Council have not provided any evidence to explain why this is necessary in this case. As the appellant has confirmed that appropriate protection measures were in place during the development, I consider the likelihood of any adverse impact on protected species to be low. Furthermore the site of the development is small, located on the edge of the woodland area next to the access drive and has previously been developed. I am therefore not persuaded that such a condition is necessary. As the development is retrospective no other conditions are required.

### **Conclusion**

12. I have found that the appeal development would not cause harm to the character and appearance of the area or to protected species.
13. For the reasons given above and having had regard to all other matters raised I allow this appeal.

*Helen Hockenhull*

INSPECTOR