
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: 19 December 2016

Appeal Ref: APP/L5240/W/16/3158768
70 Foxley Lane, Purley, Surrey CR8 3EE

- 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 Ms Sylvia Kerambrum against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/00720/P, dated 2 February 2016, was refused by notice dated 1 April 2016.
 - The development proposed is conversion to form 6 No. self-contained flats including three storey side and rear extension and 1 No. dormer extension to existing roof at the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the development on:
 - the character and appearance of the building and the surrounding area;
 - the living conditions of the occupants of neighbouring dwellings with particular regard to outlook and daylight;
 - the living conditions of the future occupants of the building with regard to outlook, privacy and external amenity space; and
 - highway safety with particular regard to car parking.

Reasons

Character and appearance

3. The appeal property forms a semi-detached two storey dwelling with a piked dormer in the front roof slope creating a further floor of accommodation at second floor level. The house is elevated from Foxley Lane and has a hard surfaced sloping drive, a landscaped area to the front of the property and a detached single storey garage to the side. The property is of an attractive design with a front bay and first floor balcony feature with timber railings.
 4. The surrounding area is residential in character with a mix of semi-detached and detached inter war two storey properties. There are later infill sites on the southern side of Foxley Lane. I am advised by the Council that many of the
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buildings in this part of Purley were designed by William Webb and adhere to his 'Garden First' principle. This is evident in the tree lined nature of the road and landscaped front gardens which give the area a verdant appearance.

5. The appeal proposes the erection of a three storey side and rear extension. I noted on my site visit that a number of neighbouring properties are in the process of being extended thus the principle of an extension subject to an appropriate design would be acceptable. It is proposed to remove the existing front door to the appeal property and replace it with a window. A new entrance to the building would be provided within the extension. Whilst the timber porch detailing would be retained around the proposed window, I consider that this element of the scheme would unbalance the semi-detached property and undermine the symmetry and integrity of the front elevation. The appellant has brought my attention to a similar scheme at 64 Foxley Lane where the front door was removed and replaced with a window. However I note that this property is of a different design to the appeal dwelling and does not have the timber porch detail at ground floor or the first floor balcony feature. It is therefore not directly comparable to the proposal before me.
6. The side extension would have a lower ridge line than the existing house and be set back around 1.5 metres at first floor. This would give the extension a secondary appearance to the host dwelling and in this regard the proposal would be acceptable. It would also be no more than half the width of the existing house in compliance with the Council's Supplementary Planning Document No. 2 Residential Extensions and Alterations (SPD).
7. At the rear the development would extend back around 4 metres and project into the garden area which is at a higher level to the property. It would be of a mansard design with three rear dormer extensions. The roof line of the extension would be around a metre below the existing ridge of the appeal property and the windows are appropriately aligned meeting the requirements of the Council's SPD.
8. However, the existing dwelling has a pitched roof and it is proposed to provide a flat roof rear mansard. This would not respect or complement the roof design of the original dwelling. It would result in a bulky dominant extension which would be at odds with the design of the host property. Whilst the mansard extension is sited towards the rear of the house, as a result of the gaps between dwellings and the elevated nature of the plot, it would be visible in the street scene. This would have a negative impact on the character and appearance of the area.
9. The appeal proposal includes the provision of 3 car parking spaces utilising mechanical turntables to the front of the property. This would occupy the whole of the frontage of the dwelling. The submitted plans show this area to be hard landscaped with no planting. Whilst I note the appellant has advised in his statement that there is space for a small planted border between the turning circles and the footpath at the side of the property, I consider that this lack of soft landscaping would be at odds with the verdant character of the area, with mature planting to front garden areas contributing positively to the street scene. The proposed bin store and cycle parking would be in a prominent position to the front of the property which I consider would also adversely affect the street scene. However I agree with the Council that these elements

of the scheme could be relocated should the scheme be allowed and the location agreed through the imposition of an appropriate condition.

10. In summary I consider that the appeal proposal would cause harm to the character and appearance of the host property and the surrounding area. It would fail to comply with Policies 7.4 and 7.6 of the London Plan (Consolidated with Alterations since 2011), Saved Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 and the Council's SPD No. 2 Residential Extensions and Alterations. These policies aim to ensure that development contributes to and enhances local character and is of a high quality design, consistent with the design objectives of the National Planning Policy Framework (the Framework).

Living conditions of neighbouring occupants

11. The proposed three storey side extension would be sited at a slight angle to the common boundary with No. 72 Foxley Lane so that at its closest it would be about half a metre away and at its furthest towards the rear it would be around 2 metres away. I am advised by the appellant that the separation distance between the side elevation of the proposed extension and the flank wall of the neighbouring dwelling is around 7 metres.
12. The neighbouring property at No. 72 has a number of existing windows in the side elevation at ground, first and second floor, one at first floor being obscure glazed. I consider that the proximity of the proposed extension to these habitable room windows would result in an increased feeling of enclosure which would create a poor outlook for the occupants of the neighbouring dwelling.
13. In addition I have not been provided with any evidence for example a daylight/sunlight analysis to show the effect of the development on light to these windows. Bearing in mind the proximity of the two buildings, I am not persuaded that the proposal would not cause a significant reduction in daylight to these windows.
14. With regard to No. 68 Foxley Lane, the adjacent semi-detached dwelling, as a result of the distance between the flank wall of the rear extension and the nearest habitable room window in the rear elevation of No.68, I consider that there would be no material loss of outlook or reduction in daylight to this property.
15. Bringing the above points together, I consider that the appeal proposal would cause harm to the living conditions of the occupants of the neighbouring property at No. 72 Foxley Lane. The proposal would not comply with Policy 7.6 of the London Plan and Saved Policy UD8 of the Croydon Plan 2006 and the Council's SPD No. 2 Residential Extensions and Alterations. These policies amongst other things aim to ensure that existing occupiers are protected from undue visual intrusion and that adequate daylight is maintained.

Living conditions of future occupants

16. It is agreed between the parties that the proposed flats, in terms of floor area would meet the requirements of the nationally prescribed space standards and the London Plan. I am also satisfied from the appellant's evidence that the scheme provides sufficient outdoor amenity space within the rear garden to meet the requirements of the above documents.

17. However it appears from the submitted floor plans that the occupiers of the first and second floor flats have no access to the rear garden other than leaving the front door of the property and walking round. In addition the occupiers of ground floor flats 1 and 2 would have living room areas overlooking the rear garden. As a consequence of the lack of a defensible space for the occupiers of the ground floor flats, the use of the garden by other residents in the building would result in a loss of privacy for these occupants.
18. The proposed internal layout provides kitchens for Flats 1, 3 and 6 with no external window opening and therefore no outlook or natural light. The Council advises that they view a kitchen as a habitable room and therefore the lack of a window would result in a substandard form of accommodation which would adversely affect the living conditions of the occupiers.
19. The proposed three storey extension would project approximately 4 metres beyond the living room window of Flat 1 and around 3.5 metres forward of the bedroom window to Flat 3. These rooms are north facing and are each served by a single window opening. I also noted on my site visit that the lawned area to the rear garden is at a higher level to the ground floor of the property. The living room window to Flat 1 is set below the garden level which already affects the light and outlook to this window. Having regard to the extent of the rear projection and the orientation of the dwelling, I consider that the proposal would have an overbearing effect and further reduce the light received by these windows.
20. Accordingly, I consider that the appeal proposal would cause harm to the living conditions of the future occupants of the property. The development would therefore fail to comply with Policy SP2.6 of the Croydon Local Plan: Strategic Policies 2013, Saved Policy UD8 of the Croydon Plan 2006 and the Council's SPD No. 2 Residential Extensions and Alterations. These policies amongst other things aim to ensure that all new homes meet minimum design and amenity standards and that new occupiers are protected from undue visual intrusion and loss of privacy and the maintenance of adequate daylight.

Highway safety

21. The appeal site is located on Foxley Lane, a classified road with a cycle lane. There are no parking restrictions on the highway in the vicinity of the site. The proposal includes the provision of 3 car parking spaces to the front of the property to serve the 6 proposed flats. As there would be insufficient space to manoeuvre on site and leave in forward gear a mechanical turntable mechanism is proposed. The design of the parking area generally complies with the guidance for parking in front gardens in the Council's Residential Extensions and Alteration SPD.
22. The area has a PTAL rating of 1b, a poor accessibility level to public transport. In such areas I am advised by the Council that adopted Car Parking Standards expect 1:1 parking provision, in this case 6 spaces. The level of car parking proposed therefore falls below this requirement. The appellant argues that it is general planning policy that one bed or studio flats do not require on site car parking. However a specific policy reference is not provided. In light of the sites location in an area of poor public transport I consider that the maximum car parking provision should be provided.

23. An exception to this however can be acceptable depending on site circumstances including the availability of on road car parking. A lesser amount of car parking could be justified if it could be demonstrated that this would not lead to unacceptable parking stress in the area.
24. I observed on my site visit that Foxley Lane is a busy road with a cycle lane and that on street car parking was evident but with some significant gaps. However this assessment was in the day time. On street car parking would be likely to be greater in the evening and at weekends. I am also mindful that a neighbouring property No. 64 is being converted to 6 flats with 3 on-site parking spaces which would lead to increased car parking pressure in the immediate area of the appeal site. I have not been provided with a Parking Stress survey to show the availability of car parking at all times of the day. I am therefore not satisfied by the evidence before me that the development would not lead to an increase in on road car parking. This would reduce inter visibility which would adversely affect the safety of other road users in particular pedestrians and cyclists.
25. The Council have also expressed concern regarding the layout of the proposed mechanical turntable and whether the space between them, 2.1 metres, is sufficient for vehicles to pass freely when they are in use. Having regard to the average width of a vehicle, I share these concerns.
26. The appellant has provided an alternative parking scheme as part of his appeal submission. This has not been considered by the Council. It provides an additional car parking space on the site, a total of 4 spaces. However vehicles using these spaces would be unable to turn and leave in forward gear and would therefore have to reverse on to the highway. The appellant has brought to my attention a number of neighbouring properties where up to three vehicles have to undertake this manoeuvre. I also noted on my site visit that the driveway to the appeal property, a large family home, could accommodate 3 to 4 cars which would need to reverse on the highway. In light of the above and having regard to the sites context, I consider that in principle, a parking scheme where 3/4 vehicles are required to reverse on to the highway would not be unacceptable.
27. Notwithstanding the above, I have found that in this case, the maximum number of car parking spaces should be provided unless it can be shown that a lesser amount would not cause unacceptable parking stress in the area. In the absence of a parking survey, I consider that the proposed car parking arrangements would be unacceptable resulting in additional on street car parking reducing inter visibility for road users causing harm to highway safety. The proposal would therefore fail to comply with Policies SP4.1 and SP18.17 of the Croydon Local Plan: Strategic Policies 2103, Saved Policies UD13, UD14, T2 and T8 of the Croydon Plan 2006, Policies 6.12, 6.13, 7.4, 7.6 and 7.21 of the London Plan and SPD No. 2 Residential Extensions and Alterations. These policies seek to ensure well designed car parking and the safety and efficiency of the highway network.

Conclusion

28. I have found that the proposed development would cause harm to the character and appearance of the area, the living conditions of the neighbouring and future occupants and to highway safety.

29. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Helen Hockenhull

INSPECTOR