

Appeal Decision

Site visit made on 23 November 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 04 January 2017

Appeal Ref: APP/L5240/W/16/3153261

57 Welcomes Road, Kenley, Croydon CR8 5HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Aventier Limited against the Council of the London Borough of Croydon.
 - The application Ref 16/00269/P, is dated 16 January 2016.
 - The development proposed is demolition of existing dwelling and replacement with a residential block containing 7 x 2-bed flats.
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Decision

1. The appeal is dismissed.

Procedural Points

2. The application is made in outline with details of access, layout and scale submitted for consideration at this stage.
3. Although the Council did not reach a formal decision on this application, it has nonetheless indicated in its statement its putative reasons for refusal. These are firstly that the development would be out of keeping with the character of the surrounding area and detrimental to the visual amenity of the street scene by reason of its siting, scale and indicative design and secondly that it would not be accessible to or usable by all occupiers.

Main Issues

4. The main issues are i) whether the proposed scheme would be accessible and inclusive for all and ii) the effect of the development on the character and appearance of the surrounding area.

Reasons

Accessibility and Inclusivity

5. The appeal site slopes steeply upwards away from Welcomes Road. The entrance to the proposed building would be at the rear and it is undisputed by the appellant that there would be no level access into the building. Accordingly, the layout drawings show that the entrance would be reached via a series of steps in order to address the change in ground levels. This means
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that the building would not be accessible to residents unable to use steps, unless those residents were provided with physical assistance.

6. Policy 7.2 of the London Plan 2015 (LP) seeks to achieve the highest standards of accessible and inclusive design, whilst Saved Policy UD7 of the Croydon Replacement Unitary Development Plan 2006 (UDP) states that ease of access for all users is a prime consideration. In exercising my function on behalf of a public authority, I am aware of my duties under the Public Sector Equality Duty (PSED) contained in the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation and to advance equality of opportunity. It does not necessarily follow from the PSED that the appeal should automatically fail. However, disabled persons have a relevant protected characteristic for the purposes of PSED.
7. I consider that the lack of provision to support independent access to the scale of accommodation proposed would result in unacceptable discrimination and future occupiers would not be provided with acceptable living conditions in this regard. There is no information before me to indicate that the appellant has investigated whether or how this issue could be overcome.
8. In terms of the internal layout of the building, I note that the configuration of some of the bedrooms would be relatively narrow. However, the Council accepts the amount of floorspace proposed would conform with minimum guidelines and I have not been provided with any information to suggest that the interior of the building could not be adapted to accommodate the needs of mobility impaired occupiers. This does not, however, overcome the harm that I have identified above regarding access to the exterior of the building itself.
9. I conclude that principles of accessible and inclusive design have not been integrated into the development and as a consequence, future occupiers who may be disabled or otherwise have mobility difficulties would not be provided with ready access and would be placed at a disadvantage. Accordingly the proposal would conflict with Policies 3.5 and 7.2 of the LP and Saved Policy UD7 of the UDP which seek to promote social inclusion and ease of access for all users as a prime consideration.

Character and Appearance

10. Welcomes Road is a verdant lane, featuring dwellings in a variety of architectural styles set back within spacious and well vegetated plots. The position of dwellings in spacious surroundings, combined with the filtering effect of tall trees, ensures that the mature landscaped setting more readily defines the character of the street than the built form itself, which tends to recede into the background.
11. The proposed residential block would be greater in bulk and set further forward compared with the existing dwelling. Notwithstanding this, the building would not dominate or appear cramped within its spacious plot. Furthermore it would be sufficiently separated from adjacent dwellings and, notwithstanding fleeting views of the frontage, it would be significantly screened from further away by existing mature vegetation so as not to appear overbearing or to interrupt any sense of uniformity in the street scene. Whilst the building would be relatively tall, the visual impact of its height would be substantially absorbed by its setting against the rising embankment of the surrounding plot.

12. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case. In any event, I have found no harm in this regard. I also acknowledge that a previous appeal for residential development on another site in Welcomes Road was unsuccessful on character and appearance grounds¹. However, I have not been provided with any further information on that case and, as I have said, I must determine this appeal on its own merits.
13. I therefore conclude that the proposal would not result in harm to the character and appearance of the surrounding area. As such there would be no conflict with Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of the LP; Policies SP1.1, SP4.1 and SP4.2 of the Croydon Local Plan Strategic Policies 2013; Saved Policies UD2, UD3 and H2 of the UDP and the National Planning Policy Framework insofar as they seek to promote design that respects and enhances local character.

Conclusion

14. I have not found harm to the character and appearance of the area and have also taken into account that the development would provide additional accommodation on previously used land, in the context of national policy aimed at significantly boosting the supply of housing.
15. However these factors are outweighed by the proposed development not being accessible and inclusive for all. For the reasons set out above, and having regard to all other matters raised, including that there has been a letter in support of the development, I conclude on balance that the appeal should be dismissed.

Roy Merrett

INSPECTOR

¹ Ref APP/L5240/A/10/2136868