
Appeal Decision

Site visit made on 4 January 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/L5240/D/16/3160211
48 Mitchley Avenue, Purley CR8 1DN

- 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 Kaif Mussani against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02817/P, dated 1 June 2016, was refused by notice dated 28 July 2016.
 - The development proposed is the construction of a two storey side extension replacing the existing dilapidated extension and a new driveway for one car space.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a two storey side extension replacing the existing dilapidated extension, and a new driveway for one car space at 48 Mitchley Avenue, Purley CR8 1DN, in accordance with the terms of application Ref 16/02817/P dated 1 June 2016 and subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0751 EX 100; 0751 EX 002; 0751 EX 003; 0751 PROP 100; 0751 PROP 002; 0751 PROP 003.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building unless stated otherwise within the application documents.
 4. There shall be no window or door openings to the east elevation of the extension hereby approved.

Main Issues

2. The main issues in this case are:
 1. The effect of the proposal on the character and appearance of the area.
 2. The effect of the proposal on highway and pedestrian safety on Mitchley Avenue.

Reasons

Character and appearance

3. 48 Mitchley Avenue is a detached two-storey house with a hipped roof situated in an elevated position above the level of the road. In common with other houses in the area, an associated detached flat roofed garage occupies part of the front garden at road level.
4. The proposal seeks the removal of a recently constructed flat-roofed side extension at the property, and its replacement with a larger two-storey extension with a hipped roof. In addition it is proposed to level an area of the front garden to provide a car parking space.
5. The proposed extension would be in keeping with the existing dwelling in terms of its scale, massing and form. In visual terms it seems to me that it would be a considerable improvement on the existing flat-roofed extension. I note that the Council raises no objection to the extension in principle and I have no reason to disagree.
6. In order to form the parking area, part of the front garden would need to be removed and a retaining wall constructed. Plans indicate that the wall would be a substantial structure that would be higher than the existing garage. I accept the Council's view that development in front gardens plays a major role in determining the character of a street and I have taken into account advice in the Council's 'Residential Alterations and Extensions' Supplementary Planning Document No.2 in that respect.
7. Front gardens in this part of Mitchley Avenue are characterised by their steeply sloping nature and the high position of the dwellings above road level. A large proportion of frontages incorporate flat-roofed garages at road level, similar to that at No 48, and there is a variety in the way the gardens have been treated in terms of hard and soft landscaping. I noted the presence of retaining structures and extensive hardsurfacing at several other properties in the vicinity of the site. The retaining wall in this case would be set back into the site behind the front of the garage, and would be seen in the context of the elevated dwelling beyond and above it and the variety of retaining structures in the area. As such the wall would not be unduly dominant or out of keeping with the locality, nor detrimental to the appearance of the street scene.
8. Consequently in this respect the proposal would comply with Policies UD2 and UD14 of the Croydon Replacement Unitary Development Plan 2006 (UDP), SP1.2, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies 2013 and Policies 7.4 and 7.6 of the London Plan 2011 which in various ways and amongst other things seek to ensure that development reflects and enhances established local character.

Highway and pedestrian safety

9. Mitchley Avenue is a busy classified road which serves a number of residential properties. There are no parking restrictions immediately outside the property. The present parking provision on site comprises the garage and a parking space in front of it. That space is significantly substandard in terms of its depth, with the result that parked vehicles overhang the footway.

10. I have noted the Council's concerns that the proposed parking space would also be substandard in terms of its depth, being 4.7m deep rather than the required 4.8m. However, plans indicate that the space would be wide such that a vehicle could be accommodated at an angle to the road. Whilst I acknowledge that vehicles would cross the footway at an angle, the road is straight and in the vicinity of the site there is a wide grass verge in addition to the footway creating greater opportunity for visibility along the highway. Moreover, there is no convincing technical evidence before me as to any highway danger that would be associated with such an arrangement and I note that no objection in principle has been raised by the Council's transport advisor.
11. I acknowledge that the proposal does not include a vehicle turning area within the site. However, this is the case presently. The proposal will not result in an increase in vehicular movements and would not therefore exacerbate any issues arising from the present situation.
12. On the basis of the evidence before me, for the reasons set out, I am satisfied that the proposal would not have a harmful effect on highway or pedestrian safety. Consequently the proposal would not conflict with Policy UD13 of the Croydon Replacement Unitary Development Plan 2006 which seeks to ensure that parking areas are safe, secure, efficient and well designed. In addition there is no conflict with Policies 6.12 and 6.13 of the London Plan 2011 which relate to road network capacity and parking provision.

Conditions and Conclusion

13. The Council has suggested conditions in the event of the appeal being allowed and I have considered them in the light of advice in the Planning Practice Guidance (PPG) .
14. In order to provide certainty and in the interests of proper planning I have imposed the standard time limit condition and specified the approved plans. In order to safeguard the character and appearance of the area, I have specified that materials match the existing dwelling unless as stated in the application details.
15. Given the change in levels between properties and the presence of a window on the side elevation of a neighbouring property, a condition restricting new openings on the east elevation is reasonable and necessary.
16. I have taken into account the Council's suggestion of a condition requiring the provision of visibility splays. However, a drive and vehicular crossing already exists at the property and there is no indication before me that it is the subject of a condition regarding visibility splays. Consequently the imposition of a condition in relation to this application for an area of hardsurfacing, would therefore be unreasonable and would not meet the tests of the PPG.
17. For the reasons set out above and taking all other matters raised into account, the appeal is allowed and planning permission is granted subject to conditions.

S Ashworth

INSPECTOR