The Planning Inspectorate

Appeal Decision

Site visit made on 9 December 2016

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 25 January 2017

Appeal Ref: APP/L5240/W/16/3158276
Rear of 11 Morland Avenue, Croydon, CR0 6EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Ganco Asset Management Ltd against the decision of the Council of the London Borough of Croydon.
- The application Ref 15/05102/P, dated 12 November 2015, was refused by notice dated 8 July 2016.
- The development proposed is proposed demolition of 22 vacant lock up garages to create 3 No. two storey four bedroom six person detached houses, together with 6 No. car parking spaces.

Decision

1. The appeal is allowed and planning permission is granted for demolition of 22 vacant lock up garages to create 3 No. two storey four bedroom six person detached houses, together with 6 No. car parking spaces at the rear of 11 Morland Avenue, Croydon, CR0 6EA in accordance with the terms of the application, Ref 15/05102/P, dated 12 November 2015, subject to the conditions in Annex A.

Background

2. The proposal is submitted in outline form with matters of access, appearance, layout and scale submitted for consideration. The appeal is considered on this basis.

Main Issues

3. The main issues are (a) the effect of the proposal on the character and appearance of the area and (b) whether it would provide acceptable living conditions for future occupiers with particular regard to the provision of refuse storage facilities.

Reasons

4. The layout of the new dwellings would be within two buildings. I understand that the surrounding dwellings have larger garden areas and front the road. Nevertheless space would remain around the new buildings. This would maintain separation between the development and existing dwellings. The buildings would be two storey in height. The site sections demonstrate that their height would be commensurate with the existing dwellings nearby. In addition the design would use a simple palette of materials that would not appear out of place. For these reasons I cannot agree that the new buildings would appear dominant.

5. Furthermore the Council's policies support new housing development within the existing built up area provided that it respects the character of the residential area. I have also been provided with saved Unitary Development Plan Policy H5 that refers to 'backland and back garden development' only being permitted where it respects the character and protects the amenity of adjoining residential areas. In this case, for the reasons given above, the new dwellings would respect the character of the area and there is no dispute that they would not have an adverse impact on the living conditions of existing occupiers.

6. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area. It would not be in conflict with London Plan (LP) policies 3.5, 7.4 and 7.6, policies SP2.6, SP4.1 and SP4.2 of the Croydon Local Plan (CLP) and saved policies UD15 and H2 of the Croydon Replacement Unitary Development Plan (UDP) in so far as they require new development of a high quality that respects and enhances local character.

Living conditions for future occupiers

7. The submitted plans show that refuse storage for the dwellings would be within the garden areas. This would be for two wheelie bins for each dwelling, six in total. This would not be an unusual arrangement for a dwelling house with the bins being accessible and stored away from the turning area. In this regard it would not be poorly sited.

8. The Council's report sets out that the access for the scheme would be about 42m in length and 2.5m wide. There is no dispute that a refuse vehicle could not use this and turn and leave in forward gear. Therefore an arrangement for collection would need to be in place. The appellants suggest that a management plan for refuse collection would be appropriate and could be secured by condition. Given the scale of the development this would not be an unreasonable approach in this case. Further, whilst I note that the Council are concerned that the bins would cause an obstruction, for the same reason this amount of bins would not lead to an obstruction if correctly managed.

9. I therefore conclude that the proposal would provide acceptable living conditions for future occupiers with particular regard to the provision of refuse storage facilities. It would not be in conflict LP policy 3.5, CLP policies SP2.6, CLP1 and UDP policies UD2, UD14, UD15 and H2 which amongst other things require new developments to respect the character of residential areas that meet the needs of future occupiers and provide appropriate refuse and recycling storage.

Other matters

10. Whilst not reasons for refusal I have carefully considered the comments made by interested parties, in particular with respect to the living conditions for existing occupiers, trees, highway safety, flooding and cycle provision.

11. The distances between the proposal and the surrounding dwellings and the position of the habitable room windows would be sufficient to minimise any loss of privacy and lessen any impacts. The officer report identifies that the scheme would be small scale. In this regard any potential noise from construction could be controlled by an appropriately worded condition.

12. There is no substantive evidence that the proposal would lead to harm to highway safety or trees. In addition the officer report notes that the site is not

in a flood zone and cycle storage would be provided within the garden areas for the dwellings. In addition it details that the density of the development would be below the applicable range in the LP. Therefore, overall, for these reasons none of these other matters alter or outweigh my conclusions on the main issues.

Conditions and conclusion

13. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the relevant tests at paragraph 206 of the National Planning Policy Framework and where necessary amended them.

14. Conditions relating to commencement and plan numbers are necessary for the avoidance of doubt and in the interest of proper planning. In the interests of the character and appearance of the area a condition requiring material samples to be submitted is also reasonable and necessary. For the same reason conditions requiring submission of the details of the refuse and cycle storage are also necessary. In the interests of highway safety it is also necessary to ensure that the parking and turning areas shown on the plans are laid out.

15. The Council has sought the removal of permitted development rights for the alteration and/or extension of the dwellings and windows in the buildings. Such conditions should not be imposed unless there is clear justification to do so, and should only be used in exceptional circumstances. In this case the conditions would be reasonable to allow control over the size of the garden areas and to protect the living conditions of nearby occupiers. Given the site location and constraints it is reasonable to require submission of a construction method statement to protect the living conditions of existing occupiers and a contamination investigation to protect both existing and future occupiers.

16. The Council has suggested two conditions that require a reduction in carbon emissions and water efficiency. I have not been provided with the policy justification for these conditions so cannot be satisfied that they are necessary in this case.

17. For the reasons given and having regard to all other matters raised the appeal is allowed.

D J Board

INSPECTOR

Annex A - Conditions

1) Details of the landscaping, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

3) The development hereby permitted shall be carried out in accordance with the following approved plans: 02 Rev A, 03 Rev A, 04 Rev A, 05 Rev C, 06 Rev B, 07 Rev C, 08 Rev C, 09 Rev C, 10 Rev C.

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the west elevation of house 1 or the north elevations of houses 2 and 3.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or outbuildings shall be erected on the dwellings hereby permitted without the grant of further specific permission from the Local Planning Authority.

6) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

7) No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
   i) a survey of the extent, scale and nature of contamination;
   ii) the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

8) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of

the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out before the development is occupied.

9) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 06 Rev B for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking of vehicles and those purposes.

10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

i) the parking of vehicles of site operatives and visitors;

ii) loading and unloading of plant and materials;

iii) storage of plant and materials used in constructing the development;

iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v) wheel washing facilities;

vi) measures to control the emission of dust and dirt during construction;

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

11) No development shall take place until details of the appearance of the refuse stores and external cycle stores have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

12) No development shall take place until details of the scheme for refuse storage and a collection management plan have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.