
Appeal Decision

Site visit made on 23 January 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 31st January 2017

Appeal Ref: APP/L5240/W/16/3161215

Land behind 12 Heath Road, Croydon, CR7 8NE

- 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 Aksler, Burford Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02749/P, dated 27 May 2016, was refused by notice dated 25 August 2016.
 - The development proposed is erection of single storey plus basement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council advise that they no longer wish to defend the third reason for refusal relating to parking provision. I, therefore, do not address this matter in my reasoning below.
3. Since the submission of the appeal a subsequent planning application¹ for the site was granted on 21 December 2016 for a single storey one bedroom detached dwelling and provision of associated cycle and refuse storage ('the approved scheme').

Main Issues

4. Taking into account the above, the main issues in this case are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of future occupiers of the proposal with specific reference to outlook, daylight and sunlight.

Reasons

Character and appearance

5. The appeal site is situated to the rear of 12 Heath Road (No 12) and adjacent to 36 Norfolk Road (No 36). The surrounding area is predominately residential characterised by terraced and semi-detached properties. Properties to the south of the site on Norfolk Road are within a Local Area of Special Character which terminates at 32 Norfolk Road and the site is within an area of High Density.

¹ Council reference: 16/05574/FUL

6. Immediately to the south of the appeal site on Norfolk Road are two pairs of semi-detached traditional properties beyond which are a row of terraced properties. The west side of Norfolk Road is characterised by terraced properties with long gardens to the rear. The consistent set-back created by the small front gardens enclosed by low boundary walls is a characteristic feature of Norfolk Road.
7. The appeal proposal would extend beyond the building line along the eastern side of Norfolk Road. The approved scheme would also breach the building line; however, the Council considered that as it would continue the existing boundary treatment fronting onto Norfolk Road that this would be acceptable. The principle of breaching the building line is thus established.
8. The appeal site has a limited depth and the proposal would extend almost up to the boundaries of the site with the exception of the courtyard and small area of amenity space adjacent to No 36. In addition, the proposal would be situated in close proximity to the rear of No 12 and would thus not appear sufficiently separate or subordinate to the host property. Furthermore, the full height and depth of the basement area would be visible from Norfolk Road due to the provision of glass balustrades facing the street thus exacerbating the cramped appearance of the proposal. Moreover, I noted that basements are not a characteristic feature of the area. I, therefore, consider that the proposal would appear cramped and excessive in its plot.
9. The appeal proposal would be situated behind a virtually blank brick wall with the exception of the glass balustrade to the south of the site. Whilst the brick wall is an existing feature defining the rear garden of No 12 it would be read within the context of the new development. I consider that the lack of articulation and visual interest would exacerbate the incongruous nature of the proposal. Taking these factors in combination, I consider that the proposal would be an incongruous addition at odds with the prevailing pattern of development.
10. Whilst the proposal may comply with internal space standards and make appropriate provision for amenity space and external storage for cycle and bins this does not mean that the proposal is acceptable in terms of character and appearance.
11. The appellant contends that the location of the appeal site at the junction of the end of a street of uniform properties and the corner of a street of different character justifies a different form of development. However, I consider that the proposal would be primarily read in the context of properties on Norfolk Road as the development would have a frontage onto this road.
12. The approved scheme establishes the principle of development on the site. There is no evidence before me to suggest that this fall-back position would not be implemented and it thus attracts significant weight. However, the additional mass and bulk of the two-storey appeal proposal would have a more dominant presence in the street scene. In addition, the approved scheme, by virtue of articulation and glazing to the boundary wall, would have greater visual interest in the street scene than the appeal proposal. Consequently, I consider that the fall-back position of the approved scheme would have a less harmful effect on the character and appearance of the area and does not, therefore, justify the harm which I have identified.

13. For the reasons stated, I conclude that the proposal would harm the character and appearance of the area. It would, therefore, be contrary to saved Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (UDP) 2006 which together seek, amongst other things, to ensure that development reinforces and respects the existing development pattern; address the street to provide active frontages and respects the height and proportions of surrounding buildings which play an important role in determining the character of the street.
14. It would also be contrary to saved Policy H2 of the UDP which states that the Council will permit housing development within the built up-area provided this does not conflict with its aim of respecting the character of residential areas and there is no loss of other protected uses. In addition, conflict arises with saved Policy H5 of the UDP which states that residential development on back garden and backland sites will only be permitted where it respects the character and protects the amenity of adjoining residential areas.
15. Furthermore, conflict arises with Policy SP4.1 of the Croydon Local Plan: Strategic Policies (SP) which requires development to be of a high quality which respects and enhances Croydon's varied local character. Moreover, there would also be conflict with criterion D of Policy 7.1 of the London Plan 2016 which states that the design of new buildings and the spaces they create should help reinforce or enhance the character, legibility, permeability and accessibility of the neighbourhood.
16. Finally, conflict would also arise with Policies 7.4 and 7.6 of the London Plan (2016) which together seek to ensure that buildings and structures are of the highest architectural quality which respects local character.

Living conditions of future occupiers

17. The basement would accommodate two bedrooms and a bathroom. Both bedrooms would gain their light and outlook from windows facing onto the proposed basement level courtyard which is approximately 2.5m deep and 4m long. There may be some oblique views from these windows through the glass balustrade. However, notwithstanding any endeavours to make the courtyard look attractive resident's outlook would be significantly restricted by the close proximity of the proposed walls to the sunken courtyard.
18. The appellant has presented calculations to demonstrate the 'Average Daylight Factor' (ADF) for each of the windows serving bedroom 1 and bedroom 2. I note that the calculations on the plans are both labelled bedroom 2. However, assuming that this is a drafting error, the calculations show that the bedroom windows would receive sufficient daylight. I note that the proposal would sit slightly in front of No 36 at this point and that the ADF calculation only takes into account consideration the light immediately in line with the window. Consequently, I consider that the bedroom windows would receive sufficient daylight.
19. However, there has been no assessment of whether the bedroom windows would receive sufficient sunlight (annual probable sunlight hours) or whether the proposed amenity area would be over-shadowed by No 36. Given the proposed basement location together with the orientation of No 36 to the south of the appeal site, I agree that a full daylight/sunlight assessment should have been undertaken.

20. I, therefore, conclude that the proposal would have a harmful effect on the living conditions of future occupiers in terms of outlook. Furthermore, whilst I have concluded that the bedroom windows would receive sufficient daylight, there is insufficient evidence to determine whether the proposal would have a harmful effect on the future occupiers of the property in terms of sunlight and also whether the amenity area would be overshadowed.
21. The proposal is, therefore, contrary to criteria B and C of Policy 3.5 of the London Plan (2016) which require the design of all new housing development to enhance the quality of local places and take account of the 'home as a place of retreat'. Conflict also arises with Standard 32 of the Mayor's Housing Supplementary Planning Guidance (2016) which states that all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Living areas and kitchen dining spaces should preferably receive direct sunlight.
22. In addition, conflict arises with Policy SP2.6 of the SP which seeks to ensure that the new homes meet the needs of residents over a lifetime and contribute to sustainable communities. Furthermore, conflict arises with saved Policy UD8 of the UDP which seeks to protect residential amenity.

Other Matters

23. Significant detail regarding pre-application discussions and earlier iterations of the scheme has been submitted by the appellant. However, I must consider this appeal strictly on the planning merits of the appeal proposal.
24. The proposal would make a contribution, albeit limited to housing supply. However, the benefits of the proposal would be significantly outweighed by the harm which I have identified to the character and appearance of the area and the living conditions of future occupiers.

Conclusion

25. For the reasons stated and taking all other factors into consideration, the appeal should be dismissed.

Caroline Mulloy

Inspector