
Appeal Decision

Site visit made on 31 January 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 28 February 2017

Appeal Ref: APP/L5240/W/16/3163448

175 Lower Addiscombe Road, Croydon CR0 6PZ

- 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 Cobalt Construction PL Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/03262/P, dated 8 June 2016, was refused by notice dated 18 August 2016.
 - The development proposed is the erection of three storey building, basement to first with accommodation in the roof space comprising of 3no. two bedroom flats and 1no. 1 bedroom flats; provision for enclosed cycle and refuse storage and 2no. parking spaces.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the development would have on the character and appearance of the area and on the living conditions of occupiers of adjoining residential properties.

Reasons

Character and appearance

3. The appeal site is located to the rear of 175-177 Lower Addiscombe Road and also includes an area for an access linking it to Nicholson Road. The proposed building would have accommodation on four floors with one flat in the basement and the top flat set largely within the pitched roof slopes.
 4. The gardens and spaces to the rear of nearby properties on Lower Addiscombe Road, including Nos 175-177, create a relatively open area between Nicholson and Inglis Roads. The substantial built forms of those properties on Lower Addiscombe Road are offset by the generous space to the rear which results in a spacious character to which the appeal site contributes.
 5. This space has been visually narrowed to a degree as a result of a recently constructed building adjacent to 2a Nicholson Road which is next to the site. This arrangement nevertheless retains an open and spacious character and appearance to the rear of properties on Lower Addiscombe Road, a quality which can be experienced visually from Nicholson Road. Although set behind this neighbouring building the proposal would extend beyond it and considerably closer to buildings on Lower Addiscombe Road, narrowing the
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space which would be visible between it and the extended rear built form of those adjoining properties.

6. The proposed building would occupy much of its plot leaving limited space between its boundaries on the west, south and east sides and its considerable built form. The building would be constrained by, and appear cramped within, this confined plot in contrast to the more spacious relationships which exist to the rear of buildings to the south of the site. Its proximity to the rear of 173 and 175-177 Lower Addiscombe Road would erode the spacious character which presently exists in this area. Consequently the proposal would harm the character and appearance of the area.
7. Although the nearest part of the proposal to Nos 175-177 would be single storey its pitched roof and enclosed balcony would remain visible above the boundary walls of adjoining gardens. Proposed tree planting within the adjoining plot may go some way to screening the proposed building from Nicholson Road. However, this would take some time to mature and in any event would only have a limited effect in respect of mitigating the proposed building's effect on the character of the area.
8. As the form, layout, siting and site area of the proposal would not respect the character of the area or maintain adequate separation between existing and new development, the proposal would not accord with the circumstances that saved UDP¹ Policy H5 permits development on back garden and backland sites. This approach accords with that of the National Planning Policy Framework² (the Framework) which also requires development to respond to local character and requires that which fails to improve an area's character to be rejected. This failure to respect the established development pattern and character would be contrary to London Plan Policies 3.5 and 7.4, Local Plan³ Policies SP4.1 and SP4.2 and saved UDP Policies UD2 and H2.
9. However, whilst the layout within the plot would leave very little space within it for any substantive planting the proposal would not necessarily be contrary to the landscape design requirements of saved UDP Policy UD14. Similarly, as the parking has been designed as an integral part of the scheme it would not conflict with saved UDP Policy UD13. Saved UDP Policy UD8 seeks to protect residential amenity and is less relevant to character and appearance matters. Saved UDP Policy UD3 and London Plan Policy 7.6 are concerned with architecture, scale and design of buildings and their criteria are less pertinent to the proposal's effects as a result of its siting, layout and relationship to existing buildings.

Neighbours' living conditions

10. The proposed building would be sited in close proximity to existing residential properties, the nearest of which would be the building adjacent to 2a which the Council advise comprises three flats. This has a number of windows in the rear elevation facing the site on the ground, first and second floors, the latter in a dormer. The plans indicate that the rear elevation of this adjoining property would be 8.5m from the side elevation of the proposed building and that a

¹ Croydon Replacement Unitary Development Plan, 2006 (UDP).

² Paragraphs 53, 58 and 64.

³ Croydon Local Plan Strategic Policies, 2013 (Local Plan).

projecting bay would closer still, albeit that this element would be largely offset from the adjoining building.

11. However, the plans show that the front elevation of the proposed building would be offset from a direct line from the outside of, what the plans indicate is, a bedroom window in the adjoining property.
12. The outlook from windows serving any habitable rooms in the adjoining property's rear elevation would already be limited to a degree at ground floor as a result of the boundary wall close by. Much of the outlook from upper floors would currently be over neighbouring gardens, although in time perimeter planting in this adjoining plot may also affect the outlook from some windows in that elevation. The second floor dormer would be set back and have a more open outlook onto the proposed pitched roof opposite and sky above. In the absence of any evidence to the contrary, it is likely that adjoining flats would also have other rooms served by windows which would face in other directions and remain unaffected by the proposed building.
13. Whilst the proposal would reduce the outlook from, and could appear very close in some views out of, windows in the adjoining flats this would be limited in both extent and the number of habitable rooms it would affect. The proposed use of obscured glazing in some windows would avoid a harmful loss of privacy as a result of potential overlooking and the Council advise that windows in the rear offshoot of No 2a opposite the site do not serve habitable rooms. As a result overall, the proposal would not lead to an unacceptably harmful effect on the living conditions of occupiers of adjoining residential properties.
14. The proposal would therefore comply with London Plan Policy 7.6, Local Plan Policy SP4.2 and saved UDP Policy UD8 which together seek to protect residential amenity and wellbeing, amongst other criteria. It would also avoid conflict with the Framework's core planning principle of always seeking to secure a good standard of amenity for all existing occupants. However, avoidance of harm in this respect does not amount to a positive consideration.

Other Matters

15. There is little evidence to support the appellant's contention that the development plan policies referred to by the Council are focused solely on larger scale development. The scale of the proposal does not, therefore, reduce the weight I have afforded them. Whilst the proposal would have the benefit of providing additional housing, no third party objections were received and the Council found some aspects of the proposal to be acceptable, these matters would not outweigh the harm the development would cause to the area's character and appearance.

Conclusion

16. For the above reasons the proposal would harm the character and appearance of the area, contrary to the development plan and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR