

Appeal Decision

Site visit made on 14 February 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 13 March 2017

Appeal Ref: APP/L5240/W/16/3163424
114 Foxley Lane, Purley CR8 3NB

- 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 M Couch of Castle Homes against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/03659/P, dated 17 July 2016, was refused by notice dated 23 September 2016.
 - The development proposed is demolition of existing dwelling; erection of a two storey development with roof accommodation comprising 8 flats; provision of car parking, cycle parking and refuse stores; provision of an access way.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - its effect on the living conditions of neighbouring occupiers in respect of overlooking and privacy; and
 - whether it would compromise the retention of protected trees on the site.

Reasons

Character and appearance of the area

3. No 114 Foxley Lane is a house of two storeys in an Arts and Crafts style, with pitched gabled roof, dormers and a rearward projecting extension. It is set well back in its plot to create a large front garden area which slopes down to the road. It sits comfortably within its plot, with space to either flanking boundary. The surrounding area is one of substantial detached houses set in large garden areas which, combined with the presence of mature trees and planting, create a very green and open character.
 4. The appeal proposal is for demolition of the existing house and its replacement in an equivalent position within the site with a flatted block, which, as it would be set back, would retain the existing space to the front. The block would be of two storeys plus a roof storey, and replace the L-shaped footprint of the host building with larger and roughly square footprint, more or less centred on the
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- plot. The breadth and depth of the building would mean that it had a large crown roof.
5. While changes to ground level would mean that the base of the proposed block would sit below the level of the existing house, its additional storey would mean that it would nonetheless be taller than the ridgeline of the house, and due to the bulk of the roof structure, and presence of windows, dormers and balconies at roof level, would still be read as a three storey building. It would sit slightly closer to the western boundary of the site than the existing building and several metres closer to the eastern and rear boundaries and would as a result appear cramped within its plot.
 6. While drawing P515 shows the depth of the existing house to be similar to that of the proposed block, this is because it is showing the depth of the rearward extension of the house, which does not take up its full width. The proposed block would not be similarly articulated, and its bulk and massing would therefore be considerably greater and it would take up a greater proportion of the plot.
 7. Although the design of the building would draw on Arts and Crafts influences, with projecting eaves, and gabled dormers at roof level, the roof of the building would be a large crown roof, atypical in an area where most roofs are of simple and traditional forms. It would also, by virtue of the fact it was accommodating an additional storey of accommodation, appear bulky. The eaves and dormers would not therefore add any significant sense of articulation to the roof and would not serve effectively to break up this bulk.
 8. Although the houses around the appeal site vary in design, they are generally broadly of comparable size to the existing house, tend to be of two storeys, and are set in similarly generous plots. Where roof storeys are evident, they are set within the roof structure, rather than being additional storeys clad to resemble a roof structure, and clearly subservient to the body of the house. Later insertions of flatted blocks such as Wakeling Court are occasional anomalies within this townscape and do not change its fundamental character. I conclude therefore that there is a reasonably strong pattern and character of development in the area. In view of the characteristics of scale and design I have highlighted above, the appeal proposal would not sit easily within this context. Consequently, it would harm the character and appearance of the area.
 9. While set back from the front of the site, the appeal proposal would entail the removal of some of the existing planting which currently screens views of the house from the road. This, and the difference in levels would mean that some views of the proposed building from the road would be likely. It would also be very visible from properties around it and would therefore form a conspicuous and obtrusive element in the townscape, which would add to the harm.
 10. As it would harm the character and appearance of the area, the proposed flatted block would conflict with the provisions of Policies SP1.2, SP4.1 and SP4.2 of the Croydon Local Plan Strategic Policies 2013 (the LP) in regard to the protection of local character, and with saved policy UD2 of the Croydon Replacement Unitary Development Plan 2006 (the UDP) which seeks development which reinforces and respects the existing development pattern and Policy UD3 of the UDP which seeks development which respects the height and proportions of surrounding buildings.

11. It would also conflict with Policy 7.4 of the London Plan 2015 which requires that development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

Living conditions of neighbouring occupiers in respect of overlooking and privacy

12. The appeal proposal would create new windows at a higher level and closer to the site boundary than those in the existing house, and serving bedrooms and living rooms. There would also be new, high level terraces on the rear elevation, facing onto the garden of No 39 Peaks Hill.
13. The boundaries of the appeal site are generally marked by high fences or walls and generously planted, but it appears to me that the height of windows to the upper floors of the proposed block would mean that they would gain some visibility over these boundary treatments. While the distance between elevations would still be quite large, the majority of windows would be the primary windows to living areas, and only some could be obscure glazed. Increased views into rear gardens would as a result create actual and perceived increase in overlooking of these spaces. Consequently, it would cause harm by reducing the privacy of the occupiers of adjacent houses.
14. The extent of harm arising from this would be limited in my judgement. Nevertheless, it would give rise to conflict with the provisions of saved Policy UD8 of the UDP and Policy 7.6 of the London Plan, which seek to protect the privacy of the occupiers of adjoining buildings.

Retention of protected trees on the site

15. The appeal site is covered by a Tree Preservation Order¹, which protects a number of individual trees on site, including a mature Cedar of Lebanon and mature Giant Redwood, which I observed on site to have significant amenity value. None of the protected trees are proposed to be removed. The Council has expressed concern that no tree report to British Standard 5837 has been supplied, and that therefore it is not possible to be certain that the proposed development will not harm the existing trees on site.
16. However, an Arboricultural Report and Arboricultural Appraisal and Implications Assessment, by ACS (Trees) Consulting, dated 8th August 2016, has been brought to my attention, and was, according to the applicant, part of the original application. It sets out a survey of all trees on site, pruning recommendations, and proposals for protecting them during construction works.
17. The submitted drawings furthermore show that the layout of the front garden of the house would retain a similar configuration, particularly in relation to the hard-surfaced areas that skirt the trees on site. This is reflected in the arboricultural report and a statement submitted by the appellant as part of the appeal, which elaborates on the protection of the trees from heavy vehicle traffic during construction.
18. Taking account of this, the evidence before me indicates that the protected trees on site would be retained and protected. I also conclude that, had I not decided that the appeal should be dismissed, it would have been possible to

¹ Ref. TPO no. 25, 1988

secure by conditions further details and measures to secure the protection of the trees.

19. I conclude therefore that the appeal proposal would not compromise the retention of the protected trees on site, and would not as a result conflict with saved Policies UD14 of the UDP, which requires that applicants provide sufficiently detailed landscape information to enable the scheme to be considered in context, nor with Policy NC4 of the UDP, which states that development will be refused if it results in the loss of valued trees. Policy SP7 of the LP seeks to protect the green infrastructure of Croydon, and I conclude that the appeal proposal would not conflict with this.
20. I conclude also that it would not conflict with Policy 7.4 of the London Plan which states that development should improve an area's visual or physical connection with natural features, nor with 7.21 of the London Plan which seeks to protect, maintain and enhance trees and woodland.

Conclusion

21. Notwithstanding my findings on the protected trees on site, for the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR