

---

## Appeal Decision

Site visit made on 13 March 2017

**by A A Phillips BA(Hons) DipTP MTP MRTPI**

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

**Decision date: 7 April 2017**

---

**Appeal Ref: APP/L5240/W/16/3165317**

**49 Castlemaine Avenue, South Croydon CR2 7HW**

- 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 and Mrs Colin Bennett against the decision of the Council of the London Borough of Croydon.
  - The application Ref 16/02686/P, dated 23 May 2016, was refused by notice dated 21 July 2016.
  - The development proposed is conversion of an original coach house building to provide a new dwelling with two bedrooms accessed via Binfield Road.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. Although the appellants state that the correct address is 'The Old Coach House, down the lane, North East of Binfield Road, CR2 7HP', I have taken the address of the site from the application form and the appeal form as I find it to satisfactorily describe the appeal site.

### Main Issues

3. The main issues are:
  - i. the effect on the character and appearance of the area; and
  - ii. whether the proposal provides satisfactory access arrangements to serve the proposed dwelling.

### Reasons

#### *Character and appearance*

4. The appeal site is currently occupied by a two storey detached building which has the appearance of a former coach house which is currently in a poor, rather dilapidated condition and in much need of repair. It is situated at the end of the rear garden of 49 Castlemaine Avenue and appears to have previously been used as some kind of ancillary accommodation or storage use associated with the main dwelling. It is accessed via a shared track off Binfield Road which serves a number of garages and parking spaces associated with nearby properties.
-

5. According to evidence submitted by the appellant the former coach house appears to have been built around 1906 and is of some historic significance through the property's association with the Grant family of 'Grant Brothers of Croydon' which at one time was a large department store in Croydon.
6. The site is situated in a residential area which is mainly characterised by large detached properties fronting onto the main residential streets set within large plots with long, relatively narrow rear gardens. This pattern of development is a strong defining characteristic of the area contributing towards it being a high quality attractive residential environment.
7. The proposed development and its associated very limited amenity space would be significantly smaller than other plots in the area and as such would be at odds with the established pattern of development to the detriment of the distinctive character. Although there are other garages and buildings served by the access track off Binfield Road they are ancillary to the main residential properties in the surrounding area.
8. The dwelling would not benefit from a street frontage as do other established residential properties in the area and would adopt the appearance of a back land development which is not characteristic of the locality. Consequently, it does not respect the existing characteristic pattern of development and would appear as a cramped form of development at odds with its surroundings.
9. Therefore, on this matter I conclude that the proposal would be harmful to the character and appearance of the area and contrary to the design provisions of Policies 3.5, 7.1, 7.4 and 7.6 of The London Plan March 2015, Policies SP1.1, SP4.1 and SP4.2 of the Croydon Local Plan Strategic Policies April 2013 (Strategic Policies) and Policies UD2, UD3, UD8, H2 and H5 of the Croydon Replacement Unitary Development Plan Written Statement July 2006 (the UDP). These seek to ensure that development should make a positive contribution to local character, be informed by the distinctive qualities, identity and topography of an area and reinforce and respect the existing development pattern, among other things.

#### *Access Arrangements*

10. The access is not within the application red line boundary although the plans indicate the property would be accessed off Binfield Lane via the existing lane. I understand from the appellants' evidence that there is a deed of covenant that refers to the access track which leads to the appeal site. However, the Council's second reason for refusal seems to relate to the lack of clarity regarding whether the appellant has rights to access over this land and, if it is shared, whether other owners have been notified. However, I can find no reason why the grant of planning permission in this case would negate or supersede any private legal rights relating to land ownership. Accordingly, such issues relating to land ownership have not had any material bearing on my assessment of the planning issues in this case.
11. Although the site has a Public Transport Accessibility Level (PTAL) of 2, indicating poor access to public transport, I noted at my site visit that the site is within close walking distance to bus routes on Coombe Road. The proposal is a three person unit and two vertical bike racks would be provided. Consequently no off street parking is proposed and therefore access down the

lane would only be required for pedestrians and cyclists. I find that such arrangements would be satisfactory.

12. Therefore, on this issue I conclude that the proposal would provide satisfactory access arrangements to serve the proposed dwelling not conflict with the provisions of Policies UD2, UD3, UD8, H2 and H5 of the UDP and Policies 7.4 and 7.6 of the London Plan in relation to layout, siting and back land development, among other things.

### **Other matters**

13. I appreciate that the proposal would make a contribution to the supply of housing in Croydon and that, although there is some concern regarding the quality of some of the proposed accommodation with respect to light and outlook, the floor space would meet the provisions of the Nationally Described Space Standards. However, new residential development should only be permitted where it meets policy requirements relating to the character of the area. In this case I have found that the proposal would harm the character and appearance of the area.
14. I appreciate that there is some local historic interest in the former coach house and that the proposed development represents an opportunity to retain and bring life to the non-designated heritage asset. I understand the wishes of the appellants to provide suitable accommodation for their son's young family who would otherwise not be able to own a house in the area. However, the benefits in relation to the retention of the building and these personal circumstances are not sufficient to outweigh the harm that I have identified.

### **Conclusion**

15. Although I have found that the proposal would provide satisfactory access arrangements, I have found harm to the character and appearance of the area. That is the prevailing consideration. For the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

*Alastair Phillips*

INSPECTOR