
Appeal Decision

Site visit made on 28 March 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 12 April 2017

Appeal Ref: APP/L5240/W/17/3166386
16 Portnalls Close, Coulsdon CR5 3DB

- 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 ESJ Partnership against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/05239/FUL, dated 9 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is erection of a two-storey five bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the surrounding area; the effect of the proposal on the living conditions of neighbours, with particular regard to privacy and visual impact; whether the proposal would provide satisfactory living conditions for future occupants, with particular regard to outlook, and; whether the proposal would compromise highway safety and accessibility.

Reasons

Character and appearance

3. The appeal site is located in a predominantly residential area, and forms part of the garden of 16 Portnalls Close. No 16 sits within a distinctive layout whereby short terraces of dwellings face the highway in a roughly semi-circular formation. The back gardens within Portnalls Close vary quite substantially in terms of their size and shape, but nonetheless appear to be integral to the original design of the area.
 4. The development would result in the subdivision of the plot of No 16, and the construction of the new dwelling within its own garden. Policy H5 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 (UDP) sets out requirements for residential development on back garden sites, and states that the form, layout, siting and site area should respect the existing character. In this case, the development would disrupt the established pattern of garden plots in this part of Portnalls Close, which are laid out radially in relation to the cul-de-sac.
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5. I accept that the new house would be largely out of sight of the street. However, it would be visible from the access track and from neighbouring properties, and would appear as an uncharacteristic and incongruous form of development which would be out of keeping with its surroundings.
6. I thus find that the proposal would unacceptably harm the character and appearance of the surrounding area. It would therefore fail to comply with UDP Policy H5. It would also be at odds with the National Planning Policy Framework which seeks to secure high quality design.

Living conditions

7. Due to the proximity of the appeal site to the garden of 14 Portnalls Close, the lower halves of the windows of three bedrooms on the first and second floors of the new development would be obscured. I accept that the upper halves of the windows would be clear glazed, allowing some views out of the rooms. Nonetheless, I am concerned that the obscuring of the lower sections would significantly curtail the outlook from these habitable rooms. As a result, the bedrooms would feel confined and unpleasant to use, which would be unacceptably harmful to the living conditions of future occupants.
8. The appellant has suggested that a condition could be imposed requiring the windows in question to be fully glazed with clear glass. However, such a measure would be likely to harm the privacy of the neighbours using the garden at No 14, due to harmful overlooking from the three bedrooms. As a result, the suggested clear glazing would not be a satisfactory solution. I accept that the dwelling would have a satisfactory outlook from the front rooms. Nonetheless, this would not overcome my concerns about the harmful impact of the significantly limited outlook from the bedrooms.
9. I therefore conclude that the proposal would fail to provide satisfactory living conditions for future occupants. It would thus conflict with UDP Policy UD8, which seeks to protect residential amenity.
10. The Council also voices concern over the effect of the proposal on living conditions of occupants at 18 Portnalls Close, to the south of the appeal site. The new dwelling would face towards the garden area of No 18 across the access track. On my visit, I observed that No 18 has a range of outbuildings along northern boundary of the garden. However, I was unable to gain access to that property, and there is little detailed evidence before me to show the degree to which the outdoor space at the rear of No 18 would be affected by the development.
11. I am therefore unable to reach a conclusion on the impact on living conditions that the occupants of No 18 would experience as a result of the appeal scheme. However, this issue is not determinative, as I have found the proposal to be unacceptably harmful for the reasons given above.

Highway safety and accessibility

12. Vehicular access to the new dwelling would be taken from the track which runs to the south of No 16. This is a narrow track of approximately 3m in width. It currently gives access to the existing parking area for No 16, and to garages for other properties in the vicinity.

13. The proposal would reposition the parking space for No 16 closer to the existing building, and would provide a garage for the new dwelling. UDP Policy UD13 sets out guidelines for parking design and layout. It states that detailed attention should be given to safety and security, siting, and ease of access by users. Car parking should also be efficient and well designed.
14. I am concerned that the proposed parking provision has not been sufficiently well considered. The appellant states that visibility splays measuring 1.5 x 1.5m could be secured by condition. However, a car leaving the garage and reversing eastwards onto the track would have to pass very close to the corner of the new dwelling. In the absence of detailed sight lines, I am not convinced that visibility would be adequate for this manoeuvre. Furthermore, the space allocated for No 16 would be even more constrained, and there is no indication that satisfactory sight lines could be achieved for this parking area.
15. I accept that, given the nature of the track, vehicles using it would be likely to be moving at slow speeds. However, as it provides vehicle and pedestrian access to a number of properties, there would still be scope for collisions and accidents. Conditions may be used to secure additional information for schemes that are deemed to be acceptable in principle. In this case, it has not been demonstrated that acceptable sightlines could physically be provided for the new parking areas. I therefore conclude that highway safety would be unacceptably compromised by the proposal, which would thus be at odds with UDP Policy UD13.
16. The Council also raises concerns about access for refuse collection and emergency services. As there is no indication on the plans as to where bins would be sited for collection, I cannot reach a conclusion on this issue. Similarly, the appellant has not convincingly demonstrated how emergency services would be able to access the property if required. However, as I have concluded above that the proposal would unacceptably compromise highway safety, I have not considered these matters in any further detail.

Other matters

17. I have been referred to a planning permission¹ which was granted for nine dwellings on land near the appeal site, and I have been provided with a block plan for this development. However, I do not have sufficient detail of that scheme before me to be certain of the circumstances in which it was found to be acceptable. In any event, having taken the block plan into account, I am not persuaded that it represents a suitable example to follow on the present site. I have considered the appeal case on its own merits, and I can afford only limited weight to that development.
18. I agree that the appeal site is in an otherwise sustainable location, and that it would contribute a dwelling to the housing supply. Whilst this benefit, however modest, is to be given some weight, it would not outweigh the harm I have identified above.

¹ 13/03692/P

Conclusion

19. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR