
Appeal Decision

Site visit made on 1 February 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/L5240/W/16/3158164

Land at r/o 118 Pawsons Road (fronting Pitt Road), Pawsons Road, Croydon, CR0 2QF

- 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 Townplot Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02837/P, dated 2 June 2016, was refused by notice dated 29 July 2016.
 - The development proposed is redevelopment of a vacant site with erection of three storey building to provide 4 no. residential units comprising 2 x 2 bed flats and 2 x studio flats at the land rear of 118 Pawsons Road fronting Pitt Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's statement raises the matter of discrepancies between the submitted plans and Design and Access Statement. For the avoidance of doubt my decision is based on the elevation plans submitted to the Council. In addition the appellants have provided alternative internal layout plans. These would not alter the external envelope of the building and the Council has had an opportunity to comment on them. Therefore I have taken them into account.

Main Issues

3. The main issues are:
 - The effect of the building on (a) the living conditions of existing occupiers with particular regard to outlook, privacy, daylight and sunlight; (b) the character and appearance of the area; and (c) whether the building would provide appropriate living conditions for future occupiers, with particular regard to internal space standards.

Reasons

Living conditions of existing occupiers

4. No 116 Pawsons Road is located close to the appeal site. It has rear facing windows and a rear garden area adjacent to the appeal site. The rear wall of the building would face toward the garden area of No 116. It would extend across the full extent and be in close proximity to the shared boundary. Therefore it would be visible from the garden of No 116. The proximity to No 116 does give cause for concern. In particular the large three storey rear
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elevation which the plans indicate that it would be about 8.96m in height. A large proportion of this would be visible above the common boundary wall. There is no planting on the boundary. I appreciate that the plans show a 'vista green wall' to the side elevation. This would lessen some of the impact to No 118. Nevertheless, the side of the new building would also be in close proximity to the rear elevation of this building and would be both prominent and visible.

5. Therefore, irrespective of final appearance or the appellants' control of No 118, the proposal would be prominent from No 116 when viewed from the house and garden and from No 118. Consequently the outlook from Nos 116 and 118 would be obstructed by an imposing building of significant height. The effect would be overbearing. It would result in substantial harm to outlook.
6. I note that there is no dispute regarding the inter visibility between windows. The dispute relates to the impact on the garden areas of existing dwellings. The rear elevation of the building would contain a number of windows. Those at ground floor level would be partially obscured by the existing boundary treatment. Those at first floor would relate to bedrooms but the main living area for this unit would be at the front. However at second floor level the unit shown as 'studio 1' would have a single aspect for the bedroom and living/kitchen areas. These windows would be close to the boundary and face directly toward the garden area of No 116 and No 114 beyond. These views would be direct and could not be mitigated. Therefore I consider that proposal would lead to loss of privacy to adjoining occupiers. Both of these issues would be compounded by the location of the building. It would be between three and four storey in height. It would be located to the south west of the existing garden areas and to the west of No 118. As a result it would impact on daylight in the late afternoon and evenings.
7. I therefore conclude that the proposal would have a harmful effect on the living conditions of the occupiers of existing dwellings. Therefore it would conflict with UDP policy U8 and LP policy 7.6 which amongst other things seek to protect existing occupiers from undue visual intrusion. It would also be in conflict with the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all existing occupiers of land and buildings.

Character and appearance

8. The new building would be three storeys in height with a four storey element to one side to provide access to the roof terrace. This part would be positioned adjacent to No 118 Pawsons Road. This building is a large three storey building itself. The new building would be comparable with it and step down in height adjacent to No 2 Pitt Road, which is a two storey house.
9. The design approach would create a building with a flat roof. This would not appear out of place on this side of Pitt Road. It would sit between two buildings that have strong parapets and a flat roof appearance. In addition the predominant material of brick would not appear out of place within the street scene which contains some brick and white, grey and brown render finishes. I understand that the Council are concerned about the lack of openings in visible side elevations. However, there are already blank side elevations in the street or with a small amount of openings. Therefore this would not appear out of place. Overall as a result the scale and general appearance of the building would sit comfortably in the street scene.

10. I therefore conclude that the proposal would not harm the character and appearance of the area. It would not be in conflict with policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan (UDP), London Plan (LP) policies 7.1, 7.4, 7.6 and 7.8 and Croydon Local Plan Strategic Policies (SP) SP4.1 which amongst other things require new development to be of a high quality that respects and enhances local character and contributes positively to the public realm.

Living conditions of future occupiers

11. The Mayor's Housing SPG 2016 and the Department for Communities and Local Government's Technical Housing Standards (Nationally Described Space Standard, March 2015) set out minimum space standards for dwellings.
12. The reason for refusal refers specifically to the internal floor space of the new units. In particular that all four of the flats would not meet the relevant space standards. The appellants have proposed amendments that they consider could ensure compliance. The Council accept that this could be achieved for Flat 1 and 2. In particular that if amended to 2 bed 3 person units the shortfall would not be significant. However, it maintains that, even taking into account the amendment, flats 3 and 4 would remain below the standard for a one bed flat.
13. I am conscious of the need to avoid inflexible standards, especially in an urban context. The plans show that it is possible that a double bed could be provided in the bedrooms shown, with a single or sofa bed within the studios. The bedrooms and living areas would be a regular in shape that would allow satisfactory arrangement of furniture. In addition all the units would have access to a communal terrace area. Whilst the exact occupation of the flats cannot be predicted the design and layout is such that it is likely that they would primarily appeal to single people or young couples.
14. Consequently, in spite of any conflict with The Mayor's Housing SPG 2016 and the Department for Communities and Local Government's Technical Housing Standards (Nationally Described Space Standard, March 2015), which refer to the minimum space standards, I conclude that overall the limited reduction in floor areas in this case would not lead to unacceptable living conditions.

Conclusion

15. I have found that the scheme would not harm the character and appearance of the area and overall the living conditions for future occupiers would be acceptable. However, the building would result in significant harm to the living conditions of existing occupiers. As a result the scheme would be in conflict with the development plan. I attach significant weight to this finding which is not altered or outweighed by my conclusions on the other issues.
16. Therefore, for the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR