

Appeal Decision

Site visit made on 12 April 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 8th May 2017

Appeal Ref: APP/L5240/W/16/3168175

3 Lawrence Road, South Norwood, London SE25 5AA

- 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 Saeed against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/01910/P, dated 8 April 2016, was refused by notice dated 4 July 2016.
 - The development proposed is conversion of existing dwelling to form two terraced houses.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing dwelling to form two terraced houses at 3 Lawrence Road, South Norwood, London SE25 5AA in accordance with the terms of the application, Ref 16/01910/P, dated 8 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered Ordnance Survey Extract; 001 – Existing Ground Floor; 002 Existing Front Elevation; 003 – Existing First Floor; 004 – Proposed Ground Floor; 005 – Proposed First Floor; and 006 – Proposed Front Elevation.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development falling within Classes A, B, C and E of Part 1 of Schedule 2 of the Order shall be carried out.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilages of the dwellinghouses hereby permitted between their front elevations and the public highway.
 - 5) No windows shall be inserted into the eastern elevation of the easternmost of the dwellinghouses hereby permitted.
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Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area, including the street tree outside 3 Lawrence Road (No 3); and the safety for pedestrians and drivers.

Reasons

Character and Appearance

3. No 3 is a two storey end of terrace property, with a part single and part two storey side extension that was designed to be a 'granny annex'. The development would involve the conversion of No 3 into two houses, with one of the dwellings being accommodated within the originally constructed house (house A), while the second dwelling (house B) would occupy the annex.
4. The conversion scheme would involve minimal alterations to the exterior of No 3, with the only elevational alteration involving the insertion of a front door for house B. As part of the scheme each of the houses would be provided with a forecourt parking space. To facilitate that parking there would be some lateral enlargement of the hard surfaced forecourt, necessitating the removal of part of the front fence and hedge.
5. While house B would be narrower than the original houses in Lawrence Road, which for the most part are semi-detached properties, I consider that it would not look out of place. In that respect I consider it of note that it appears that No 1 and 3 were originally built as a pair of semi-detached houses, which have become part of a short terrace with the addition of Nos 1A and 1B, with one of those houses originally having been an extension to No 1. Nos 1A and 1B are each of an individual design and they are narrower than Nos 1 and 3 and the semi-detached houses that are prevalent in this street. However, I did not find the narrower widths of Nos 1A or 1B to look out of place and I consider that house B's width would not be so exceptional as to leave this dwelling with an appearance that would be harmful to the area.
6. The appellants have submitted that the frontage could be retained in an open plan form. To that end it has been suggested that a planning condition precluding the installation of means of enclosure could be imposed. I consider that if the frontage for the new and existing properties was to be kept open, then the plot widths would not be readily discernible.
7. Concern has been raised that the provision of a wider dropped kerb could result in the street tree outside No 3 being removed. It is, however, unclear as to whether that concern relates to: the works associated with the widening of the dropped kerb affecting the tree's roots; or the movement of vehicles to and from the forecourt area.
8. The tree outside No 3 is one of a small number within the public highway and I found those trees to be making a limited contribution to the streetscene. I consider that the tree outside No 3 should not be considered as being highly valued and were it to be lost, either in association with the formation of the extended dropped kerb or because of damage arising from the use of the access, then that loss would not cause significant harm to the streetscene. There is a split in the tree's trunk, below its branch level, which suggests that this tree may, in any event, not be in the best of health, with implications for its life expectancy.

9. I therefore conclude that the development would not be harmful to the character and appearance of the area. I therefore consider that there would be no conflict with Policy SP4.1 of the Croydon Local Plan Strategic Policies of 2013 (the CLPSP); saved Policies UD2 and NC4 of the Croydon Replacement Unitary Development Plan of 2006 (the UDP); and Policies 7.4 and 7.6 of the London Plan (with consolidated alterations since 2011) of 2015 (the London Plan). That is because the development would be respectful of its surroundings, most particularly in terms of the building's frontage width and proportions and would not result in the loss of a valued tree.

Safety for pedestrians and drivers

10. The presence of the hedge on both sides of the access and the fence on its western side would mean that the vision of the pavement for drivers emerging from the forecourt parking area would be limited. However, the prevailing situation provides limited driver visibility, especially for vehicles reversing from No 3's forecourt. The absence of good visibility for drivers emerging from the forecourt area would mean that they would be likely to exercise caution, with emerging vehicles travelling at low speeds. I therefore consider that the use of the widened access would not generate conditions that would be harmful to either pedestrian or other vehicle drivers' safety.
11. No details of any alterations to No 3's existing dropped kerb have been included with the application. Given that No 3's access would be widened from 4.3 metres to 7.5 metres¹ the Council contends that it is likely that the dropped kerb would also be widened significantly and that that change would be prejudicial to pedestrian safety. I note that the highway authority has a policy of not allowing dropped kerbs of more than 3.6 metres in width. However, within Lawrence Road there are a number of properties that share wide dropped kerbs, for example Nos 7 and 9 and 10 and 12 and they did not appear to provide any particular hazard for pedestrians, not least because the height of the footways in this street are quite shallow. I am therefore not persuaded that a widened dropped kerb would create any unacceptable hazards for pedestrian safety, with the ultimate width for the dropped kerb to be determined by the highway authority as part of the relevant consenting regime.
12. For the reasons given above I conclude that the development would not cause unacceptable harm to pedestrian or driver safety. I therefore consider that the parking arrangements for the development would not be in conflict with Policy UD13 of the UDP because there would be no adverse effect on safety. While the second reason for refusal contends that there would be conflict with Policy 6.12 of the London Plan I consider that policy to be irrelevant to this development. That is because Policy 6.12 concerns the making of highway capacity improvements, including the provision of new roads.

Conditions

13. The Council has suggested various conditions and I have considered the need for their imposition, having regard to the provisions of national policy and guidance. Apart from the standard time limit condition, I find it necessary that the development should be built to accord with the submitted plans for certainty.

¹ Dimension taken from paragraph 6.10 of the Council's appeal statement

14. The new dwelling would have a quite modest plot and would owe its origins to being an extension to No 3. Accordingly to safeguard the character and appearance of the area I therefore consider it necessary that the permitted development rights relating to extensions, roof alterations and outbuildings should be removed and I have imposed a condition to that effect. For the reasons given above I consider it necessary to impose a condition that would preclude the installation of fences, gates or walls in advance of the front elevations of the dwellings. To safeguard the privacy of the occupiers of No 5 it is necessary that a condition be imposed preventing the installation of windows in the eastern elevation.
15. Conditions concerning the submission of external facing material details and the incorporation of measures to reduce carbon emissions have been suggested. However, as the development would involve the conversion of the recently constructed annex I consider that the aforementioned conditions are unnecessary. The intended location for the refuse and cycle storage facilities are shown on drawing 004 (proposed ground floor) and given the comparatively modest scale of this development I consider it unnecessary for further details of those facilities to be submitted for the Council's approval. When regard is paid to the details shown on drawing 004 and the modest scale of this development, I also consider that a condition requiring the submission of details of hard and soft landscaping is unnecessary.

Conclusion

16. For the reasons given above the appeal is allowed.

Grahame Gould

INSPECTOR