



Appeal Decision

Site visit made on 27 February 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2018

Appeal Ref: APP/L5240/W/17/3188414

**Land adjacent and rear of 110 Auckland Road and 4 Sylvan Road,
Upper Norwood, London SE19 2BY**

- 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 Rupert Gledhill against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/06159/FUL, dated 5 December 2016, was refused by notice dated 17 August 2017.
 - The development proposed is the erection of a three storey building comprising five two-bedroom flats at the rear of 4 Sylvan Road and a two storey building comprising four two-bedroom flats at the rear of 110 Auckland Road, provision of associated off-street parking (accessed from Auckland Road), and storage for refuse and cycles.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a three storey building comprising five two-bedroom flats at the rear of 4 Sylvan Road and a two storey building comprising four two-bedroom flats at the rear of 110 Auckland Road, provision of associated off-street parking (accessed from Auckland Road), and storage for refuse and cycles at land adjacent and rear of 110 Auckland Road and 4 Sylvan Road, Upper Norwood, London SE19 2BY in accordance with the terms of the application, Ref 16/06159/FUL, dated 5 December 2016, subject to the conditions below.

Main Issue

2. The main issue is the effect of the proposed development on the setting of the Grade II* listed Church of St John the Evangelist and on the character and appearance of the Church Road Conservation Area.

Reasons

3. I am required by statute to have special regard to the desirability of preserving the listed building (LB) or its setting or any features of special architectural or historic interest which it possesses. I am similarly required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area (CA).¹
4. St John's Church is an imposing large red brick Gothic Revival building of Early English style designed by John Pearson erected between 1878 and 1887. It sits in a dominant position on a large prominent corner plot at the junction of

¹ S66(1) & 72(1) respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990

Auckland Road and Sylvan Road. The Parish Hall facing Sylvan Road was added sometime between 1896 and 1913. The original vicarage, which was replaced by the Sylvan Road flats, was rebuilt within the church grounds to the south east of the church in 1971.

5. The land falls away steeply from the church so that the ground level of the vicarage is lower than that of the church and Parish Hall. There is a retaining wall along the southern boundary of the church grounds such that the ground level of the site is at least a storey below that of the vicarage if not more.
6. The site comprises what were once the extended rear gardens of 110 Auckland Road (No 110) and 4 Sylvan Road (No 4), an area of about 0.2 hectare in total. The former is a 2-3 storey detached late Victorian villa now converted into flats. The latter is a large 3-4 storey building of a similar age, originally a large dwelling house now subdivided into 10 self-contained flats. Both buildings are locally listed and they, the site and the church all lie within the Church Road CA.
7. The proposal is to erect a building of more traditional design behind No 110 (Plot 1) comprising four flats at approximately the same ground level as the host dwelling and a split level building of a modern design built into the hillside as the ground rises up towards No 4 (Plot 2).
8. The Council raises no objection to the designs of these buildings, or to their effect on their locally listed host buildings or the CA. Its sole refusal reason and objection to the proposal is concerned with their impact on the setting of the Grade II* listed church.
9. Both new buildings would be about 24 metres from the Vicarage and about 40 metres from the nearest part of the church itself. Plot 1 would have a ground floor level at least a whole storey below that of the vicarage. Whilst Plot 2 would sit slightly higher up the slope it too would be lower than the vicarage. It would be considerably lower than the rear ground floor level of No 4. Due to the design of the roof of Plot 1 its ridgeline would be only slightly higher than the eaves of No 110.
10. There are a number of mature trees within the site and along the boundary with the church and No 4's rear parking area. The combination of the new buildings' backland site, low roof profiles and this planting would mean that they would hardly be noticed from Auckland and Sylvan Roads. The proposed buildings would be seen from the rear of the church, the church grounds and the vicarage. But the considerably lower level of the site compared to the church and the distance of the new buildings from it would mean that they would have a minimal effect on its setting. The height and mass of the church in its elevated position would continue to dominate this part of the CA and the new blocks of flats would be clearly subsidiary to it in terms of size, scale and topographical location.
11. For these reasons I do not support the Council's argument that the proposed development would harm the setting of the listed church of St John. Its arguments appear to relate to its view that the original heritage statement submitted by the appellant was purely descriptive rather than analytical. Whilst I agree that this was the case the appellant has submitted a more thorough heritage statement with his statement of case and the Council has

failed to identify in what way the proposed buildings would harm the LB's setting. I have explained above why, in my judgement, they would not.

12. In terms of the CA I acknowledge that the proposal could be described as backland or even 'tandem' development but in terms of its siting Plot 1 would continue the line of development in Auckland Close to the south and Plot 2 would be in line with the 1960s/70s adjacent backland development at Kitley Gardens. Whilst the latter lies outside the CA it certainly impacts upon its setting and the new infill houses at 18 and 20 Auckland Close are within the CA. As such I consider the proposed new buildings and the means of access to them from Auckland Road would not be out of keeping with the character and appearance of the area. Consequently I conclude that the proposed development would preserve the character and appearance of the CA.
13. London Plan Policies 7.4, 7.6 and 7.8 require good design that respects the area including preserving the settings of LBs and the character and appearance of CAs. On the day of my visit the Council adopted the new Croydon Local Plan (CLP). This supersedes the Croydon Local Plan: Strategic Policies (2013) and replaces the Saved Policies of the Unitary Development Plan (2006). Having asked the main parties which policies in the new Plan they consider to be most relevant it appears to me that these are Policies DM10 (Design and character) and DM18 (Heritage assets and conservation). These Policies require respectively that development is well designed and appropriate to its context and that heritage assets and their settings are preserved. The proposed development would comply with these Policies for the above reasons.

Other Matters

14. Although the Council does not object on any other grounds there were 18 letters of objection from neighbouring residents and others on a number of grounds. In terms of objections relating to loss of privacy and light I consider that the former could be prevented by the Council's suggested condition; in terms of the latter I consider both proposed buildings would have minimal impact on light to neighbours including those in Auckland Close. There is no reason to believe that the proposed development would add to flood risk in the vicinity of the site. All the other matters raised can be suitably dealt with by conditions.

Conditions

15. The Council has suggested a number of conditions most of which I agree are necessary albeit I have altered some of the wording in order to better meet the tests set out in Planning Practice Guidance. However, a condition reserving external facing materials is unnecessary because these have all been provided and are satisfactory in my opinion. No justification has been provided for the conditions seeking a reduction in CO² beyond that set out in Building Regulations, or the condition restricting water use. No evidence has been provided of any likely contamination on the site and this appears unlikely since its last use was as gardens of houses.
16. A condition listing the approved drawings is necessary in order to be precise as to what has been approved. Further details are required on a range of matters in order to safeguard the character and appearance of the area. Conditions are required specifying obscure fixed windows in the elevations of the blocks nearest to neighbours in order to preserve their privacy. A condition is

necessary requiring the provision and retention of the access and parking space in the interest of highway safety.

17. The prior agreement of a construction method statement is necessary in order to safeguard highway safety and neighbours' living conditions during construction. Full hard and soft landscape details are necessary in order to secure the character and appearance of the area. Levels, gradients and surface water drainage details are required to be submitted in order to prevent flooding in the area. A condition tying the construction work to the tree protection measures in the submitted tree survey is necessary in order to safeguard important trees to be retained. Finally, details of any piling required to construct the development should be agreed with the Council in order to minimise disturbance to neighbours and protect the adjoining designated and locally listed buildings.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed, subject to the conditions below.

Nick Fagan

INSPECTOR

Schedule of 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: All E370: PP/001 rev1, PP/002 rev1, PA/120, PP/130 rev1, PP/004 rev1, PP005 rev1, PP006 rev1, PA/007, & PP/008.
- 3) Prior to development commencing the following details shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Refuse/recycling stores (appearance)
 - b) Security lighting (specification and siting)
 - c) Visibility splays to the vehicle entrance off Auckland Road
 - d) Balustrades and privacy screens to balconies (height and appearance)
 - e) Finished floor levelsThe approved details shall be implemented accordingly and thereafter retained.
- 4) Regarding Plot 1 behind 110 Auckland Road the windows at first and second floor levels which face south and south west shall be obscure glazed and fixed shut and retained as such.
- 5) Regarding Plot 2 behind 4 Sylvan Road the windows at first and second floor levels which face south and south east shall be obscure glazed and fixed shut and retained as such.

- 6) The car parking area set out on the approved plans and the vehicular access shall be provided prior to first occupation of the development and thereafter retained.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) a statement setting out the design objectives and how these will be delivered;
 - ii) earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) boundary treatment[s];
 - v) vehicle parking layouts;
 - vi) other vehicle and pedestrian access and circulation areas;
 - vii) hard surfacing materials;
 - viii) minor artefacts and structures [e.g. furniture, play equipment, refuse or other storage units, signs, etc.];
 - ix) proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
 - x) retained historic or other landscape features and proposals for restoration, where relevant;
 - xi) renewable energy installations where relevant;
 - xii) lighting, floodlighting and CCTV;
 - xiii) water features;
 - xiv) an implementation programme, [including phasing of work where relevant].

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 9) Plans of the new street including levels, gradients, surface water drainage and construction shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The foundations of the carriageway shall be constructed in accordance with the approved details and a Road Making Agreement entered into prior to the commencement of other building operations. No part of the development shall be occupied until the approved details have been fully implemented.
- 10) Tree protection shall be carried out in accordance with the Tree Survey report by Advanced Tree Services dated 2016. Prior to works to create the new paths and vehicular access/hardstanding any excavation within the root protection areas of the trees to be retained on site shall be completed using a no-dig construction method. There shall be no excavation lower than the existing sub-base. There shall be no mechanical excavation or level changes within the root protection area of these trees.
- 11) No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling shall be undertaken in accordance with the terms of the approved piling method statement.

End of Conditions