
Appeal Decision

Site visit made on 27 February 2018

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 28 March 2018

Appeal Ref: APP/L5240/W/17/3187135
72-78 Frith Road, Croydon, Surrey CR0 1TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Martin Tucker against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/02217/OUT, dated 9 May 2017, was refused by notice dated 28 July 2017.
 - The development proposed is the demolition of all buildings and erection of a part three, part four storey building with a Class A2 commercial unit on the ground floor and 2 one-bedroom, 2 three-bedroom and 9 two-bedroom flats with associated refuse storage and cycle storage (outline application with only landscaping reserved).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the course of the appeal a signed S106 agreement dated 1 March 2018 between the owners of the land and the Council was submitted. This satisfactorily overcomes the Council's third refusal reason relating to the lack of affordable housing but, since I am dismissing the appeal for other reasons, there is no need for me to address it in any further detail.

Main Issues

3. Consequently the main issues are the effect of the proposed development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Conservation Area, and whether it has been adequately demonstrated that the development would not give rise to additional risk of flooding in the area.

Reasons

Character and Appearance

4. The site comprises a former single storey butcher's shop and associated storage and delivery space at the rear and side of the building respectively. It is located on the edge of Croydon town centre diagonally opposite the Centrale shopping centre and effectively forms the north eastern extent of the shop units in Church Street, a street of secondary shopping frontages.
5. Abutting the site to the south is a four storey commercial development with shop units on the ground floor and offices above (Vanita Court), behind which

is a single storey building occupied by the Unicorn Centre. To the north, on this side of the road, is a terrace of seven two storey Victorian houses, one of four Victorian residential terraces in Frith Road.

6. The site and surroundings lie within the Church Street Conservation Area (CA). I am required by statute to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.¹ The site itself lies within the Church Street and Reeves Corner Character Area of the CA, the commercial part of it, whilst the terraced houses lie within the Tamworth Road Character Area, which is more residential in character. As such it is understandable that the design of the proposed building largely reflects the commercial use of the site and the higher density nature of this commercial part of the CA.
7. However, the site abuts the first terrace house in Frith Road and the proposed design should also address the scale, character and appearance of this residential part of the CA. It seeks to do so by creating a street frontage elevation essentially split into two: a four storey element with an inset upper floor abutting Vanita Court and a three storey element next to 70 Frith Road. The design seeks to emphasize these two elements by a slight recessing of the brickwork between them at the upper floor levels and a difference in their floor levels such that the windows in the former align with those in Vanita Court whilst those in the latter align with those in the terraced houses. But in my judgement this design is unsuccessful for a number of reasons as set out below.
8. The proposed front elevation appears to adopt a similar aesthetic to Vanita Court and other 1980s/1990s buildings within this Character Area of the CA. It seems to me that it is such buildings that the Council is referring to when it quotes paragraph 3.3.7 of its adopted *Old Town Masterplan* (OTM) in saying "*The character of Old Town has suffered in the past from development that has not been sympathetic. Old Town is vulnerable to further erosion by future detrimental building developments that do not respect this character.*"²
9. The new building is very close to No 70 and the projecting V-shaped features project well in front of the building line of the terraced houses, which in my opinion would constitute an overbearing and insensitive feature within the street scene. The dark red bricks of which they would be built would draw the viewer's attention to such out of place features, which would appear as a throwback to an architectural style of 30 or so years ago that has not been successful in this area, as the OTM correctly points out.
10. The proposed fenestration would, like that on Vanita Court, exhibit a clashing variety of shapes and sizes and does not have deep reveals, which is a requirement of the OTM. There is insufficient articulation of the shopfronts at ground floor level. The overall composition of the road elevation, with its V-shaped contrasting brick projections, mish-mash of window shapes and sizes with insufficiently deep reveals, inset balconies and insufficiently articulated shopfronts would present a disjointed, cluttered and messy appearance that would fail to preserve or enhance the character and appearance of the CA.

¹ S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

² Council's appeal statement, paragraph 3.7

11. I appreciate that the appellant has spent time and money in trying to refine the original proposal following its withdrawal of the initial 2016 application but, for the above reasons, I conclude that the proposed development would not constitute good design, would not preserve or enhance the character and appearance of the CA and would therefore harm the area's overall character and appearance. Whilst a building of contemporary design may well be acceptable on the site, the proposal would not deliver such a building.
12. The Croydon Local Plan 2018 (CLP) was adopted on the day of my visit and supersedes previous Plans. I gave the main parties an opportunity to comment on what they consider to be the relevant policies in the new Plan. I consider the most relevant Policies to be SP1, SP4 and DM18. These Policies together require good design that respects the character of the area and preserves the character and appearance of CAs. For the above reasons the proposed development would not do so and so fails to comply with these policies. For the same reasons it would fail to meet similar requirements set out in Policies 3.5, 7.4, 7.6, 7.8 and 7.9 of the London Plan (LP) and in paragraph 56 and Section 12 of the National Planning Policy Framework.

Flood Risk

13. The appellant submitted a Drainage Strategy (DS) and Flood Risk Assessment (FRA) as part of the application. However, the Council points out that the site is in a Critical Drainage Area as identified in its Surface Water Management Plan, an area where surface water runoff is considered to influence flooding hotspots in the Borough. The Council's 2015 Strategic Flood Risk Assessment (SFRA) maps two surface water flooding incidents within 20m of the site and several others within 500m of the site. Additionally, the Borough has been ranked as the fourth settlement in England most susceptible to surface water flooding.
14. It is against this background that the Council points out the following omissions in the appellant's submitted DS and FRA:
 1. There is no commentary on current drainage patterns or how water could flow across the site post development;
 2. There are no indicative runoff rates and attenuation volumes indicated for the lifetime of the development for a 1 in 100 year plus 40% climate change storm event;
 3. There is no concept surface water management strategy including a rationale for the SuDS selected (attenuation and discharge into the surface water sewer in Frith Road) in line with London Plan Policy 5.13, indicating layouts and sizing of SuDS on the site; and
 4. There is no reference to the latest (2015) SFRA, which means the appellant's DS is based on outdated information.
15. The appellant points out that the current surface of the site is entirely covered in impermeable surfaces whereas the proposed development scheme is not and so there will inevitably be an improvement on the immediate area in terms of reduction in flood risk. However, in the absence of indicative runoff rates I cannot be certain that this will be the case. It is for the appellant to clearly demonstrate this.

16. The appellant says (in his appeal statement) that he will contact his drainage consultant who produced the DS and FRA and will forward their comments. But I have not seen any further information in this respect. He also appears to indicate that since this is an outline application such drainage matters can be dealt with by condition. Only landscaping is a reserved matter in this case and, in any case, owing to the severity of surface water flooding in the area, I consider that would be entirely inappropriate for development on this site.
17. I appreciate that this is a tight urban site but there is no substantive explanation of how the flow of surface/pluvial water from the site would be attenuated and why it must flow into the surface water sewer. In the absence of any such justification the appellant's drainage strategy is inadequate.
18. LP Policy 5.13 states that development should use SuDS unless there are practical reasons for not doing so, should aim to achieve greenfield runoff rates and ensure that surface water runoff is managed as close as possible to its source. CLP Policies SP6.4 and DM24 have similar or more stringent requirements. For the above reasons I agree with the Council that it has not been adequately demonstrated that the development would not give rise to additional risk of flooding in the area and it would not therefore comply with these development plan policies.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR