



Appeal Decision

Site visit made on 1 May 2018

by Elizabeth Pleasant DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2018

Appeal Ref: APP/L5240/W/17/3190883
67 Orchard Avenue, Croydon CR0 7NE

- 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 Nicholas Roberts against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/00900/FUL, dated 20 February 2017, was refused by a notice dated 8 June 2017.
 - The development proposed is the demolition of existing detached dwellinghouse. Erection of 3 x bedroom houses fronting Orchard Avenue with vehicular access and provision for associated parking, cycle and bin storage. Erection of two bedroom bungalow fronting Woodland Way with vehicular access and provision for associated parking, cycle and bin storage, together with landscaping scheme.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal has been made the Council has adopted the Croydon Local Plan, 2018 (LP). The LP brings together the Council's Strategic Policies and the Detailed Policies and Proposals. Saved Policies in the Croydon Replacement Unitary Development Plan, 2006 have been replaced. The Council has subsequently advised which LP policies are relevant to this appeal and the appellant has been provided with an opportunity to comment on them, and so has not been prejudiced.

Main Issues

3. The main issues in this case are the effect on the:
 - Character and appearance of the area; and
 - The living conditions of future occupiers, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site is situated in a suburban street which is generally characterised by two-storey detached dwellings and bungalows situated within generous plots. The properties vary considerably in their individual design characteristics and appearance, however, by reason of their general alignment, detached form

- and relatively consistent plot coverage and size, the area has a spacious and harmonious appearance.
5. The proposed development would subdivide an existing plot which is occupied by a two-storey detached dwelling which fronts onto Orchard Avenue. The existing dwelling has a distinct design and form which mirrors that of its neighbour No 65. Both properties have garages attached to their flank walls which provide a visual separation between them and contribute to the spacious character of the street scene.
 6. The proposed town houses would take the form of a terrace of three, two and a half storey dwellings which would extend across the full width of the plot. They would be no higher than the neighbouring dwelling; however I share the Council's concerns that the overall scale and appearance of the proposals would not reflect the existing form and character of development in the street.
 7. The composition of the terrace block would not sit comfortably within the street scene. In particular, the provision of the second floor accommodation, partially within the roof space, results in poorly composed elevations. There would be an uncharacteristic relationship between the lintols of the first floor windows and the building's eaves line. Furthermore, the resultant expanse of brickwork and the bulk of the building would be accentuated by the proposed fenestration, which by reason of the window's proportions, design and arrangement would not have a cohesive appearance.
 8. I recognise that the proposed feature gable does provide some verticality to the building. However, its shallow pitch, coupled with the expansive crown roof, would give the building a squat appearance and further emphasise its mass and bulk form. I am not persuaded that the use of contrasting external materials of construction would be sufficient to overcome the concerns I have raised over the design of the building, and I therefore give this consideration limited weight.
 9. The proposed bungalow would front onto Woodland Way, and in a location where neighbouring properties have developed their gardens for similar accommodation. A bungalow would not therefore appear uncharacteristic in this area. However, the appeal site is not as deep as its neighbours, and in addition the amount of development proposed on the site would be significantly more than that which has been accommodated on the neighbouring site. The density and layout of the appeal proposal would conflict sharply with the existing spatial characteristics of the area. Furthermore, the proposed terraced block would be particularly conspicuous from Woodland Way and its scale and mass would visually dominate and further accentuate the bungalow's low rise form. Overall, when viewed from Woodland Way, I have no doubt that the development as a whole would appear cramped and incongruous.
 10. The Government attaches great importance to the design of the built environment. In particular, paragraph 59 of the National Planning Policy Framework advises that new development should take account of the overall scale, density, massing, height, landscape, layout and materials of new development in relation to neighbouring buildings and the local area more generally. In this case, for the reasons set out above, the overall design and appearance of the development would not contribute towards local distinctiveness.

11. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with the development plan and in particular with Policies SP4.1 and DM10.1 of the LP which seek to ensure, amongst other things, that new development is of a high quality, which respects and enhances Croydon's varied character and contributes positively to the townscape. Furthermore, proposals should respect the development pattern, layout, siting, scale, height, massing and density and appearance of the surrounding area. I also find conflict with Policies 3.5, 7.4 and 7.6 of the London Plan which require new development to incorporate high quality design which has regard to the existing pattern and grain of existing spaces, the street and enhance the quality of local places taking into account local character.

Living conditions

12. The proposed rear garden areas to both the proposed bungalow and terraced block would be restricted in depth, and consequently there would be a relatively close relationship between the respective rear elevations. However, there would be a screen fence and trellis along their common boundary that would prevent overlooking between the ground floor habitable windows of facing elevations.
13. The upper floors of the terrace block would be clearly visible from the bungalow and its rear garden, and by reason of its height, bulk and elevational treatment it would appear quite austere. However, the proposed first floor windows which would look directly towards the bungalow, would only serve the dwellings staircase/landing area and bathrooms. Consequently, they would not present a privacy concern as those areas would not be habitable rooms from where overlooking would be a concern.
14. I conclude that the proposed development would not have harmful effect on the living conditions of future occupiers, with particular regard to privacy. I therefore find no conflict with the development plan and in particular with Policy DM10.6 of the LP which seeks to ensure, amongst other things, that the amenity of occupiers of adjoining buildings is protected.

Other Matters

15. I have had regard to the other developments on Woodland Way and Orchard Avenue which have been approved by the Council. However, the concerns in this case relate specifically to the scale and design of the proposed development in relation to the specific constraints and character of the appeal site. Consequently, these other examples are not directly comparable to this case and in any event each case must be considered on its own merits.
16. I also recognise that the site is in an accessible location and would make a contribution to the supply of housing and housing mix within the Borough. However, these considerations would not outweigh the harm I have identified to the character and appearance of the area.

Conclusion

17. Although I have found that the proposed development would not have a harmful effect on the living conditions for future occupiers, with particular regard to privacy, I have found that it would have a significant and harmful effect on the character and appearance of the area. For the reasons given

above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR