
Appeal Decision

Site visit made on 18 June 2019

by J Williamson BSc (Hons), MPlan, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2019

Appeal Ref: APP/L5240/W/19/3226118

24 Coulsdon Court Road, Coulsdon CR5 2LL

- 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 MACAR Developments against the decision of London Borough of Croydon.
 - The application Ref 18/05485/FUL, dated 8 November 2018, was refused by notice dated 22 March 2019.
 - The development proposed is 9 new dwellings comprising 8 x 2 bed / 4 person flats & 1 x 6 bedroom detached house.
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Decision

1. The appeal is allowed, and planning permission is granted for erection 9 new dwellings comprising 8 x 2 bed / 4 person flats & 1 x 6-bedroom detached house in accordance with the terms of the application Ref 18/05485/FUL, dated 8 November 2018, subject to the conditions in the attached schedule.

Procedural matters

2. The applicant's name on the planning application form differs to that on the appeal form. It has been confirmed that the individuals named on the respective forms are the Managing Director and Planning Director of Macar Developments and that the applicant of the planning application is the same as that of the appeal, ie Macar Developments.

Main Issues

3. The main issues are whether the number and mix of dwellings proposed is acceptable having regard to local and national policy and the effect of the proposal on the character and appearance of the area, particularly the relationship between the proposed frontage property and the associated access road.

Reasons

Dwelling numbers and mix

4. The application site consists of a detached, two-storey dwelling sited within a relatively large garden to the side and the rear. There are well-established hedges and trees around the site boundary; some of the trees are protected via a Tree Preservation Order. Coulsdon Court Road is comprised of two-storey detached residential properties on its western side with a golf course on the eastern side. Beyond the rear boundary of the site is Coulsdon Road (the B2030), a classified road, with residential properties fronting it.

5. The proposal consists of erecting a three-storey, detached, 6-bedroom dwelling to the side of the existing property and fronting Coulsdon Court Road; creating a vehicle/pedestrian access between the existing and proposed dwelling to provide access to the rear of the site to serve 2 two-storey blocks of 2-bedroom flats, with 4 flats in each block.
6. SP2.1, SP2.2 and SP2.7 are sub-sections of Policy SP2 of the Croydon Local Plan (CLP). SP2.1 states that for the Council to be able provide a choice of housing for people in Croydon's communities, there is a presumption in favour of development of homes, subject to such developments meeting the requirements of Policies SP2, SP3.14 and other applicable policies in the development plan.
7. SP2.2 is concerned with quantities and locations of housing and states that the Council will seek to deliver a minimum of 32,890 homes between 2016 and 2036; this is to be achieved by, amongst other things:
 - *Ensuring land is used efficiently, and that development addresses the need for different types of homes in the borough and contributes to the creation or maintenance of sustainable communities; and*
 - *Not permitting developments which would result in a net loss of homes or residential land.*
8. SP2.7 relates to mix of homes by size and states that the Council will seek to address the Borough's needs for homes of different sizes by, amongst other things:
 - *Setting a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms...*
9. The Council has not referred to Policy SP3.14 in the reasons for refusal and I have not been provided with details of it. Consequently, I have not had regard to it in reaching my decision.
10. The Council acknowledges in its Statement of Case (SoC) that there is a market requirement for properties with 2 or 4+ bedrooms. However, the Council asserts that the Strategic Housing Market Assessment 2015 (SHMA) identifies that the largest requirement is for 3-bedroom properties and that this is reflected in relevant policies, such as the strategic target in Policy SP2.7. The appellant asserts that the SHMA identifies a need for 20-21% of properties in the area to be of a size of 4+ bedrooms.
11. The planning policies require land to be used more efficiently. However, it would be unlikely that the site could accommodate much more built form because of the need to protect the character and appearance of the area, the constraints imposed by trees on the site and the requirement to provide an access to the rear to develop this part of the site.
12. The proposal would provide a mix of units comprising one 6-bedroom dwelling and 8 2-bedroom flats. It is feasible that the building proposed as a 6-bedroom house could be sub-divided to create eg 2 x 3-bedroom dwellings and/or that the 2 blocks of flats could be sub-divided to provide a range of eg 1, 2 and 3-bedroom flats.

13. However, the target in SP2.7 is for homes with three or more bedrooms, ie not solely for homes with 3 bedrooms, the proposed 6-bedroom unit therefore accords with this criterion. Furthermore, I have not been provided with any data regarding the number of new dwellings on allocated sites expected to have 3 or more bedrooms, or the number that have thus far been built. Consequently, I do not know what percentage of the 30% overall target in SP2.7 is to be met from allocated sites, or what percentage has been delivered.
14. Based on the SHMA the appellant has suggested that there is a 20-21% need for properties of 4+ bedrooms and the Council has noted that the number of 3-bedroom units required is the highest of all the requirements. Both these factors may be true. Notwithstanding, I have not been provided with any evidence to suggest that 2-bedroom units are not required as part of the overall housing target. For all these reasons, the proposed mix is not unreasonable given the scale of development on this site given its size and constraints.
15. Considering all these matters I conclude that the land would be used efficiently and that the proposed development would accord with sub paragraphs SP2.1, SP2.2 and SP2.7 of Policy SP2 of the CLP and the requirement of section 11 of the National Planning Policy Framework (the Framework) to use land effectively. Accordingly, a greater number of dwellings to trigger affordable housing provision would not be justified.

Character and appearance

16. The Council's key concern regarding the effect of the proposal on the character and appearance of the area relates to the layout; more specifically, the relationship between the proposed frontage, 6-bedroom dwelling and the access road and hardstanding, which the Council considers would appear cramped and out of character with the streetscene.
17. The plans show that the front elevation of the frontage property would be set-back from the footpath approximately 8 m, in line with the host dwelling and the immediate neighbouring property, number 25. The proposed dwelling would be sited close to the side boundary with number 25 and the access road would be close to the resultant boundary with the host property. However, a gap of approximately 7 m would be retained between the proposed 6-bedroom dwelling and the side elevation of the host dwelling. The proposed associated hardstanding/parking area is sited immediately in front of the property's frontage, covering an area approximately half its width and extending up to the footpath. A pedestrian pathway would extend from the footpath to the front door of the dwelling.
18. The access to the rear of the site is positioned in front of the frontage dwelling's front elevation, between the proposed pedestrian path and a retained tree that would be in the resultant grounds of the host property. The access road curves into the site, passing close by a corner of the proposed dwelling, and runs broadly parallel between a side elevation of the proposed dwelling and the resultant side boundary with the host property.
19. Indicative planting is shown on the proposed site plan, separating the access road from the hardstanding.

20. The Council considers that the properties in the area are generally well-spaced within their plots, with good separation to side boundaries and a verdant appearance. My interpretation of the site location plan and observations made during my site visit lead me to conclude that, apart from a small number of properties on Coulsdon Court Road, most of them fill the width of their plots, leaving little separation to the boundaries. In addition, although there is a verdant appearance to the street, many of the properties have a double-width hardstanding area sited in front of them and some have low level brick walls with few or no hedges or trees along their front boundaries.
21. Bearing in mind the factors I have outlined above, and subject to a landscaping condition that retains the hedges and trees along the front boundary of the host dwelling and secures landscaping at the front of the proposed 6-bedroom dwelling and access road, I consider that the proposed development would have an acceptable relationship with the streetscene and would not be harmful to the character or appearance of the area.
22. Having concluded that the proposal would not harm the streetscene and therefore the character or appearance of the area I consider that the proposal would accord with sub paragraphs SP2.1, SP2.2 and SP2.7 of Policy SP2 and sub paragraphs SP4.1, SP4.2 of Policy SP4 and Policy DM10 of the CLP; and that the proposal would accord with policies 7.1, 7.4 & 7.6 of the LP, which collectively and amongst other matters, require development to be of a high quality, to respect and enhance local character (including respecting the pattern, siting and layout of development), to influence the future of local character and to protect local designated views and the setting of landmarks to enhance social cohesion and well-being.
23. Section 12 of the Framework focuses on creating well-designed places and requires developments to, amongst other things, be sympathetic to the local character (paragraph 127). Bearing in mind the above, I conclude that the proposal accords with paragraph 127 of the Framework

Other Matters

24. I have noted the representations submitted with the appeal and the objections raised by residents to the planning application. Some of the concerns raised have been addressed above, others are addressed below.
25. I have not been provided with any policy evidence which states that the construction of flats on the site is not acceptable in principle. I consider the sizes of the respective buildings, their distances from neighbouring properties and their orientation would not result in loss of outlook or privacy from neighbouring properties or their gardens. I have attached conditions to protect the living conditions of the occupants of neighbouring properties in the future. I consider the extent of outdoor amenity space provided for future occupants of the flats to be sufficient to meet their needs. The Council has acknowledged that access to public transport is limited, though notes that there are bus stops on Coulsdon Road (which I observed during my site visit). Hence, some public transport is available.
26. In addition, the proposal includes cycle parking facilities for the flats. As such, opportunities are provided for means of transport other than the private motor car. I note that there is ample space for parking cars within the site of the 6-bedroom dwelling and that one car parking space is provided for each of the 2-

bedroom flats. The Officer Report indicates that this level of provision is in line with the parking standards of the LP. Protected trees are to be retained and a landscaping condition is attached to ensure appropriate landscaping of the site. Given the nature of the site and its location I consider the potential impact on biodiversity to be limited. I note that the Council has concluded that the proposed development is acceptable in respect of all matters other than the main issue addressed above.

27. It is claimed that there is a covenant preventing the construction of flats on the site. Regardless of whether this is the case, such legal agreements are outside the control of the planning system.
28. There have been concerns about the pressure on elected representatives when applications are submitted following pre-application engagement. Such a consideration does not relate to the merits of the proposal and is a matter between the Council and third parties, possibly addressed through a complaint's procedure.

Conditions

29. Suggested conditions have been considered in light of advice contained in the Planning Practice Guidance (PPG), the tests within the Framework and parties' comments. Some have been amended or amalgamated for clarity, precision, elimination or duplication taking account of policy, guidance and comment. The appellant has raised no objection to conditions where a pre-commencement condition clause has been imposed.
30. To ensure identification of approved plans a condition listing the plans is attached. Conditions relating to materials, landscaping and tree protection are required to protect the character and appearance of the area. Conditions pertaining to pedestrian and vehicle accesses, cycle storage and refuse collection facilities are required in the interests of highway safety, public health and to promote modes of transport other than the private motor car. A surface water drainage condition is attached to prevent flooding. Conditions requiring a reduction in CO2 emissions and water usage are required to help protect the environment, in line with development plan policies. A Construction Logistics Statement is required in the interests of highway safety and to protect the living conditions of neighbouring residents during implementation of the development.
31. I have also included a condition that prevents any windows or glazed doors other than those approved being inserted in specific elevations and roof slopes, which I think is necessary to protect the privacy of the occupants of existing neighbouring properties and the character and appearance of the area. However, I have not included a condition requiring all windows and glazed doors at or above first-floor level to be obscurely glazed (as suggested by the Council) as I consider this isn't necessary and would not satisfy the requirements of the 6 tests.

Conclusion

32. For the above reasons and having regard to all matters raised I conclude the appeal should be allowed, subject to the conditions in the attached schedule.

J Williamson
INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no 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: PL_001 12, PL_250 10, PL_251 10, PL_200 10, PL_201 10, PL_101 10, PL_150 10, PL_151 10, PL_100 10, PL_102 10, PL_300 10, PL_301 10, PL_050 10.
3. No development above slab level of any of the approved buildings shall commence until details (including samples) of the materials to be used for the external surfaces of the development hereby permitted, along with details of windows, rainwater goods and guttering, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
4. No development shall commence, including any site clearance or demolition, until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include: a) existing planting and boundary treatments to be retained, b) proposed planting, including details of species, size and density, and proposed boundary treatments, d) hard landscaping, e) a maintenance strategy, f) any structures to be retained, g) an implementation programme and h) a scheme for management/maintenance of the landscaped areas. All 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. The completed scheme shall be managed and/or maintained in accordance with the approved scheme of management and/or maintenance. All soft landscaping shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species.
5. Prior to commencement of development details of the following shall be submitted to and approved in writing by the local planning authority: a) finished floor levels; b) visibility splays; c) access road gradient; d) balcony screens; e) refuse storage and e) cycle storage. The development shall be completed in accordance with the approved details prior to the properties being first occupied and retained as such thereafter without impediment to their designated uses.
6. Prior to the development hereby approved being first occupied, the following shall be provided on site, as specified in the application, and retained for their designated purposes thereafter: a) vehicle parking arrangements, b) Electric Vehicle Charging Point, c) access road, including rumble strips and d) pedestrian pathways.
7. The development hereby permitted shall be carried out wholly in accordance with the submitted arboricultural report, produced by Crown Consultants, dated 5 November 2018. No site clearance, preparatory work or development shall take place until the tree protection measures

outlined in the report have been installed; these shall be retained throughout the construction period.

8. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, details shall be first submitted to and approved in writing by the local planning authority.
9. The development shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations requirements. Prior to commencement of development details of how this is to be achieved, including a timetable of implementation, shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented in accordance with the agreed timetable and retained thereafter.
10. The development shall achieve a water use target of 110 litres per head per day. Prior to commencement of development details of how this is to be achieved, including a timetable for implementation, shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented in accordance with the agreed timetable and retained thereafter.
11. 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 windows/dormer windows or glazed doors, other than those expressly authorised by this permission, shall be constructed on the northern or southern facing elevations of the approved 6-bedroom dwelling or on the southern elevation of the approved block of flats located furthest south within the site or the northern elevation of the approved block of flats sited furthest north within the site.
12. 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 outbuildings shall be erected within the curtilage of the approved 6-bedroom dwelling without the express permission of the Local Planning Authority.
13. Prior to commencement of development (including demolition and site clearance works), a Construction Logistics Statement (CLS) shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall include the following information for all phases of the development:- i) hours of deliveries and operation, ii) parking of vehicles associated with deliveries, site personnel, operatives and visitors, iii) facilities for the loading, unloading and storage of plant and materials, iv) details of facilities to prevent the deposit of mud and extraneous material

onto the public highway, v) access arrangements into the site during any clearance, demolition and construction periods and vi) a programme of works (including measures for traffic management). The approved CLS shall be adhered to throughout the duration of development from site clearance to completion.