

Appeal Decision

Site visit made on 11 September 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 2019

Appeal Ref: APP/L5240/W/19/3231979

14 Cavendish Road, Croydon CR0 3LB

- 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 Sterling Rose Developments Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/00802/FUL, dated 20 February 2019, was refused by notice dated 17 April 2019.
 - The development proposed is a two-storey house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's second reason for refusal refers to Policy D10 of the Croydon Local Plan (2018). This policy has not been submitted nor is it referred to in the Officer Report. It is assumed this is an error and should refer to Policy DM10 of the Local Plan.

Main Issues

3. The main issues are the effect of the proposed development on the living conditions of existing and future residents, and the character and appearance of the area.

Reasons

Living conditions

4. The appeal site forms part of wider residential development, some of which is under construction. The wider residential development is sited around a central courtyard area in which the appeal site is located. The site is accessed from Cavendish Road at the point where the road turns at a right angle. The area around the appeal site is predominantly residential with a mixture of two storey semi-detached and terraced properties, and purpose-built high-rise residential blocks.
5. The wider residential development site in which the appeal site is located comprises two 3no. storey apartment blocks forming an 'L' shape around the central courtyard. The proposed development is a detached two-storey dwelling and includes an area of amenity space accessed via the first floor.

6. The dwelling being surrounded by development greater in height will feel subsumed. Future residents will experience an unacceptable level of enclosure in the resultant cramped environment with an insufficient provision being made for any amenity space or landscaping of adequate quality. The resulting space will not be visually attractive for existing and future residents.
7. The front elevation of the proposed dwelling looks directly onto the three storey flats opposite. Both the appeal proposal and these flats contain windows to habitable rooms in these elevations. The distance that is maintained between the two is not sufficient to provide acceptable levels of outlook, privacy or light for existing and future residents. Flats that are under construction would look directly onto the side elevation of the appeal proposal. There are no windows in the side elevation of the appeal proposal that face these flats, and therefore privacy would not be unreasonably compromised, however the distance that is maintained will have an unacceptable impact on the outlook and levels of light to the properties.
8. The appellant has referred to a BRE test that has been undertaken that concludes the proposed dwelling would not impede the '45-degree rule'. I have not been supplied with the BRE test to give it any weight in this appeal. In any event, compliance or otherwise with BRE guidelines is not part of the development plan and it would not alter my findings on the main issues.
9. The appeal proposal comprising a two-bedroom house has an internal floorspace of 72sqm. Whilst this is slightly below the 79sqm that would be required for a dwelling of this size under the Nationally Described Space Standards, I find that the difference is slight and would not directly result in an unacceptable living environment.
10. I therefore find that the proposed development would have an unacceptable impact on the living conditions of existing and future residents. It would be contrary to Policy DM10 of the Croydon Local Plan (2018) which seeks to ensure, amongst other things, that the amenity of occupiers of adjacent buildings are protected, and proposals do not result in direct overlooking, provide adequate sunlight and daylight to future occupants, and do not result in significant loss of existing sunlight or daylight for adjoining occupiers. This policy also seeks that developments incorporate hard and soft landscaping and provide spaces which are visually attractive.

Character and appearance

11. The design and materials used in the proposed dwelling would match that of the wider residential development which it would be adjacent to. The scale of the development would be less than that of the wider residential development. In this regard, the appeal proposal would not appear out of character with the surrounding built environment.
12. Where I have found the design of the development to be unacceptable is in regard to its impact on the living conditions of the existing and future residents rather than its impact on the character and appearance of the area.
13. I therefore find that the proposed development would not have an unacceptable impact on the character and appearance of the area. It would broadly comply with Policy DM10 of the Croydon Local Plan (2018) which seeks

to ensure, amongst other things, that proposals should respect the scale, appearance, existing materials and built features of the surrounding area.

Conclusion

14. On the matter of living conditions, I have found that the proposed development would create and provide unacceptable living conditions for existing and future residents respectively. On the matter of character and appearance, I have found that the development would not cause harm to the character and appearance of the area.
15. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR