



Appeal Decision

Site visit made on 26 November 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2019

Appeal Ref: APP/L5240/W/19/3235816

Appletree Cottage, Ashburton Road, Croydon, CR0 6AP

- 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 Michael Grundy of Chain Repair Ltd. against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 18/00720/FUL dated 12 February 2018, was refused by notice dated 3 May 2019.
 - The development proposed is demolition of Apple Tree Cottage and development of 6 flats with associated refuse and cycle facilities at Apple Tree Cottage, Croydon, CR0 6AP.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development preserves or enhances the character and appearance of the East India Estate Conservation Area; and
 - the effect of the proposed development on the living conditions of future occupiers, with regard to the provision of private outdoor garden space for flats 2, 5 and 6 and the provision of children's play space.

Reasons

Character and appearance

3. The appeal site is located within the East India Estate Conservation Area (EIECA) which the East India Estate Conservation Area Appraisal and Management Plan Supplementary Planning Document (the CAAMP) notes derives its special character from the large concentration of historic buildings of high architectural quality, many of which have strong historical associations with the East India Military Academy. The EIECA's special character is also defined by its spatial quality and formal layout, which provides a framework for architectural variation but maintains a distinctive character within the wider area.
4. Ashburton Road has a varied character with buildings ranging in age and height from single-storey bungalows to four-storey blocks of flats. Numbers 1-7 Ashburton Road (Nos. 1-7), adjacent to the appeal site, are identified as

unlisted positive buildings within the EIECA. The CAAMP sets out that Appletree Cottage dates back to the 20th century and makes a neutral contribution to the EIECA. Appletree Cottage is nevertheless an attractive two-storey cottage with a quirky character and appearance derived from its rustic appearance with its slightly undulating eaves line, timber cladding and a long chimney, within an urban setting.

5. Although a building which provides visual interest within the local area, Appletree Cottage does not contribute to the significance of the conservation area, its demolition would not therefore be harmful to the EIECA's special character.
6. The replacement building would be two-storeys with additional accommodation within the roof space. Due to the size of the appeal site which is not very deep, the proposed building although with a smaller footprint than the adjacent properties at Walcot Court and Nos. 1-3, would occupy a large footprint within the site. It would have limited space at the rear and between it and the site boundaries. However, the building itself would be separated from these neighbouring buildings as they are positioned away from the appeal site boundaries. Nevertheless, the width of the proposed building in combination with its height, would make it appear overly large within the plot, giving it a cramped appearance. This would be clearly visible from the street through the open driveway between No. 1 and the appeal site. Consequently, this would be prominent within the street scene.
7. The proposed building has been designed to include front bay windows and materials to match Nos. 1-7. Whilst the proposed building would be the same height as these properties and incorporate similar design features, it would have different proportions being wider with a single door with a more spacious arrangement of wider dormer windows in the front roof slope. This arrangement would emphasise the width of the building and contrast with the stronger vertical emphasis of Nos. 1-7 derived from the prominence of their narrower and more closely positioned dormer windows. As such, it would not integrate well with these buildings, appearing squat beside them. This would make the proposed building appear awkward next to them and would not enhance the character and appearance of the EIECA.
8. The building line along Ashburton Road has some variation and Appletree Cottage itself sits relatively far forward of this. However, Nos. 1-7 have a well-defined building line which the proposed building would sit forward of. It would also extend further rearwards than these buildings. Whilst there is inconsistency in the building line along the street, in the context of these adjacent properties, the proposed building would appear at odds with the formal pattern of development that contributes to the significance of the conservation area.
9. My attention has been drawn to a number of permitted schemes for residential within the EIECA. However, I have been provided with limited details of the schemes and the circumstances in which they were permitted but note that they pre-date the current local plan. I do not therefore find them comparable to the scheme before me. The more recent scheme is outside the EIECA and for that reason is also not comparable to the appeal proposal. In any event, I must determine the appeal before me on its own individual planning merits.

10. I have paid special attention to the desirability of preserving or enhancing the character or appearance of EIECA, as required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The cramped appearance of the building within its site in combination with its awkward relationship with the adjoining unlisted positive buildings would detract from the street scene. As such the proposal would fail to preserve or enhance the character and appearance of the EIECA as a whole.
11. The harm would be less than substantial and therefore in accordance with the requirement of paragraph 196 of the National Planning Policy Framework, this harm should be weighed against the public benefits of the proposal. The proposed development would provide an additional 5 residential units in an accessible location on a windfall site which would contribute to the Council's housing supply. I give these moderate weight. However, I attach considerable importance and weight to the harm that would be caused. Whilst there are public benefits of the scheme, I conclude that they would not be sufficient to outweigh the harm to the character and appearance of the EIECA.
12. I conclude that the proposed development would not preserve or enhance the character and appearance of the EIECA. It would therefore conflict with Policies SP4, DM10 and DM18 of the Croydon Local Plan 2018 (CLP) and Policies 7.4, 7.6 and 7.8 of the London Plan 2016¹ (LP). These policies together and amongst other things, require high quality development which respects heritage assets and local character and is well integrated and makes a positive contribution to the historic environment. It would also not accord with the Croydon Suburban Design Guide Supplementary Planning Document which, amongst other things, sets out that development should be designed to respond to the significance of any heritage asset it may affect.

Living conditions

13. The private amenity space for flat 2 which would be a one-bedroom ground floor flat, whilst an adequate size, would be an irregular L-shape. This would make the space awkward to use with limited space for sitting out or hanging clothes out to dry. Furthermore, a balcony to the first floor flat above would project over most of the garden area which would reduce the openness of this space. This would have an enclosing effect and would make the space unsatisfactory as private outdoor garden space for future occupiers of the ground floor flat.
14. Shared space for flats 5 and 6 would be an adequate size. However, in order to access this space, occupiers would have to go out of the front door and walk around the side of the proposed building past the refuse store. This would not be particularly convenient for those occupiers, especially if moving items between their living space and the garden area, for example if carrying out domestic duties or eating out.
15. Policy DM10.4 of the CLP requires all flatted development irrespective of the number of units to provide a minimum of 10 square metres per child of new play space. The proposed development would provide 6 flats comprising 1 three-bedroom flat, 1 two-bedroom flat and 4 one-bedroom flats. Under Policy

¹ The London Plan: The Spatial Development Strategy for London consolidated with alterations since 2011 (March 2016)

DM10.4 it should provide around 30 square metres of children's play space. None is provided, it therefore does not comply with this policy.

16. I have noted the advice set out in the Mayor of London's Housing Supplementary Planning Guidance 2016 (Housing SPG). However, as set out in the Planning Practice Guidance (PPG)² under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. In this case, the CLP policy is more recently adopted than the Housing SPG and the policies to which that relates set out within the LP. As such, the development falls to be assessed against the CLP.
17. I conclude that the proposed development would harm the living conditions of future occupiers, with regard to the provision of children's play space and private outdoor garden space for flats 2, 5 and 6. It would therefore conflict with Policies SP4 and DM10 of the CLP which together require development to enhance well-being and to provide high quality private amenity space and new play space.

Other Matters

18. The proposal would provide five additional residential units and would make a contribution to the Council's housing supply. It would be in an accessible location with good access to public transport. These are benefits of the scheme. It would also provide a family sized unit, however, since a family house would be lost as part of the scheme this is neutral in the overall balance.

Conclusion

19. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

² Paragraph: 012 Reference ID: 21b-012-20140306