
Appeal Decision

Site visit made on 21 October 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/L5240/W/19/3233668

138 Brigstock Road, Thornton Heath CR7 7JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr A Raza against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 19/00521/FUL, dated 4 February 2019, was refused by notice dated 14 June 2019.
 - The development proposed is described as change of use of property from flour flats to a fourteen bedroom hotel including hip to gable roof extension, first floor side extension and rear basement extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of proposed development in the banner heading above, which is taken from the application form, differs from that shown on the decision notice and appeal form, which is: erection of hip to gable, two storey side, rear, basement and roof extensions to facilitate conversion of 4 x 2 bedroom flatted apartment block to a 13 bedroom hotel. Given that the latter description is more accurate and not disputed by the main parties, I assess the proposal as such.

Main Issues

3. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area
 - b) the living conditions of neighbouring occupiers, with particular regard to light, overshadowing, outlook, and noise and disturbance
 - c) highway safety and parking stress, and
 - d) housing provision.

Reasons

Character and appearance

4. The appeal site comprises a two-storey detached residential building. Travelling in a south-westerly direction from Thornton Heath district centre, a predominantly more residential character to both sides of the B266 Brigstock

Road is evident on the stretch of road between Norbury Brook and Thornton Heath library. In addition, two hotels are located on this stretch, housed within older buildings. The appeal building is located within the above context, in a row of mainly detached residential buildings on the north-western side of Brigstock Road. The host row is on part of the road which mainly comprises older, two-storey residential buildings. Whilst the buildings in the locality have some variety of architectural style, the recurrence of bay windows, architectural decoration around windows and substantial chimneys are unifying elements.

5. The roofscape in the vicinity of the property, along Brigstock Road between Brook Road and Quadrant Road is characterised by mainly hip roofs, with some gable roofs mixed in, including the latter type on three properties located to the south-west of the site. Front dormer windows are common within the host row of buildings. The appeal building is not within a Conservation Area and is not listed.
6. Within the above context, the front view of the proposed change in the main roof form from hip to gable would assimilate acceptably within the streetscene.
7. However, the proposed substantial increase in depth of the building, the approximate doubling of its footprint and the heightening of its flat-roof side wing would, in combination, result in an overly dominant bulk towards the rear, and an excessive, largely blank facade on its north-eastern side. Various aspects of the above would be noticeable, viewed from the street travelling in a south-westerly direction along Brigstock Road, and from some side and rear windows and external areas of neighbouring properties. The proposed mansard roof to the rear of the building would exacerbate the discordance, in terms of bulk and form. Moreover, the proposal would substantially erode the spaciousness and verdancy of the rear garden area. Taking the above together, the proposed development would sit uncomfortably within its site, the streetscene and the area.
8. I note the appellant's view that the proposal would improve the visual balance of the building and respect the surrounding form of development.
9. However, for the reasons outlined above, I conclude that the proposal would, overall, significantly harm the character and appearance of the area. As such, it would conflict with Policy 7.4 of the London Plan (2016)¹ (LP), and Policies SP4.1 and DM10.1 of the Croydon Local Plan (2018) (CLP). Together the policies seek to ensure that development complements local character.

Living conditions of neighbouring occupiers

10. With regard to daylight and sunlight, given the substantial proposed increase in depth and bulk of the appeal building, sufficient evidence - for example, in the form of a daylight and sunlight study - has not been presented to demonstrate that the proposal would allow acceptable levels of receivable light to windows towards the rear of neighbouring dwellings at Nos 16 and No 140 Brigstock Road.
11. In terms of overshadowing, the substantial proposed extension of building bulk into the rear garden area of the property would increase shading of, and

¹ The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, March 2016.

thereby have a gloomy effect on, the south-eastern end of rear gardens of Nos 136 and 140.

12. The intrusion of bulk into the rear garden area would also result in the addition of large expanses of blank building facade on the sides of the appeal building. This would have an oppressive effect on outlook from some windows at the rear of No 140, and the rear and side of No 136.
13. The substantial proposed increase in the mass of the building, its proximity to neighbouring residential properties on each side, and the proposed change of use to a 13 room hotel, compared to the existing four flats are, together, likely to result in increased comings and goings. The above factors together lead me to find that the proposed development would result in increased noise and disturbance for neighbouring residents.
14. The appellant's view that no harm to living conditions of neighbours would occur is noted.
15. However, for the reasons outlined above, I conclude that the proposed development would harm the living conditions of neighbouring occupiers, in respect of light, overshadowing, outlook, and noise and disturbance. As such, it would conflict with Policies SP4.1 and DM10.1 of the CLP which, together seek, amongst other things, to ensure that development is of high quality and enhances the well-being of residents.

Highway safety and parking stress

16. The appeal site is accessible to frequent public transport services, including trains from Thornton Heath station, which is a short walk away. This is reflected in the site's good Public Transport Accessibility Level (PTAL) rating of 4. As such, there is a realistic prospect of some use of alternative transport modes to the private motor car, by customers and staff of the proposed hotel.
17. From what I saw during my site visit and the aerial view, the proposed retained forecourt area in front of the building may accommodate a small number of vehicles, subject to suitably safe access being demonstrated.
18. Nevertheless, the existence of parking on the existing forecourt indicates some demand for car use in the area. Moreover, given the proposed increased scale and intensified use of the building, and parking restrictions on Brigstock Road in front and in the vicinity of the site, there is likelihood of increased demand for staff, customer and delivery vehicle parking. With no increase in on-site parking space proposed, there is not substantive evidence before me - for example in the form of trip generation modelling, parking survey and parking layout with assessment of any drop kerb requirement - to demonstrate that such pressures could be acceptably accommodated without causing risk to highway safety on Brigstock Road and parking stress elsewhere in the vicinity.
19. To conclude, the proposal would not demonstrably avoid harm in terms of highway safety and parking stress. As such, it would conflict with Policy DM30 of the CLP, which requires development, amongst other things, to reduce the impact of car parking, ensure unimpeded movement of people in vehicles and ensure that highway safety is not compromised by the provision of car parking.

20. In terms of planning decisions, Policy 6.13 of the LP does not explicitly refer to highway safety and parking stress. As such it is not engaged with regard to this main issue.

Housing provision

21. The proposal would result in removal of four two-bedroom flats with access to a rear garden area, from local housing stock. This is within the context of Policy 3.14 of the LP and Policy SP2.2 of the CLP which, amongst other things, clearly resist loss of housing in Croydon and London.
22. I note the appellant's analysis of housing stock in the local ward. However, no substantive evidence - including regarding demand across the borough - is before me to justify the proposed diminution of housing stock.
23. Therefore, the proposed development would harm local housing provision. As such, it would conflict with Policy 3.14 of the LP and Policies SP2.2 of the CLP.
24. Policy DM1.1 of the CLP relates to sites of 10 or more dwellings, and so is not engaged in this case.

Other Matters

25. The proposal would add to local hotel capacity in the area, with associated employment. It would also generate custom for local businesses and services, during and after construction. However, given the scale of proposed development, the benefit in planning terms would be limited, and would not outweigh the harm identified.

Conclusion

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

William Cooper

INSPECTOR