
Appeal Decision

Site visit made on 10 March 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2020

Appeal Ref: APP/L5240/W/19/3241886

3 West Hill, South Croydon CR2 0SB

- 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 Dipen Patel of ND Homes Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/03118/FUL, dated 2 July 2019, was refused by notice dated 7 November 2019.
 - The development proposed is demolition of existing 2 storey detached house and garage and the erection of new 3 storey flat block comprising 9 apartments and separate bin and cycle store.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing 2 storey detached house and garage and the erection of new 3 storey flat block comprising 9 apartments and separate bin and cycle store at 3 West Hill, South Croydon CR2 0SB in accordance with the terms of the application, Ref 19/03118/FUL, dated 2 July 2019, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. West Hill is characterised by large detached houses set in spacious plots set back from the road frontage. The generous sized front gardens enable hedging and other greenery to predominate which, together with the trees along the road verge, give an open and verdant appearance to the road.
4. This character changes somewhat at the southern end of West Hill. While still consisting of large detached houses, the buildings exhibit a wider range of building styles and materials, and the road does not have grass verges or street trees.
5. Recent development has also started to change the character and appearance of this end of the road. 1 West Hill is a large purpose-built block of flats. Its use of materials is similar to other buildings in the road, but its scale and open setting set it apart. 2A West Hill (Jasmine Lodge) is a newly built block of flats to a modern design, similar in many respects to the appeal scheme. It is flat

- roofed, with dark metal fenestration, again set in open grounds. On my visit, two other sites were also being built or converted into blocks of flats (1A and 2 West Hill). These developments have increased the size of buildings, introduced more open settings, and diversified the range of building styles and materials from that which may be found further along the road.
6. In terms of its position set back on the plot and relationship with neighbouring buildings, the appeal proposal would conform to the general pattern of development in the road. At four storeys in height, it would be taller than the houses opposite and to the north but because of the differences in land level, the design of the fourth floor which is set back, and the larger scale of blocks of flats to the south, it would not appear unduly dominant or out of place.
 7. The most noticeable difference between the proposed development and surrounding buildings is one of design. The proposed development is unashamedly modern in style. It would present a flat roofed building with the upper floor clad in metal panels. The main elevations have been changed during the course of the application to a red brick similar in colour to those found on neighbouring buildings, but with dark metal fenestration, including some panelling.
 8. While I acknowledge that there are differing opinions about modern design, in my judgement the proposed building would contribute positively to the character and appearance of this part of West Drive. It has been carefully designed to respond to its setting and makes use of brick cladding and modern materials in an imaginative way, but with the brick colour still reflecting something of the surrounding palette of materials. It would add to the diversity of different building styles in the immediate area, continuing a trend that has been established through recent developments at this end of West Hill.
 9. The development at 2A West Hill (Jasmine Lodge) demonstrates to my mind how a modern building can integrate well into an established residential environment while maintaining its own design integrity. Given the similarities in form and design between this development and the appeal proposal, I am confident that the appeal proposal would also contribute positively to the visual amenities of the area.
 10. I consider that the development would not be harmful to the character or appearance of the area and would comply with policies 7.1 and 7.6 of the London Plan 2016, policies SP4 and DM10 of the Croydon Local Plan 2018 and supplementary planning guidance as set out in the Croydon Suburban Design Guide 2019, which seek to promote good design and ensure that new development respects its setting.

Other Matters

11. In addition to the main issue, concern has been raised about the impact of the proposed building on neighbouring properties through loss of light, additional activity, being overbearing and from overlooking; and inadequate parking provision leading to on-street parking and congestion. The Council has not raised any objection to the scheme on these grounds. I am of the same view and do not consider that the development would be harmful to neighbouring amenities or cause highway congestion, either by itself or cumulatively with other recent developments in the road. I have imposed conditions that help

secure privacy for adjoining occupiers and control activity during the construction period.

Conditions

12. The National Planning Policy Framework 2019 advises that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
13. Taking into account this advice I have imposed conditions which cover the purposes of most of the conditions suggested by the Council, but where possible they have been combined for simplicity, reworded to improve clarity, and reordered in accordance with the advice in Planning Practice Guidance. Pre-commencement conditions have been shared with both main parties.
14. Two suggested conditions relate to accessibility and water efficiency standards. These require adopted planning policies to trigger the associated optional building regulations. No such policy has been given for the accessibility standards. In relation to water efficiency standards, of the policies to which I have been directed, policy DM25 of the Croydon Local Plan 2018 relates to sustainable drainage not limiting water use, and I have not been provided with a copy of policy 5.12 of the London Plan 2016. In the circumstances I consider there is insufficient justification for imposing these conditions.
15. Another suggested condition refers to achieving a reduction in carbon dioxide emissions of 19% beyond the 2013 building regulations. However, there is no indication of how that is to be achieved, or what the developer is expected to do to meet the requirements of the condition. As drafted, the condition fails the tests of enforceability and precision and I shall omit it.
16. For those conditions which have been imposed, in addition to the standard time limit, a condition listing the approved plans is required to provide certainty; and a condition requiring a written scheme of archaeology is necessary because the site lies within an Archaeological Priority Area indicating a possibility of archaeological remains.
17. A condition requiring a sustainable surface water drainage system on the site is necessary to reduce the risk of flooding; conditions relating to materials and detailed building design are necessary in the interests of the character and appearance of the area; conditions relating to hard and soft landscaping and the protection of retained trees during the construction phase is necessary in the interests of the amenities of future occupiers and the character and appearance of the area.
18. A condition requiring the provision of step free access is required for the benefit of future occupants, particularly those who may be disabled; a condition requiring the provision of parking and associated access works, electric vehicle charging points and refuse and cycle storage is necessary for the amenities of future occupants and highway safety; and a condition relating to obscured glazing of specified windows is necessary to protect the privacy of adjoining occupiers.
19. A condition to control construction activity is necessary for the benefit of highway safety and neighbouring amenity. It has been modified to refer to the logistics plan already submitted as part of the application.

Conclusion

20. For the reasons set out above, I conclude the appeal should be allowed.

Guy Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: 2017.164.01, 2017.164.03 Rev C, 2017.164.04 Rev B, 2017.164.05 Rev A, 2017.164.06 Rev B, 2017.164.07 Rev B, 2017.164.08 Rev C, 2017.164.09 Rev A, 2017.164.10, 2017.164.11 Rev D, 2017.164.12, 2017.164.13 Rev A, 2017.164.14 Rev A, 23383se-01, 1951-001.
- 3) No demolition or development shall take place until a written scheme of archaeological investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research objectives, and if indicated by the desk top study submitted with the application:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or organisation to undertake the works set out within the written scheme of investigation.No demolition or development shall take place other than in accordance with the approved scheme of archaeological investigation.
- 4) No development shall commence until a sustainable drainage strategy has been submitted to and approved by the local planning authority. The strategy shall be implemented in accordance with the approved details and retained thereafter.
- 5) No development shall commence other than for ground works until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Notwithstanding condition 2, the development hereby permitted shall not commence other than for ground works, until details of balcony design, balustrading and finish, and detailed brick layout and treatment to a scale of 1:20 or larger have been submitted to and approved in writing by the

local planning authority. Development shall be carried out in accordance with the approved details.

- 7) No development shall commence other than for ground works until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include existing planting to be retained and new planting including species, size and density; paved surfaces; boundary treatments; and children's play equipment. Landscape works shall be carried out in accordance with the approved details and an agreed implementation programme, and thereafter retained. Any plants that die, are removed, or become seriously damaged or diseased within a period of five years from occupation of the development shall be replaced in the next planting season with others of similar size and species.
- 8) No development shall commence, including demolition, until the tree protection measures set out in the Arboricultural Report 2018115v2.0 have been implemented, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 9) Prior to occupation of the development, step free access shall be provided to the building and retained as such for the lifetime of the development.
- 10) Prior to occupation of the development hereby approved, the following development shall be carried out as specified in the application and shall thereafter be retained:
 - Parking and turning space
 - Dropped kerbs
 - Pedestrian visibility splays
 - Electric vehicle charging points
 - Refuse storage
 - Cycle storage
- 11) The building hereby permitted shall not be occupied until the windows at first, second and third floor level which are denoted on the approved plans as 'obscured glazing' have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable portions of the windows shall be retained in that form thereafter.
- 12) The Demolition and Construction Logistics Plan dated 18 June 2019 shall be implemented and adhered to throughout the construction period of the development.

*****End of Conditions*****