
Appeal Decision

Site visit made on 8 July 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2020

Appeal Ref: APP/L5240/W/19/3243123

2a Elmwood Road, Croydon CR0 2SG

- 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 Karaganatram Paramanathan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01562/FUL, dated 29 March 2019, was refused by notice dated 13 June 2019.
 - The development proposed is described as the demolition of existing building; redevelopment to form 4nos x 3bed houses with associated bin and cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. These are a) whether the proposed development would result in the unacceptable loss of a community facility; b) the effect of the proposed development on the living conditions of neighbouring occupiers; and c) the effect of the proposed development on the character and appearance of the area.

Reasons

Community Facility

3. Policy SP5.3 of the Local Plan¹ explains that the Council will encourage the creation of healthy and liveable community facilities by, amongst other things, ensuring the provision of a network of community facilities and protecting existing facilities that serve, or have the ability to serve, the needs of the community. Further to this, Policy DM19.1 sets out criteria by which the loss of existing community facilities will be considered. Amongst other things, it needs to be demonstrated that there is no need for the existing premises or land for a community use and that it no longer has the ability to serve the needs of the community.
4. The appeal building is, according to the evidence, in use as a Hindu Temple. As a place of worship (non residential institution or D1 use) I would be content agreeing that it is a premises of benefit to and use by the community. As per the objectives of the policies I have referred to, the development plan has a

¹ Croydon Local Plan 2018

general presumption in favour of retaining community facilities and will only allow their loss subject to specific criteria. In the main these involve making a case to prove that there is no longer a need or demand for a facility or that the land or building no longer has the ability to serve community needs.

5. The evidence suggests that the appellant first marketed the premises in June 2016. A letter from local letting agent confirms that particulars were mailed out to prospective owners and window adverts posted. The premises was also advertised on the agent's website. The agent has confirmed that eight viewings took place and an offer has yet to be made. The building was also offered for sale to the current occupants, but they have showed no interest.
6. Whilst I note some effort has been made to demonstrate a lack of need for the premises through marketing, the relevant evidence does not set out for how long advertising took place. I have not seen copies of any adverts or for what purpose the premises and site have been promoted. In addition, I have not been shown details of a price for let or sale which is based on any sort of market research to corroborate its fairness. There is no indication that the marketing was sufficiently targeted to community groups or other such organisations.
7. The appellant explains that the current temple is no longer needed since there is another in relatively close proximity (approximately six minutes by bus). Be this as it may, the development plan is clear that the loss of any community use needs to consider that there is no need for the existing premises or land for a community use (my emphasis). It does not seem to me that sufficient work has been done to either demonstrate that the premises would not be suitable for any other community use beyond that of a place of worship or indeed investigate enough whether there is any need or demand therefore.
8. Comment has been made in the appellant's statement of the building being in a dishevelled state and no longer economical to maintain but I have not seen any evidence to back this up.
9. Policy DM19.1 also requires it to be demonstrated that a land or building no longer has the ability to serve the needs of the community. Whilst anecdotally it seems to be the case that temple goers have for some part migrated to another site, all this demonstrates is that it might have outlived its use as a Hindu Temple. This is but one of a large array of community based uses within the same use class. Notwithstanding the fact that community uses could fall within other use classes for which a change of use planning application might be required. Indeed, Policy DM19.2 makes provision for such schemes.
10. With the above in mind, I am not satisfied that it has been demonstrated that there is no need for the existing premises or land for a community use and that it no longer has the ability to serve the needs of the community. The appeal scheme would therefore represent the unacceptable loss of a community facility. This would be contrary to the aforementioned policies, the aims of which I have set out.

Living Conditions

11. The crux of the Council's concerns in respect of this main issue is that first floor residential uses of buildings that face London Road (Nos 304 through 318 and with windows to habitable rooms on the rear elevation) would be overlooked by

windows in the rear elevations of the proposed new dwellings. These windows would be in the first floor and roof space of each unit. The latter as a full width dormer window. By virtue of the separation distance between the rear elevations of the buildings concerned, it is the Council's view that the privacy of existing occupiers of London Road properties would be unacceptably reduced. Thus adversely affecting their living conditions.

12. I am inclined to agree. The windows to the new dwellings may only be in the region of four metres shy of the minimum back to back separation distance set out in the Council's Suburban Design Guide SPD² but these figures are a minimum for a reason. Given the proximity of the windows in the new dwellings, it seems to me that they would have a short, unimpeded and direct line of sight into the rear windows in the upper floors of the London Road dwellings. This would unacceptably impinge on the privacy enjoyed by the occupiers thereof. Furthermore, the number of windows, particularly those in the proposed roof spaces as dormers, would greatly increase the sense of being overlooked for occupiers of the London Road dwellings, exacerbating the adverse impact on their living conditions.
13. The building that currently occupies the appeal site is not insignificant in itself, is sat almost on the rear boundary of the London Road dwellings and is similar in scale and height to the proposed dwellings. It is therefore the case that there would unlikely be a significant overbearing impact felt by occupiers of the London Road dwellings over and above the existing situation.
14. Dwellings and a designed curtilage might improve the view from the London Road dwellings, but this would be at the expense of the privacy of occupiers which, for me, is not an acceptable trade off. The appellant also sets out that they would erect some trellis above an existing fence but given the height of the windows in the proposed dwellings, especially those in the dormers, I do not feel the erection of a taller boundary treatment would be sufficiently effective in addressing my concerns.
15. The appeal scheme would, with the above in mind, adversely affect the living conditions of existing neighbouring occupiers in the manner I have explained. This would be contrary to Policy 7.6 of the London Plan 2016, Policies SP4.1 and DM10 of the Local Plan and the Suburban Design Guide SPD. Amongst other things, these policies and supplementary guidance aim to ensure that new development is of a high quality that does not cause unacceptable harm to the amenity of surrounding land and buildings and does not result in direct overlooking at close range.

Character and Appearance

16. The appeal site is a roughly rectangular and flat land parcel to the rear of buildings that front London Road and Wellington Road. It is accessed via a narrow driveway from Elmwood Road. It is enclosed on all sides by dense residential and commercial development. It is a built up and restrictive site containing a double pile roughly two storey building that spans almost its entirety. The proposed development would see the demolition of the existing building and the erection of a terrace of four two storey dwellings. The existing access would be utilised and a small garden provided to the rear of each unit.

² Croydon Council Suburban Design Guide Supplementary Planning Document 2019

17. The Council are of the view that the appeal scheme would be a poor quality design. They point to the use of contrasting materials such as a painted render and timber cladding and how this has not been suitably detailed nor a maintenance plan therefore submitted. There is mention of the appeal scheme being a contemporary approach but limited indication of that in itself being the cause of harm.
18. The very high density of surrounding development means buildings of both a residential and commercial nature are very close together, at varying depths and with limited spacing. In this context, and considering the scale of the new buildings would not be dissimilar from that of the existing building, it does not strike me that the development of what it is and where it is would necessarily cause harm to the character of the area. The impact of the appeal scheme on the appearance of the area would be limited to some degree by how secluded it would be in the public realm. It would be an improvement, purely in design terms, on the existing building.
19. Despite the fact that there is limited detail, little justification or a future plan for the proposed finishes as is set out by the Suburban Design Guide SPD, it equally doesn't seem beyond the realms of possibility or reasonableness to condition the external finishes of the dwellings so that either sufficient information could be submitted and agreed or indeed a wholly different finish secured. From what I saw on my site visit, painted render has been put to use on other local buildings in any event.
20. I do not agree that the design approach is necessarily poor in quality. It is a modern interpretation of housing, using angled front windows, contrasting materials and colours and strong geometric shapes but this in itself would not be harmful as a concept given the varied design and quality of architecture in the wider area.
21. That said, the proposed dormer windows on the rear elevations of the terrace would be large, consume the majority of the roof slope and as a result appear bulky and ungainly for the terrace, detracting from what could otherwise be an acceptable design approach in my view. For me therefore, in regard to the use of such overly large and prominent features in the proposed dormer windows, the appeal scheme would cause harm to the appearance of the area. Such that it would conflict with Policies SP4.1 and DM10 of the Local Plan. Amongst other things, these policies seek to ensure that new development is of a high quality and contextually appropriate design and appearance which respects and enhances Croydon's varied local character and contributes positively to the public realm.

Conclusion

22. I note the expressions of support from local residents, but it is for the reasons I have explained above that, following my own assessment of the appeal scheme's planning merits, the appeal is dismissed.

John Morrison

INSPECTOR