
Appeal Decision

Site visit made on 4 August 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal Ref: APP/L5240/W/20/3248736

1 The Woodfields, South Croydon CR2 0HG

- 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 David Miller against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/05896/FUL, dated 13 December 2019, was refused by notice dated 6 March 2020.
 - The development proposed was initially described as “bungalow new build scheme”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. At Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered which reflects that which was used by the Council in their decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the site and the surrounding area, including the effect on an adjacent wild cherry tree.
 - The living conditions of future occupiers with particular regard to privacy.

Reasons

Character and Appearance

4. The appeal site is located at the junction of The Woodfields and Sundown Avenue which are residential streets of detached and semi-detached dwellings that are set back from the road that they face. Although there is some variety to the appearance of the dwellings within the surrounding area, most are similar in terms of their scale, form and positioning relative to the public domain. The most notable exception to this is a group of three bungalows within Sundown Avenue. The dwellings of the area are set on deep plots, with this being particularly apparent at the appeal site due to the large gap between the rear of 1 The Woodfields and 2 Sundown Avenue which contributes to the sense of spaciousness that exists within the area. The presence of trees within the street and the gardens of the residential

properties, combined with the abovementioned spaciousness, creates a pleasant suburban environment.

5. The appeal site hosts a semi-detached dwelling that is reflective of the other properties within the surrounding area. However, the part of the appeal site that would be the subject of the proposed development is at the rear of that site. The proposal would involve the removal of existing single storey structures at the rear of the site and the erection of a single storey dwelling that would face Sundown Avenue. The development would involve the removal of five trees and a hedge, with the proposed dwelling being erected in close proximity to a wild cherry tree that sits within the neighbouring property of 3 The Woodfields. The trees at the site currently contribute to the overall character of the area in which trees are a defining feature, as set out above.
6. As a result of the proposed dwelling being of entirely different proportions and appearance to the dwellings that surround the appeal site, the proposed building would not be reflective of its context and would be unsympathetic to the area in which it would be located. The dwelling would be distant from the other bungalows mentioned above and would not therefore be viewed in the same context. Even if these were taken to justify a single storey dwelling being erected at the site, the dwelling proposed would be of such different appearance that it would still contrast substantially with the appearance of the other dwellings within the area.
7. The forward positioning of the dwelling relative to the dwellings of Sundown Avenue would result in the dwelling being prominent in the street, with this being exaggerated as a result of the changing ground levels which would cause the dwelling to be conspicuous in views along that road. This would heighten the effect of the dwelling having an appearance that is incongruous in the context of the surrounding area and would also cause the dwelling to relate poorly to the pattern of development within the locality. In this regard, the small set back from the road and the effect on the spaciousness of the plot and its surroundings would harmfully erode the overall character of the area.
8. In terms of the effect on the contribution that trees at and near the site make to the character of the locality, the removal of some trees has not been objected to by the Council. However, the submitted plans show the retention of the adjacent wild cherry tree and, after the removal of other trees at the site, this tree would be of increased prominence and value to the character of the local area.
9. The appellant's Arboricultural Method Statement (AMS) identifies that the tree would be able to be retained and would not be unduly effected by the proposed development. However, the AMS assumes the use of protective fencing which, due to the proximity of the development to the proposed tree and the boundary of the appeal site, would provide little protection to the roots of that tree which are likely to extend well into the appeal site. Moreover, as the author of the AMS identifies that they had not seen any proposals relating to the construction of foundations and retaining walls, the AMS provides little reassurance that the development would not have a detrimental effect on the tree. As such, the evidence before me is not conclusive in terms of demonstrating that the development would not have a detrimental effect on the wild cherry tree and effect its ability to contribute to the character and appearance of the locality.
10. Whilst I have considered whether the development could be made acceptable through the use of conditions, in this case it is not certain that a condition requiring compliance with the AMS or any other condition would be effective in terms of protecting the existing tree at the site and making the development acceptable. As such, I am not satisfied that it would be reasonable to impose such a condition.

11. Whilst the erection of an additional dwelling at the site would represent a boost to the supply of housing and an increase of the efficiency of the use of land, which is supported by The CLP and the National Planning Policy Framework, the support for the proposal arising in these respects does not diminish or alter the weight that I afford to the other requirements of The CLP, which are set out above, and The Framework which requires development to be of good design, visually attractive and sympathetic to local character. As such, the benefits of the proposal that have been identified by the appellant do not alter my assessment of the acceptability of the proposed development in terms of its effect on the character and appearance of the area. Moreover, I do not find that the development is innovative or outstanding in such a way that this represents a reason to consider the visual effect of the development differently.
12. Therefore, for the reasons set out above, the development would have an unacceptable effect on the character and appearance of the site and the surrounding area, including the effect on the adjacent wild cherry tree. Consequently, the proposal would not accord with Policy DM10 of the Croydon Local Plan 2018 (The CLP) which requires that developments respect the pattern, layout, siting, scale and appearance of the built form in the area in which it is located. The proposal would also fail to accord with policies 7.4 and 7.6 of the London Plan (2016)(The LP) which combine to require that development has regard to the pattern and grain of existing streets and incorporates the highest architectural quality that complements local architectural character.
13. Whilst the emerging Intent to Publish Version of The London Plan (2019)(The DLP) has reached a stage of preparation where it can be afforded substantial weight, it is yet to be adopted and the version that has been cited by the Council is not the most recent. As such, I give no weight to the policies of the version of The DLP that have been used by the Council. However, this does not give me reason to reach a different decision in respect of the effect of the development with regard to the development plan policies mentioned above.
14. Whilst the Council's Officer Report indicates that their concern in relation to the effect on the adjacent wild cherry tree is related to the effect on the character and appearance of the area, the focus of Policies SP7 and DM27 of The CLP and policies 7.19 and 7.20 of The LP, which were cited in that reason for refusal, is on the protection of biodiversity and habitats. Therefore, whilst I have had regard to those policies, they are not determinative to this issue as they appear to relate to broader biodiversity considerations. Moreover, as I have found the development contrary to other policies of the development plan for the reasons set out above, I do not consider that this is a matter that I need to address further.
15. Although Policies DM4 and DM11 of the CLP, 4.7 of The LP and SD6 of The DLP were also cited by the Council, as these relate to development in designated centres and the design of shopfronts, they are not relevant to this proposal. This does not, however, alter my assessment in the above respects.

Living Conditions of Future Occupiers

16. The proposed dwelling would be set closer to the footpath of Sundown Avenue than the other built form of the surrounding area but would still be set away from that footpath with some defensible space being able to be provided forward of the dwelling. In this regard, the submitted plans show that the dwelling would be elevated from the footpath and that a boundary fence would be provided along part of the site frontage. These factors ensure that users of the footpath would have limited views into the proposed dwelling and, as such, the future occupiers

would not be deprived of privacy to an extent that would substantially undermine their living conditions.

17. Whilst the Mayor of London's Housing Supplementary Planning Guidance (2016) identifies that it might be preferable for living rooms or kitchens to front the public domain, it does not prevent bedrooms being provided in such a location. In this regard, the proposed windows would be at a slightly raised ground level relative to the adjacent footpath and would, therefore, accord with the abovementioned guidance in terms of mitigating the effect of the proximity of the dwelling to the public domain. Moreover, as the Technical Housing Standards - Nationally Described Space Standard (2015) do not address the privacy of future occupiers, they are not determinative in this regard.
18. For the reasons set out above, the development would not have an unacceptable effect on the living conditions of future occupiers with particular regard to privacy. Consequently, in that respect, the development would accord with policy DM10 of the CLP which requires that developments do not result in direct overlooking at close range.

Planning Balance and Conclusion

19. For the reasons set out above, the proposal would have an unacceptable effect on the character and appearance of the area, including the effect on the adjacent wild cherry tree. Whilst the proposal would be acceptable in some respects and bring about benefits in terms of representing a small boost to the supply of housing and the efficient use of a small windfall site, these factors do not outweigh the identified harm. Moreover, as the provision of adequate gardens, internal living conditions, cycle stores and refuse stores should be expected of all development, these are neutral factors that do not weigh substantially in favour of the proposal.
20. Consequently, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR