
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: 03 September 2020

Appeal Ref: APP/L5240/W/20/3247271

40 and 40A Warminster Road, South Norwood, London SE25 4DZ

- 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 Lower Marsh limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/05822/FUL, dated 18 January 2019, was refused by notice dated 6 September 2019.
 - The development proposed is the demolition of existing dwelling at 40A Warminster Road and the erection of nine new residential units (8 x 3b6p & 1 x 4b7p) arranged into two terraces, parking and landscaping together with partial demolition of No.40 Warminster Road, erection of a new rear extension and rear dormer and widening of adjacent access.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within a residential area that features a mixture of dwellings and flats of varied scale and appearance, albeit with some groups of similar buildings including two long terraces that are adjacent to the site and face Warminster Road. The layout of the buildings within the area generally follows the perimeter of the block that is formed by Avenue Road and Warminster Road but some built form is located within the enclosed area to the rear, including the building at the appeal site, the adjacent buildings of 6 to 6D Warminster Road and groups of garages. The built form of the area is set back from the roads and there are gaps between buildings through which trees provide a backdrop to the built form. The arrangement of the built form, the front gardens of dwellings and the presence of green space within the public domain creates a spacious suburban environment.
4. Intermittent views of the appeal site are possible between the buildings of Warminster Road and Avenue Road, with views being particularly clear through the gap between the properties of 6 and 6A Warminster Road. As the appeal site is a large plot that hosts a detached building and substantial trees, it contributes positively to the spaciousness of the area and the backdrop to the other built form.
5. The proposal would involve the erection of a pair of terraces of differing length, with the space around the forwardmost, shorter terrace hosting hardsurfacing including parking and part of a designated pedestrian route. The route to the

rearmost terrace would be through a comparatively narrow gap between the forwardmost terrace and the boundary of the site, which would be demarked by a light slatted fence with a line of adjacent tree planting. This layout would cause the site to be divided into two distinct parts, with the pair of terraces being poorly related to each other to the extent that the arrangement of the site would appear convoluted and contrived. Furthermore, the relative narrowness of the route through to the rear terrace would result in the approach to the rear terrace being uninviting and cause the site to appear fragmented.

6. The positioning of the forwardmost terrace and its gardens would result in the proposed open space being obscured from view from large parts of the public domain within the site. Although the layout would enable surveillance and convenient access would be provided onto that space from all proposed dwellings, its positioning and enclosure would prevent that space from making more than a minimal contribution to the overall appearance of the development. In this regard, whilst the proposal would include replacement tree planting, hedges at the boundaries of the gardens and parking areas and a small area of green space to the front of the forwardmost terrace, the layout of the development would not take the opportunity available to utilise the open space or gardens areas in a way that is reflective of the surrounding suburban environment, in which vegetation, front gardens and pockets of green space play an important role and contribute to the sense of place.
7. Whilst the appellant's submissions show that some regard has been had to the built form at 6 to 6D Warminster Road, the separation of the sites, the contrasting appearance and the limited alignment of the built form would minimise any relationship between the sites. Accordingly, the integration with the built form at the neighbouring site would not be such that it compensates for the shortcomings of the proposal that have been identified above in relation to the layout of the development and the manner in which it would integrate with the character of the surrounding area overall.
8. All but one of the dwellings would feature accommodation over three storeys, with the top floor of those dwellings being setback from the floors below, thereby enabling the roof of the dwellings to feature a mixture of pitched roofs and flat sedum roofs that would reduce the effect of the built form in views from neighbouring properties and reduce the massing of the built form. The buildings would also be of a height that is compatible with the surrounding area and feature high quality building materials and detailing. The Council's Suburban Design Guide Supplementary Planning Document (2019)(The SPD) encourages development in areas of varied character, such as that which surrounds the appeal site, to take an innovative and original approach and the proposal would accord with The SPD in that respect.
9. The SPD identifies various approaches to undertaking development in a suburban setting and promotes the evolution of such areas in order to provide additional housing. However, The SPD also requires that developments are responsive to existing character, informed by the layout of plots and the predominance of landscaping within the locality and create places that are attractive. For the reasons set out above, this proposal would not accord with those aims. Therefore, whilst the proposal would accord with The SPD and represent high quality design in some respects, those acceptable elements of the proposal do not alter my assessment of those aspects of the proposal where harm has been identified.
10. The National Planning Policy Framework (The Framework) requires that development establishes a strong sense of place and uses the arrangement of streets and spaces to create attractive, welcoming and distinctive places to live.

For the reasons set out above, the proposal would not accord with The Framework in those respects or the similar requirements of the National Design Guide (2019). Moreover, whilst the site currently has an unkempt appearance, for the reasons set out above, the proposal would not take the opportunity available to improve the character and quality of the area and the way it functions as is required by The Framework.

11. It has been brought to my attention that planning permission¹ has been granted at the adjacent garage court that is accessed from Avenue Road. However, limited details of that development have been provided and the details that have been provided indicate that there are substantial differences between the proposed developments. As such, that development does not alter my assessment of the effect of the proposal.
12. 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. The proposal would not, therefore, accord with policies SP4 and DM10 of the Croydon Local Plan 2018 (The CLP) which together require that developments are of high quality, provide visually attractive spaces and a stimulating environment and respect the development pattern, layout and density of the area in which they are located. The proposal would also conflict with policies 7.1 and 7.4 of the London Plan (2016) which require that development provides a high quality design response that has regard to the pattern of existing spaces and reinforces or enhances the character of the area. Moreover, the proposal would not accord with parts of The SPD as set out above.
13. The proposal would also involve alterations to the dwelling at 40 Warminster Road. The works to that dwelling would not lead me to reach a different conclusion and, as such, I do not consider it necessary to further address that part of the proposal.

Planning Balance

14. The proposal would bring about a boost of housing supply on a small site and represent the more efficient use of land and, having regard to support provided by The Framework in relation to those matters, I afford substantial weight to those benefits of the development. I also afford limited weight to some of the other minor benefits arising from that proposal that have been identified by the appellant including the improvement of the existing vehicle access, the enhancement of living conditions within the existing dwelling at 40 Warminster Road and the inclusion of solar panels within the development.
15. The development would also include electric vehicle charging points, replacement tree planting and measures to enhance biodiversity at the site, including sedum roofs. Moreover, I recognise that all proposed dwellings would have gardens, be of sufficient size to comply with the Technical Housing Standards – Nationally Described Space Standard (2015) and receive an acceptable level of daylight and sunlight. However, these features of the development would align with the expectations of The CLP and The Framework and, therefore, are neutral factors.
16. In this case, as The Framework identifies that the creation of high quality places is fundamental to what the planning and development process should achieve, I afford most weight to the harm that has been identified in respect of the main issue. Therefore, whilst the proposal would bring about benefits in some respects and be acceptable in others, these factors do not outweigh the harm that would be caused

¹ 17/06360/FUL

in respect of the effect on the character and appearance of the site and the surrounding area and the associated conflict with the development plan that has been identified above.

17. Whilst I acknowledge that the appellant sought pre-application advice and amended the proposal after its submission, these factors do not alter my assessment of the effect of the proposed development. Furthermore, although I have had regard to the representations made by interested parties, as they do not lead me to reach a different conclusion, I shall refrain from addressing the matters raised any further.

Conclusion

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

Ian Harrison

INSPECTOR