



Appeal Decision

Site visit made on 15 September 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2020

Appeal Ref: APP/L5240/W/20/3252988

10 April Court, 107 Northwood Road, Thornton Heath CR7 8HW

- 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 Mrs Jacqueline Bell-Gam against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/00655/FUL, dated 11 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is was initially described as "2 x Three Bedroom New Build Scheme".
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Decision

1. The appeal is dismissed.

Preliminary 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. 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;
 - The adequacy of the access to the proposed development; and
 - The effect of the development on flood risk with particular regard to surface water flooding.

Reasons

Character and Appearance.

4. The appeal site is located within a mostly residential area which is defined by long terraces including those of Northwood Road that are set on deep plots with substantial gardens to the rear, some of which feature large trees. Although the dwellings of the area are not uniform in appearance, there is a similarity to the scale and form of most dwellings, with pitched roofs and similar architectural detailing and fenestration, that enables the dwellings to have a cohesive appearance that contributes positively to the character of the area.

5. However, the appeal site represents a variation to its surroundings as it includes a gap at ground floor level within the terrace fronting Northwood Road that provides access to the plot to the rear, with 2 floors of residential accommodation oversailing the ground floor gap. The access serves a parking area and two existing single storey dwellings, including the dwelling at the appeal site, which are positioned between the buildings of Northwood Road and Osterley Road. The existing dwelling is largely screened from the public domain due to its position and the scale of the surrounding buildings but, when viewed from the parking court, the low height of the dwelling causes it to have a discreet effect on the character and appearance of the area.
6. The proposal would involve the replacement of the existing building with a pair of mostly 2 storey dwellings, one of which would have a single storey projection at the side. Alike the existing building at the site, the proposed dwellings would cover a substantial portion of the plot, but the significant increase of the height of the built form would cause the dwellings to be of much greater prominence in views from within surrounding properties.
7. Although it appears that the dwellings would be of lower height than the terrace of Northwood Road, they would be of a scale that would cause the built form to dominate the site on which it would sit and have an imposing effect on the character of the surrounding area. Moreover, the proposal would feature a combination of flat roofs and pitched roofs of contrasting designs that would cause the dwellings to have a contrived appearance that shows little regard to the buildings that surround the site. Consequently, the combination of the height of the dwellings and their convoluted design would cause them to have an incongruous appearance in the context of the surrounding area.
8. The Council's Suburban Design Guide (2018) (The SDG) requires developments within 18 metres of the rear elevation of an existing dwelling to be subordinate, indicating that this may be best achieved by the dwellings being a storey lower in height. Whilst this proposal relates to the replacement of an existing dwelling, its relationship is comparable to the circumstances envisaged by the abovementioned guidance and therefore, whilst that part of The SDG is not determinative in this case, it provides useful guidance as to how land at the rear of other buildings can be brought forward for development. In this regard, the scale of the proposed dwellings, which would contrast substantially with the existing bungalows, would not be sufficiently subservient to the existing buildings of the surrounding area. As such, the proposal would not reflect the pattern of development and this would amplify the effect of the other harm identified above.
9. For these reasons, the proposal would not represent high quality design and I do not find that the proposal would complement the design, character and appearance of other dwellings or bring about diversity or variety to the built form of the locality in a manner that would be beneficial to the character and appearance of the area. Although the pair of dwellings would not be visible from the public domain, the dwellings would be visible from surrounding properties, including the shared access way and, from those vantage points, the development would have an appearance that is harmful to the character and appearance of the area.
10. The support set out within paragraph 118 of the National Planning Policy Framework (The Framework) for the use of space above existing buildings is subject to the development being well-designed and consistent with the scale and form of surrounding buildings. The proposal would not meet all of those requirements and, therefore, the abovementioned section of The Framework does not alter my assessment of the proposal. Furthermore, although the Council have identified that the scale of the dwellings has been reduced in comparison to a

previous proposal at the site, which was the subject of a dismissed appeal¹, this does not lead me to conclude that the proposal is acceptable in the abovementioned respects.

11. Therefore, the development would have an unacceptable effect on the character and appearance of the site and the surrounding area. Consequently, the proposal would be contrary to Policies SP4 and DM10 of the Croydon Local Plan 2018 (The CLP) which, together, require that development is of high quality that respects and enhances local character and the development pattern and appearance of the surrounding area. Furthermore, the proposal would be contrary to Policies 3.5, 7.1, 7.4 and 7.6 of The London Plan (The LP) which also require development to be of high quality that enhances local places and has regard to surrounding built form and the pattern and grain of existing spaces and streets. The proposal would also fail to accord with The SDG which allows for the optimisation of the use of sites to provide housing subject to this not causing significant change to the character of an area.

Access

12. The submitted plans show that the dwellings would be served by two parking spaces and that sufficient space exists within the parking area for them to be manoeuvred in order to safely enter and leave the site. However, the positioning of the proposed parking spaces indicates that, if they were both used, there would be insufficient space for occupiers and visitors to access the proposed dwellings. The access would be particularly restricted for the users of wheelchairs, those travelling with bicycles, prams or other such vehicles and those moving refuse containers.
13. Whilst the appellant has indicated that the parking spaces could be moved to elsewhere within the site, that is not the arrangement shown on the submitted plans and I am not able to be certain that the relocation of the parking spaces would not displace other cars, potentially into the same position as that where parking is shown on the submitted plans. Consequently, I am not satisfied that a condition can be imposed to address this matter. Moreover, whilst the appellant has identified that the internal spaces within the dwellings would accord with the Nationally Defined Space Standards – Technical Housing Standards (2015), that factor does not alter my assessment of the acceptability of the approach to the dwellings.
14. For these reasons, the proposal would not be served by adequate access. The development would, therefore, be contrary to Policies SP8, DM10 and DM13 of The CLP which, together, require that development provides access for all and has a layout that ensures cycle parking, refuse and recycling facilities are conveniently located and accessible. Furthermore, the proposal would be contrary to Policy 3.5 of The LP which requires that development is of the highest quality externally and takes account of factors relating to arrival at the building.

Flood Risk

15. The Council state that the site is situated within an area which is at high risk of surface water flooding. Although the appellant has identified that the site is within Flood Zone 1, it has not been clarified that this status is applicable to surface water flooding and, as such, does not represent compelling evidence that the site would not be at risk.

¹ APP/L5240/W/19/3231796

16. Whilst the appellant has identified some measures that could be incorporated within the development to address surface water, no assessment has been provided that demonstrates that these would address the matter or not cause an increased risk of flooding elsewhere. Consequently, whilst I have had regard to the appellant's suggestion that this matter is addressed through the imposition of a condition, it is not certain that a condition would enable this matter to be addressed. Moreover, without more evidence being available in this regard, I am not satisfied that it would be possible to impose a condition to address this matter that would be precise and reasonable in all other respects.
17. Consequently, the evidence before me does not give me reason to conclude that the development would be compliant with Policies SP6 and DM25 of The CLP which, together, require that all development utilises sustainable drainage systems to reduce surface water run-off and that in areas at risk of flooding, development should incorporate flood resilience and resistant measures into the design.

Other Matters

18. The appellant has referred to a planning permission that was previously granted at the site but has provided no details of that proposal and has acknowledged that the permission has expired. As such, that permission is not determinative in my assessment of the proposal.

Planning Balance and Conclusion

19. The proposal would represent the net gain of one dwelling, with both proposed dwellings being family homes in the context of Policy SP2 of The CLP. As such, the proposal would meet an identified need and this weighs in favour of the proposal. However, I afford very significant weight to the harm that has been identified in respect of each of the main issues and the associated conflict with the development plan which, individually and collectively, outweigh the benefits of the proposal.
20. Consequently, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR