

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/20/3253470

39 Castlemaine Avenue, South Croydon CR2 7HU

- 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 A Akadiri against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/00477/FUL, dated 31 January 2020, was refused by notice dated 9 April 2020.
 - The development proposed is the change of use of existing annexe to a separate residential dwelling (C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the site and the surrounding area;
 - The effect of the development on the living conditions of future occupiers of the building with particular regard to the size of the living accommodation and the adequacy of the access; and
 - Whether the proposed refuse storage facilities would be provided in an accessible and convenient location.

Reasons

Character and Appearance

3. Castlemaine Avenue features substantial detached dwellings on large, deep plots many of which have outbuildings at the rear which are served by a track leading between the plots of Castlemaine Avenue and those of Croham Park Avenue which also have outbuildings adjacent to the track. One dwelling is also served by that track. The size of the plots and the dwellings and the presence of substantial trees and other vegetation creates a spacious and verdant suburban character. The existing building at the appeal site is located at the rear of the dwelling of 39 Castlemaine Avenue with a substantial garden between it and the host building. As a result of its position and the presence of buildings, trees and other vegetation, the building is not viewed from Castlemaine Avenue but it faces the abovementioned track, with space for the parking of cars forward of the building.

4. Pedestrian access to Castlemaine Avenue from the dwelling would be provided in the form of a long pathway adjacent to the side boundary of 37 Castlemaine Avenue and the side of the rear garden that would be retained to serve the existing dwelling. Providing access to the dwelling in this way would not be reflective of the layout or arrangement of development within the locality and would harmfully contrast with the established pattern of development. Whilst the visual effect of that route to the dwelling would be minimal due to the extent that the site is screened from the public domain, the route would exaggerate the presence of a separate dwelling at the rear of the site and cause the development to conflict with the character of the area.
5. No alterations are proposed to the building, it would continue to be surrounded by enclosed garden land, have parking spaces adjacent to the building and have a similar relationship with the abovementioned track. As such, the use of the building as a dwelling rather than as an annexe would have a minimal effect on the appearance of the building and the site in most respects. Moreover, the presence of additional domestic paraphernalia and the additional activity associated with the occupation of a dwelling would also have little effect on the overall character of the area. In these respects, the effect of the development would be comparable to the other dwelling within the vicinity of the site that is in a similar position. However, these factors do not alter my assessment of the effect of the means of providing pedestrian access to the dwelling in the context of the surrounding area.
6. The proposal would, therefore, have an unacceptable effect on the character and appearance of the site and the surrounding area. Consequently, the development would not accord with Policies SP4 and DM10 of The Croydon Local Plan 2018 (The CLP) which require that, amongst other things, development is of high quality that respects the pattern, layout, and siting of the buildings in the surrounding area. The proposal would also fail to accord with Policies 7.4 and 7.6 of The LP which require that development has regard to the pattern and grain of existing spaces and makes a positive contribution to a coherent public realm. Moreover, the proposal would fail to accord with the Council's Suburban Design Guide Supplementary Planning Document (2019) which allows for plot subdivision and rear garden development subject to that development improving or positively contributing to local character.

Living Conditions

7. The appeal site contains a detached annexe building that would be converted to a two bedroom dwelling and be served by private outdoor space around the building. The submitted plans indicate that each bedroom would be of sufficient size to host a double bed and, therefore, the dwelling would be able to be occupied by four people. However, as the habitable space outside the bedrooms would be limited in size, the living conditions of future occupiers would be constrained.
8. Policy 3.5 of The LP states that development should be of the highest quality internally and requires that development complies with the Technical Housing Standards – Nationally Described Space Standard (The THS). The main parties agree that the proposed dwelling would not be compliant with The THS and, although the shortfall relative to those standards would be small, the living space would be of insufficient size to serve the number of people that would be able to occupy the proposed dwelling. The dwelling being well served by

garden space would not compensate for the inadequacy that has been identified in relation to the lack of internal living accommodation.

9. Whilst the building is existing and would already be able to be occupied, as an annexe, the occupiers would also have access to other habitable space within the host dwelling. As such, the building already being there does not alter the importance of providing acceptable living conditions for future occupiers.
10. The long, narrow pedestrian approach to the dwelling would not represent a convenient or attractive access for the proposed occupiers of the dwelling and, as surveillance of that route would be minimal, it would not be conducive to safety in a manner that accords with the Council's Designing for Community Safety Supplementary Planning Document. The hidden position of the entrance to the dwelling would also have the potential to detract from a sense of safety at the site. Whilst lighting, CCTV, secure entrances and other such measures could be installed to address these matters, they would be likely to heighten the visual effect of the development that has been set out above. Future occupiers would have the option to use the track at the rear of the site, which the appellant and an interested party have identified is used by other properties and pedestrians, but the condition of that track would not represent a high-quality usable approach to the dwelling for all potential users. The living conditions of future residents would, therefore, also be undermined for this reason.
11. For the reasons given above, the proposed development would not provide acceptable living conditions for the future occupiers of the proposed development with particular regard to the size of the living accommodation and the adequacy of the access. The proposal would therefore be contrary to the abovementioned aims of Policy 3.5 of The LP. The proposal would also be contrary to Policy DM10 of The CLP which requires the creation of well-designed public and private spaces, seeks to increase the amount of natural surveillance and seeks to avoid dark and secluded areas. The proposal would also not accord with the National Planning Policy Framework (The Framework) which requires that places are created with a high standard of amenity for existing and future users.

Refuse Collection

12. The submitted plans show that refuse storage serving the proposed dwelling would be provided in close proximity to the rear elevation of the existing dwelling of 39 Castlemaine Avenue. The refuse storage area would, therefore, be remote from the proposed dwelling and the street, with two separate gates between the proposed refuse store and the road.
13. Neither main party have identified standards in relation to the positioning of refuse storage facilities. However, the positioning that is shown indicates that the refuse storage area would be poorly located in terms of providing convenient access for future occupiers, whilst also having the potential to detract from the living conditions of the existing dwelling. Although the appellant's submissions indicate that refuse collection operatives would not be required to reach the bin store as future occupiers would be responsible for moving the refuse containers to enable collection, this does not address the other matters raised above in relation to the inconvenient positioning of the refuse store.

14. Whilst the site is of adequate size for the refuse storage to be provided in an alternative location, my assessment is based on the submitted plans and the arrangements that are shown by them for the storage of refuse. Similarly, whilst I recognise that the position of the proposed dwelling is comparable to the nearby dwelling at Beechwood Cottage and is therefore likely to have similar opportunities to have refuse collected, I have no details before me of the refuse collection arrangements of that dwelling.
15. Therefore, the proposal would not provide refuse storage facilities that would be sufficiently accessible and conveniently located. Accordingly, the development would be contrary to Policies SP8 and DM13 of The CLP which require that refuse and recycling facilities are conveniently located and easily accessible by occupiers, operatives and their vehicles.

Planning Balance and Conclusion

16. The use of the building as a dwelling would represent a boost to housing supply, albeit this benefit would be limited due to the proposal involving the creation of a single dwelling. However, the proposal would have an unacceptable effect on the character and appearance of the area and the dwelling would provide inadequate living conditions in terms of the size of the dwelling, the access to the dwelling and the provision of adequate refuse storage facilities. Accordingly, the proposal would be contrary to the development plan when taken as a whole and the harm arising in this respect is not outweighed by other considerations.
17. Therefore, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR