



Appeal Decision

Site visit made on 5 October 2020

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/L5240/W/20/3247330

4a Sylvan Hill, Upper Norwood, London SE19 2QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Patel against the Council of the London Borough of Croydon.
 - The application Ref 19/05837/FUL, is dated 10 December 2019.
 - The development proposed is full planning permission is sought for the demolition of an existing house and erection of new residential building housing 6 dwellings with basement, ground, first and second floor accommodation with associated bins and cycle lockers.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. This appeal is against the Council's failure to determine the application for planning permission within the prescribed period. The Council have subsequently resolved, had they determined the application, that they would have refused planning permission for the proposal. A single putative reason for refusal has been set out which, for the avoidance of duplication, is set out in full at paragraph 1.4 of the Council's statement of case. I have framed the main issue below accordingly.
3. Extensive reference to, and comparison with, a previous appeal scheme¹ at this site has been made by both parties. I have been supplied with the details of that proposal, including the previous Inspector's decision, with this appeal and I have determined the appeal accordingly.

Main Issue

4. The main issue is whether or not the proposed development would preserve or enhance the character or appearance of the Church Road Conservation Area.

Reasons

5. The appeal site lies within the Church Road Conservation Area (CRCA), an area described² as being characterised by a concentration of high-class Victorian buildings and suburban Victorian housing. Although substantial in scale, the detached buildings display generous spacing between them, adding to the area's spacious setting. Added to this, the area's special character is further enriched by mature landscaping and trees creating an established, mature character.

¹ APP/L5240/W/19/3230471

² Church Road Conservation Area Appraisal and Management Plan Supplementary Planning Document – paragraph 1.6 – Statement of Special Character

6. The appeal property is atypical of the prevailing character or appearance of other buildings within this part of the CRCA. One of four modern detached dwellings, it is set back from the roadside behind a small front garden. As each of the four houses step down the steeply sloping Sylvan Hill, they are also set slightly below road level. Gable end-on to the street, with shallow roof pitches, they have an unobtrusive presence which the Council conclude has a neutral effect on the character and appearance of the CRCA.
7. I agree. Furthermore, whereas the three neighbouring properties are similar to each other in terms of scale, siting, spacing and appearance, and combine to create a pleasing sense of rhythm, the appeal property is subtly distinct from them, being both larger and wider and of a different design. Nevertheless, like them it is unobtrusive in its appearance and scale, particularly when compared with the larger and more dominant flatted building to the east and the larger detached villa to the east. In a modest way, they reflect elements of the CRCA's prevailing character and special interest.
8. The proposed building would be wider than the existing dwelling and would, from the roadside at least, appear to occupy the plot's entire width. In isolation, this would perhaps not be critical as the appeal property and its three contemporaries occupy, at least at ground floor, all or almost all of each plot's width. Nor would it be any taller, the highest part of the building's roof structure being slightly lower than the highest point of the existing building's ridge, and its eaves height considerably below that of the existing building.
9. However, whereas the existing building is a modest two storey dwelling with a shallow pitched roof, the proposal includes an additional storey with near-vertical tiled pitched roof slopes. Whilst this is described by the appellant as being more reflective of large traditional houses with a tile finished roof with modest dormer windows, the end result is somewhat different. The additional storey within the roof would be facilitated by a substantial and incongruous mansard-style roof. The tiled roof would be a steeply sloping structure, topped with a shallower pitched roof and an area of crown roof.
10. Rather than having a visually and physically receding roofline, the proposed building would have a bulky and awkward mansard-style roof, giving it an incongruous and obtrusive presence within Sylvan Hill. As a consequence, the roof would also be an overly dominant feature out of proportion with the proposed building's otherwise modest two-storey masonry Sylvan Hill façade. Furthermore, the stepped façade and mansard roof elements would sit forward of, and be out of sync with, the positioning, rhythm and spacing of Nos. 2, 2a and 4. Whilst these properties do not contribute significantly to the CRCA's character or special interest they have a pleasing sense of rhythm and spacing between them which reflects elements more typically found within the CRCA. Together, these dwellings have a neutral effect on character and appearance, but the replacement building would instead be an incongruous addition to the street which would fail to preserve or enhance the character or appearance of the surrounding area.
11. Whilst views along Sylvan Hill are largely dominated by the mature landscaping and trees within the street and properties on the northern side of the street, the site's immediate frontage (and that of its modern neighbours to the west) is more open. Elements of the replacement building's façade would sit noticeably forward of those at Nos. 2 to 4, further emphasised by its heavily articulated façade and bulky mansard-style roof whilst the limited space at the front of the property would be dominated by cycle and refuse storage provision. As well as appearing unsightly in such a prominent position, the cramped nature of these facilities and the space around them reinforces the width, scale and bulk of the proposal, and

the loss of spacing between the properties which would arise from the proposal and which is a characteristic of the CRCA. Neither the lower ground levels of the appeal site relative to Nos. 2 to 4 on one side nor the substantial height and scale of the flatted building on the other would wholly mitigate the inherently incongruous nature of the proposed development. As a consequence, the replacement building would be an unduly prominent, strident feature in its own right and also within the wider Sylvan Hill streetscene.

12. Nor would the proposal resolve the previous Inspector's concerns. The current proposal would still be a prominent feature within the site. As well as being unduly and uncharacteristically bulky, the mansard-style roof of the proposed building would also result in an awkward juxtaposition of roof forms, and would do so with one which has very little in common with the prevailing character, appearance or special interest of the CRCA. Furthermore, the bulk and massing of the mansard-style roof with its almost vertical elevations would emphasise the proposal's width across the plot and the reduction in space between buildings. The proposed replacement building would therefore do very little in terms of addressing the previous Inspector's concerns, whilst also being visually incongruous and unnecessarily dominant in its own right by virtue of its scale, bulk and massing.
13. In certain other respects, the proposed building would more successfully reflect existing patterns of development. It would follow the existing stepped succession of site levels evident between Nos. 2, 2a and 4 in having its ground level set lower than both the uphill property and the road level. The overall height of the proposed building would, as noted with the previous scheme, also provide a useful transition from the modest scale of Nos. 2, 2a, 4 and 4a to the much larger heights of the development beyond and would not exceed the highest points of the existing house. Whilst I have no reason to doubt the Council's statement that lightwells are not generally a characteristic of this part of the CRCA, the proposed lightwell's excavated depth would at least not look entirely out of place given the depth of the adjacent excavation and retaining wall at the neighbouring site.
14. However, policy DM18.1 of the Croydon Local Plan (CLP) seeks to preserve and enhance the character, appearance and setting of heritage assets. It sets out a range of criteria against which proposals will be determined, stating that amongst other things development affecting heritage assets will only be permitted if their significance is preserved or enhanced and that particular attention has been paid to scale, height, massing, design and detailing. For the reasons I have set out, the proposal would fail to do so and would be contrary to CLP policy DM18.1 and London Plan (LP) policy 7.8.
15. The proposal would fail to preserve or enhance the character or appearance of the CRCA as a whole and as such would cause harm to the significance of the designated heritage asset. However, that harm would be less than substantial. The Framework is quite clear that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm to significance should require clear and convincing justification.
16. Where a development proposal would lead to less than substantial harm to the significance of a heritage asset, the harm should be weighed against the public benefits of the proposal. The proposals would result in the creation of 6 residential flats and studios. Although housing supply has not been cited as a reason for refusal, the proposal would nevertheless contribute towards housing supply within the borough, and the government's aim of significantly boosting the supply of homes more widely. Moreover, as there would be two 3-bedroom units created, albeit that one of these would be on the top floor with two smaller bedrooms, there

would be no net loss of a family (3-bedroom) dwelling. The proposal would contribute to maintaining a mix of housing type and size and, together, these factors are public benefits which weigh in support of the proposal.

17. The provision of adequate cycle storage facilities would encourage the use of means of transport other than the private car and, despite the area's relatively low PTAL rating, public transport routes lie reasonably close by on Church Road and Auckland Road. These would be public benefits in terms of contributing towards more sustainable patterns of travel albeit only modestly so.
18. However, whilst there are public benefits arising from the proposed development which weigh in favour of the proposal, they are modest. I am statutorily required to give great weight to the conservation of the heritage asset and the public benefits set out are modest and do not provide the clear and convincing justification required by Framework paragraph 194 to overcome the harm to the designate heritage asset. The proposal would fail to preserve or enhance the CRCA's character and appearance that I have identified above. Thus, in addition to failing to accord with CLP policy DM18.1 and LP policy 7.8, the proposal would also fail to accord with the heritage aims and provisions of the Framework.

Other Matters

19. I appreciate that the appeal proposal represents the latest version of proposals in what has become an iterative process. I appreciate too the appellant's frustration within the shifting advice provided by the Council's officers. However, the advice provided is just that. From the extracts of e-mail correspondence submitted it is clear that there were a number of areas of concern, of which the roof structure's design was one. Whilst a tiled pitched roof may represent a more traditional approach to design than the previous appeal scheme's more contemporary approach, the execution of that approach would fail to preserve or enhance the character or appearance of the CRCA for the reasons I have outlined.
20. Other elements of the proposal which attracted the Council's concern at earlier stages seem either to have been resolved and incorporated into the appeal proposal, or do not fall within the scope of the reason for refusal. Nor do I have any reason to reach a different conclusion to that reached by the Council with regard to the quality or quantity of internal living accommodation or external amenity space, the effect of the proposal on the living conditions of occupiers of neighbouring properties or the reliance on on-street car parking provision. Although the positioning of the cycle and refuse storage supports my conclusions regarding the effect of the proposal on character and appearance, there is no objection to the quantum of these facilities. However, these factors are not sufficient to persuade me that the proposal, which causes harm in the terms set out above, should be allowed.

Conclusion

21. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR