
Appeal Decision

Site visit made on 5 October 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th October 2020

Appeal Ref: APP/L5240/W/19/3241737

22 Hartley Down, Purley CR8 4EA

- 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 Lombaard against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04150/FUL, dated 9 July 2019, was refused by notice dated 15 November 2019.
 - The development proposed is described as demolition of a single, family dwelling and erection of a two storey, block containing 3no 3BED, 5no 2 BED and 1no 1BED apartments with associated access, 4 parking spaces, 20 space cycle storage and refuse store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. The original description however adequately describes the proposals and I have determined the appeal on this basis.
3. The appellant has submitted amended plans which show significant alterations from those on which the Council made their determination. These involve material alterations to the scheme subject to this appeal. However, the Procedural Guide to Planning appeals (2019) at Annexe M states that the appeal process should not be used to evolve a scheme and it is important that I determine this appeal based on what was considered by the Council, and on which interested people's views were sought.

Main Issues

4. The main issues are:
 - i. The effect of the proposal on the character and appearance of the area;
 - ii. The effect of the proposal on the living conditions of neighbouring occupiers with particular regard to light, outlook, visual intrusion and privacy;
 - iii. The effect of the proposal on the living conditions of future occupiers with regard to design and layout;

- iv. The effect of the proposal on highway safety in relation to any on street parking demand associated with the development;
- v. Whether the proposal would make adequate provision for appropriate cycle and waste storage; and
- vi. Whether the proposal would make adequate provision for drainage.

Reasons

Character and appearance

- 5. The area is dominated by modest detached dwelling houses which sit comfortably within their plots. The front building line is fairly regular along the western side of Hartley Down, which allows for reasonably sized front gardens and driveways meaning that the dwellings are not imposing when viewed from the road. The bulk of many of the dwellings along this side of the street is broken up through the provision of garages and lower elements to the side elevations.
- 6. The proposed building would incorporate an imposing two storey front element which would sit well forward of the established forward building line. The scheme also seeks to absolutely maximise internal volume, resulting in a bulky building which sits almost on the boundary line to the south. These aspects of the proposal would result in the proposal having an over dominant appearance within the street scene and being highly visible.
- 7. The angled side elevations which would incorporate the side windows would be an uncomfortable feature which are necessitated by the desire to maximise the accommodation within the building but which are not reflective of local character. The combined hipped and mansard roof to the rear would be an overcomplicated feature which would be out of keeping with the relatively simple roof form elsewhere on the building. While the rear elevation would be unlikely to be visible from the public domain, it would be visible from adjacent gardens.
- 8. I therefore conclude on this issue that the proposal would have a detrimental impact on the character and appearance of the area. The proposal would subsequently be contrary to Policies SP4 and DM10 of the Croydon Local Plan (2018) (CLP), Policies 7.4 and 7.6 of the London Plan (2016) (LP) along with SPD¹ guidance which amongst other things require good architecture and design which is reflective of local character.

Living conditions (neighbouring occupiers)

- 9. While the greatest projection beyond the rear elevation of the neighbouring properties would be at basement level, the property also incorporates protrusion to the rear within the upper floors. Windows are proposed within the side elevations of the building which would serve habitable rooms. Nothing within the evidence persuades me that these windows would not result in direct and harmful overlooking to the rear amenity areas of both neighbouring properties which would result in a significant loss of privacy.
- 10. Regardless of compliance or otherwise with the 45-degree rule which acts as guidance only, the sheer bulk of the rear of the building and its proximity to

¹ Croydon Council Suburban Design Guide Supplementary Planning Document 2019.

the boundaries is likely to be visually intrusive to neighbouring occupiers and reduce their outlook. There is nothing within the evidence to indicate that there would be no harmful loss of daylight and sunlight, particularly in relation to 20 Hartley Down to the north which has large habitable room windows on its rear elevation close to the boundary with the appeal site.

11. I therefore conclude on this issue that the proposal would be contrary to Policy DM10 of the CLP and SPD guidance which amongst other things seek to protect the living conditions of the occupiers of adjoining buildings. Policies 6.12 and 6.13 of the LP are not relevant to this aspect of the proposal as they relate to highways matters.

Living conditions (future occupiers)

12. The evidence indicates that the flats meet the required floorspace standards and nothing presented by the Council contradicts this. Clearly the proposal should meet these standards which are a minimum requirement, which developers are encouraged to exceed.
13. However, the flats within the building would heavily rely on windows within the side elevations to serve bedrooms within many of the flats. These windows, in particular, those which serve the lower flats would have very limited outlook and receive limited levels of light as a result of adjacent boundary treatment and neighbouring buildings. Those adjacent to the proposed access path to the north side of the building would also suffer from limited privacy.
14. I conclude on this issue that the proposal would therefore be contrary to Policies DM10 of the CLP and Policy 3.5 of the LP which amongst other things require the provision of high quality housing for future occupants which provides adequate sunlight and daylight to future occupants.

Highway safety

15. The low PTAL (Public Transport Accessibility Level) of the site means that future occupiers would be more likely to own a car. Given that only four parking spaces are proposed on site, the intensive level of residential accommodation indicates to me that it is likely that the proposal would result in some future occupiers parking on the street.
16. The appellant indicates that Hartley Down is subject to low levels of parking stress. That may well be the case. However, although only a snapshot in time, on my site visit on a weekday afternoon, the road was busy. It is also subject of traffic calming measures. A number of cars were parked sporadically, solely on the eastern side of the road. However, this serves to force southbound vehicles to drive on the chevrons on the centre of the road, leaving only a narrow gap to northbound vehicles.
17. Increased utilisation of Hartley Down for on street car parking would therefore be detrimental to highway safety as it would further narrow the available carriageway. It would subsequently conflict with Policy DM30 of the CLP which is concerned with this matter. I have not identified any conflict with Policy 6.13 of the London Plan relating to parking standards and a parking space for a disabled person is something that could be secured by condition were I minded to allow the appeal.

Cycle & waste storage

18. The internal cycle parking would be located within the basement, deep within the bowels of the building and that provided externally would be to the rear. Whether the internal cycle storage was accessed from the front or rear of the property, future occupiers would have to negotiate a combination of corridors and steps, while the rear storage would only be accessible via the narrow side access and steps. This would not be the convenient cycle parking that is required under Policy DM10 of the CLP and the proposal therefore conflicts with this Policy.
19. The refuse storage would be located on the north side elevation and would have a constrained access route through areas of planting and along the narrow side access. Policy DM13.1 places considerable emphasis on refuse and recycling facilities forming an integral part of the overall design. Their layout should be safe, conveniently located and easily accessible by occupants, operatives and their vehicles. There is nothing within the evidence to indicate that these objectives would be achieved within the proposed design and the proposal therefore conflicts with this Policy.

Drainage

20. Concerns have been expressed at the level of information submitted in relation to drainage. However, there is no firm evidence that it would not be feasible to adequately drain the proposed development by utilising sustainable urban drainage systems as outlined within the submitted SuDS² report. Nothing within Policies DM25 or SP6.4 of the CLP suggest that the final details of these matters could not be conditioned as intimated by the report. The proposal would need not therefore conflict with these policies.

Other matters

21. The appellant outlines concern that the Council has contradicted earlier pre application advice. However even if this were the case, I afford this limited weight as planning authorities are not bound to accept the recommendations of their officers and my assessment has been based on an impartial assessment of the planning merits.

Conclusion

22. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR

² Ambiantal Environmental Assessment - Surface Water Drainage Strategy (SWDS) 4549 July 2019.