
Appeal Decision

Site visit made on 2 February 2021

by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th February 2021

Appeal Ref: APP/L5240/W/20/3259800

49 Bridle Road, Croydon CR0 8HP

- 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 Adams Property Partnership Ltd (Mr Joseph Adams) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/01221/FUL, dated 12 March 2020, was refused by notice dated 31 July 2020.
 - The development proposed is the erection of a 2-bedroom house with parking and associated external alterations.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of development in the banner heading above is taken from the Council's decision notice, and as repeated in the appeal form, as this more concisely, accurately and clearly describes the development for which permission is sought.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area;
 - The effect of the development on the living conditions of the occupiers of the adjoining properties in 49 Bridle Road, with particular regard to outlook and day and sun lighting on the residential units and amenity space; and
 - the effect of the proposed parking and access arrangements on highway safety for the users of Ash Road.

Reasons

4. The development plan for the area consists of the Croydon Local Plan 2018 (CLP) and the London Plan (consolidated with alterations since 2011) March 2016 (LP). There is an emerging London Plan (eLP) which the Secretary of State has recently confirmed he is content to be published with no further modifications and which is therefore a material consideration to which

significant weight can be given due to the advanced stage in plan preparation. The National Planning Policy Framework (the Framework) and the Council's Suburban Design Guide Supplementary Planning Document 2019 (SDG) are also material considerations.

Character and appearance

5. The appeal site is located in a suburban location of predominantly family housing. It is part of a corner plot where the main property faced onto Bridle Road and the return was on Ash Road. The site is created from the residual land from 49 Bridle Road which has recently been redeveloped for a development of a two-storey building containing 4 flats which has been substantially completed. The opposite corner of the junction is occupied by 47 Bridle Road which appears as a two-storey extended single family dwelling house. This has recently had a flat roofed single storey outbuilding erected at the bottom of its garden which has a flank elevation onto Ash Road.
6. The predominant street scene into which the proposed development would be inserted would be Ash Road. This is characterised by predominantly two storey semi detached houses albeit some variation in design and many of which have been extended. The palette of materials is reasonably coherent and includes light coloured render or dashed, with some brick elevations under red/brown roof tiles. There are some elements of variation within the street including No.47 Ash Road which is a detached two storey house orientated with its principal elevation facing towards 49 Bridle Road and a flank wall (albeit with fenestration) facing Ash Road. Beyond 47 Ash Road the next property is a bungalow.
7. The proposed development would be a detached property with a hipped roof in materials of brick and light coloured render under a tiled roof. The building would have a ridge line substantially lower than 49 Birdle Road and that of 47 Ash Road. However, given the detailing and treatment which would have a ground floor with a brick façade and above which there would be a rendered section below a lowered eaves level, would give the impression of a two storey property; the first floor being partially accommodated in the roof void.
8. The positioning of the building would take the full width of the plot and be set off the back of 49 Birdle road by only a short distance. In the context of the return frontage at the start of the street this separation would appear limited and cramped given the bulk and scale of the proposed building. It would not appear as an outbuilding to the original property but given its form an detailing would appear as an individual and new insertion in the street scene. The comparison with the small discrete outbuilding to 47 Birdle Road opposite is not well made and indeed adds to the more obtrusive alien and cramped nature of the proposed building. Whilst the spacing and form of housing in the majority of Ash Road is closely spaced semi-detached houses the start of the road is characterised by the corner plots, a very common form of layout in suburban locations.
9. I deal with the issue of the proximity to 47 Ash Road in respect of daylight or sunlight or outlook below, however, the orientation of that building and the general built form of the building blocks including the proposed building in terms of the general appearance of the street scene is a different issue. The expectation of a greater separation given the orientation and the very evident corner plot would seek to identify a rhythm to that part of the street that would

be somewhat different to the main character of the remainder of the street. The proposed building given its height form and detailing would appear as a detached dwelling in limited garden space close to its boundaries and its neighbouring properties which would result in a particularly cramped appearance. This would be in contrast to the plot opposite and would be materially harmful to the appearance of the street scene and the character of the area.

10. Whilst the SDG seeks to provide advice in terms of sub-division of plots this is in appropriate locations and where no harm would arise to the street scene. The policy background in the context of the Framework, the CLP, the LP and the eLP for intensification, plot subdivision and the greater use of small sites does not seek to do so at the expense of the character or appearance of the locality into which such acceptable insertions would be made. The proposal does not represent high quality architecture and is not a particularly innovative or original approach. The fact it is lower in height than surrounding buildings is not the only test of subservience and the lack of integration and coherence with either 49 Birdle Road or the general street ensures it would be read as a separate unrelated element.
11. For the reasons given above I conclude in respect of this main issue that the proposal would result in material harm to the character and appearance of the street scene and surrounding area. Consequently it would conflict with policies DM10 and SP4 of the CLP and policies 3.5, 7.4 and 7.6 of the LP and the eLP as well as the advice in the SDG which collectively seek to ensure high quality design that is responsive to the character and appearance of the neighbourhood and area into which it is to be inserted.

Living conditions

12. The proposed building would be set close to the rear of 49 Birdle Road, the Officer report indicates at the closest dimension this would be around 4m separation. The appellant does not take issue with the comment in their statement but suggest that the impact is limited due to the high fence and limited difference in height with the ground floor element of the proposed building at this point. The appellant has also provided a day light and sun light report.
13. The Daylight and sunlight report confirms that there would be acceptable levels of daylight and sunlight within the habitable rooms at ground and first floor level for 49 Birdle Road properties having regard to the BRE guidelines. In this regard there is adequate day and sunlight to the potentially affected rooms. The assessment however does not provide any details of an assessment of sunlight for the rear amenity space and does not address the issue of outlook, which it is not aimed at doing.
14. The existing 1.8m fence as identified on the plans for the enclosure of the amenity space would be little different to the eaves height of the single storey element of the proposed building. However, beyond this there is a rising sloping roof up to the flank wall to the main part of the building and then its roof line above that. The impression of a substantial structure in close proximity to the back of the property and filling most of the view from the rear ground floor windows and imposing on the rear amenity space are undeniable. The presence of the built form will loom over the fence and dominate the amenity space and rear out look for the occupants of the ground floor. The first

floor windows are set further back and given the height of the proposed building and its roof form would not be as affected. The dominating and imposing effect on the occupants of the ground floor would result in material harm to their living conditions through a loss of outlook and overbearing impact.

15. No 47 Ash Road is orientated with its front principal elevation facing towards the proposed development. Given the nature of the flank wall, eaves height and roof form I am satisfied that there would be limited effect resultant from the proposed development on the day light and sunlight reaching that property. There would be limited effect on the outlook from those windows facing the development site which would be further softened by the existing separation and mature landscaping that exists between the two.
16. For the reasons given above I conclude on this main issue that the proposed development would result in material harm to the living conditions of the occupants of the ground floor of 49 Birdle Road with regard to outlook and overbearing. Consequently, the proposed development would conflict with policies SP4 and DM10 of the CLP and policy 7.6 of the LP and the SDG which collectively seek to protect the living conditions of adjoining occupiers.

Highway safety

17. The proposed development makes provision for one car space set parallel to Ash Road and in front of the proposed building. A Transport assessment provided with the application was updated and submitted with the appeal to include additional assessment of visibility.
18. In essence the report demonstrates that there is adequate space on the surrounding highway to address any over flow parking that would arise from this development or the adjoining 49 Birdle Road. The development however does still make provision for one space. The tracked plots provided seek to demonstrate that a car can enter the site manoeuvre and leave the site in forward gear. From the plans and extracts provided it would appear to be a very tight manoeuvre. Whilst access is relatively straight forward the reverse and turning manoeuvre to exit the site are more constricted. Indeed, the track plot on the outside edge appears to show the wheel track of the car rather than the extent of its forward projection which appears that it would over sail the area of the fence. Even if this were not the case it appears the manoeuvre would be so tight and restricted it would be likely to encourage future occupiers to undertake it. I am not convinced that this is a manoeuvre that would be undertaken.
19. The visibility splay identified in the amended report identifies a 1.5m pedestrian visibility splay. However, this is for a car stationed at right angles to the road, in the middle of the opening and a vehicle could not manoeuvre within the confines of the site to get to this position to avail of the visibility splays without projecting beyond the site boundary and onto the highway in the first instance. The size of the visibility splays are also not justified within the report. The lack of adequate pedestrian visibility splays to serve the access and parking space could result in danger to pedestrians using the footway and would be unsafe.
20. The vehicle visibility splays for a road of this nature are reasonable and can be accommodated within the footway.

21. Whilst there is an existing crossover and access at this point there is not a building located close to the back edge of the footway and which would restrict manoeuvrability within the site.
22. For the reasons given above I conclude that the proposed parking and access arrangements for the development would result in material harm to highway safety on Ash Road. Consequently it would conflict with policies DM29 and DM30 of the CLP.

Other matters

23. The proposal would provide for one additional dwelling but given the effect on character and appearance and other harms this is not a sustainable development and is not supported by the development plan policies in that regard.

Overall conclusions

24. The proposed development would conflict with the development plan and as developments should be determined in accordance with the development plan unless material considerations would indicate a decision otherwise was appropriate, and no such considerations are identified, the proposal should be refused.
25. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR