



Appeal Decision

Site visit made on 2 March 2021

by Kenneth Stone BSc (Hons) DipTP MRTPI

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

Decision date: 15 March 2021

Appeal Ref: APP/L5240/W/ 20/3260342
180 Brighton Road, Coulsdon CR5 2NF

- 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 John McMillan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/01694/FUL, dated 6 April 2020, was refused by notice dated 12 June 2020.
 - The development proposed is described as the 'Construction of a one-bedroom duplex dwelling, amenity space, cycle and bin storage. Associated changes to 180 Brighton Road'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The London Plan 2021 (LP) was formally published by the Mayor of London on 2 March 2021, when it became part of the statutory development plan for London. It supersedes previous versions which are therefore no longer part of the statutory development plan. Publication of the LP was after the decision by the Council which included reference to the previous London Plan policies in its reasons for refusal. These policies are no longer part of the statutory development plan. Both the Council and Appellant make reference to the then emerging London Plan and various relevant policies. In the context of this appeal I am satisfied that those policies, or the relevant parts, are not substantively changed and the context for the appeal has not significantly changed. The parties made representations which included reference to the then emerging policies, and which are now development plan policies and I have had regard to them in that context. The parties are therefore not prejudiced by the publication of the LP nor my consideration of it in this appeal as part of the development plan.
3. In the context of this appeal that means that the relevant statutory development plan includes the London Plan 2021 and the Croydon Local Plan 2018 (CLP) and the appeal should be determined in accordance with those unless material considerations indicate otherwise. The National Planning Policy Framework (The Framework), Croydon Council's Suburban Design Guide Supplementary Planning Document (SDG), and the Mayor of London's Housing Supplementary Planning Guidance (HSPG) are material considerations.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on the character and appearance of the surrounding area, whether the proposed development makes adequate provision for parking, whether the proposed development makes adequate arrangements for refuse and the effect of the proposed development on the outlook of the occupants of numbers 176, 178 and 182 Brighton Road.

Reasons

Character and appearance

5. The general area is characterised as a backland location that has organically evolved over time in a relatively haphazard way. It is a reasonably discreet triangular area contained between the blocks fronting Brighton Road, Chipstead Valley Road and Lion Green Road. A narrow access road provides vehicular access into the area from Chipstead Valley Road and there is a pedestrian access onto Brighton Road between 176 and 174. The rear areas of the frontage blocks have been eroded over time and there are a number of larger extensions, additions and independent buildings of single or two storeys located within this area, along with rear yards used for open parking.
6. The proposed development consists of a rear two storey extension to the existing, already extended, property and would accommodate a duplex unit consisting of a kitchen and lounge on the ground floor and a bedroom and en-suite facility on the first floor. The development would also provide for a pitched roof over the existing extension to integrate the whole rear projecting element and alterations to the flank wall of the existing outrigger to insert windows for the existing office space, to replace the existing rear facing windows. The site would be accessed off the rear access road and an enclosed rear amenity space would be provided between the extension and the access road. An access from the rear of the commercial unit in the existing building would be retained to the rear access road, primarily for emergency access. Currently the site accommodates an open parking area to the rear which according to the application form accommodates three parking spaces and none would be re-provided in the new arrangements.
7. The appeal site accommodates a mid-terrace two storey property with an extended rear outrigger. The surrounding frontage properties include two and three storey properties fronting their respective roads albeit that those fronting Chipstead Valley Road have an additional storey at the rear given the change in ground levels resulting in the rear elevations having three and four storeys.
8. The proposed development would result in a significant depth of extension added to the rear of the existing property which in addition to the existing extension would substantially increase its bulk and mass and give it an excessive and dominant appearance. Given the open nature of this section of the area this would be particularly intrusive. This would not be substantially mitigated by the lower ridge level. Whilst there are numerous extensions and additions in the rear area many of these are single storey and are not as dominant as the proposed development would appear. There are larger extensions of two storeys on the rear of properties further to the north and on properties to the rear of properties fronting Chipstead Valley Road but these would not be as deep from the original property and in many instances would

- be seen against the backdrop of a four storey elevation reducing the impact of the perceived scale and bulk.
9. The appeal site has one of the deeper plots in this area and there would be an area retained to the rear of the extended building however this would not address the excessive bulk, mass and intrusive appearance of the built form. Other properties with larger extensions may cover a greater proportion of their plots but that does not result in those extensions having such a dominant and intrusive position as would result from the appeal scheme.
 10. Whilst the general area has an unplanned and somewhat untidy appearance with significant variation in the form of development, materials used etc the introduction of such a large addition to an existing building would appear uncharacteristic and excessively dominant on that building. This would result in material harm to the character of the area and the proposal does not take the opportunity to add to the overall quality of the area, it is not visually attractive, with a large exposed blank flank façade, and has minimal landscaping which would assist in integrating the development into the area. It would not be sympathetic to the character of the area and surrounding townscape nor reflective of the existing building types and spaces etc as is required by the development plan and the Framework.
 11. For the reasons given above I conclude on this issue that the proposed development would result in material harm to the character and appearance of the area and would therefore conflict with policy DM10 of the CLP and Policy D3 of the LP which require development to enhance local context by positively responding to local character and distinctiveness.

Parking

12. Policy DM30 of the CLP is aimed at promoting sustainable growth and reducing the impact of car parking from new development. This is to be achieved through amongst other matters reducing the impact of car parking, ensuring highway safety is not compromised, and if development would result in the loss of parking, demonstrating that there is no need for these spaces. Policy SP8.15 seeks to encourage car free development in appropriate locations and circumstances.
13. The proposal would result in the loss of three parking spaces at the rear of the building. These spaces are used in connection with the office use and whilst the offices would remain and an additional dwelling would be created no parking would be provided on the redeveloped site. Whilst the Council have concerns that the appellant has failed to justify the loss of the spaces and explore alternatives it has not identified what harm would arise as a result of the loss of these spaces. Indeed, the Council note it has not objected to the development being car free.
14. The appellant has identified that the displacement of the parking spaces would be unlikely to result in a material impact in the surrounding area on the basis that there are alternative methods to access the site including through the use of public transport. There are two main line stations within reasonable walking distance of the site and there are a number of bus stops served by a number of routes that also provide access close to the site. The site is located within a district centre and there are on street metered parking bays close by and there is a reasonably large public car park again within reasonable walking distance.

I have been provided with no evidence to suggest that these facilities are suffering from parking stress. There is no suggestion that the small number of parking spaces that would be displaced would result in an adverse impact on highway safety through inconsiderate parking or additional pressure that could not be accommodated in the area.

15. On this basis I am satisfied that the appellant has sufficiently justified and demonstrated that there are alternatives available for accessing the site such that the occupiers of the offices and development would not need these spaces. This is consistent with the aims and objectives of policy DM30 and SP8 of the CLP. There is no material harm identified in terms of highway safety and the accessibility and use of public transport or public parking would be sufficient to address any resultant need or demand.

Refuse

16. The Council's reason for refusal in respect of this matter refers to policy DM30 however this relates to parking and does not appear to be directly relevant. Policy DM13 of the CLP seeks to ensure that the location and design of refuse and recycling facilities are treated as an integral element of the overall design and to this end requires them to be sensitively integrated in covered facilities not visually intrusive, screened and are safe and convenient to access.
17. The appellant has identified that the strategy for the commercial premises would be for servicing from the front which is already undertaken for adjacent premises or that there is space to the rear to accommodate a facility. The residential facilities could be accommodated in the rear area. The general approach is set out and it is suggested that a condition could be imposed to secure such details.
18. Given the nature of the adjoining uses and the existing service arrangements it appears that this is not an inappropriate approach and that the details of the design of the storage elements could be the subject of a suitably worded condition. As the principle of the strategy is reasonable and there is space within the building or plot to accommodate storage and manage the refuse on collection day this is not an unreasonable position.
19. On the basis of the above I am satisfied that there is reasonable information to support the general approach to refuse and waste facilities and that the detail can be secured by an appropriately worded condition. This would be consistent with the intention of Policy DM13, with which the scheme would not conflict.

Neighbouring occupiers' outlook

20. Policy DM10 seeks to ensure that development protects the amenity of occupiers of adjoining buildings, does not result in direct overlooking, provides adequate sunlight and daylight for future occupiers and does not result in significant loss of existing sunlight and daylight levels to adjoining occupiers. The appellant has produced a sunlight and daylight report and the Council accepts that the proposal would not give rise to privacy or overlooking issues and that sunlight and daylight levels would only be marginally affected.
21. The appellant notes that numbers 178 and 182, either side of the proposed development are in wholly commercial use on ground and first floors. The level of amenity that would be expected for occupiers of commercial properties in a town centre location would reasonably be much less than for residential

occupation. There are no directly sensitive residential habitable rooms which would rely upon light outlook and privacy to ensure appropriate living conditions. Indeed, the Council accept such lower standards in respect of 180 in terms in their officer report. The reference in the Officer report to the 45 degree rule appears a miss application of an approach to safeguard the living conditions of adjoining residents from the SDG. The sunlight report demonstrates that there would be limited impact on the rooms in the closest properties and in the amenity space associated with 176 which is a further distance away.

22. The general outlook from these commercial properties is predominantly to the west whilst a building of the depth would intrude in views out of rear facing windows this would only have limited impact and effect given the commercial nature of the premises and would not result in a material sense of enclosure or overbearing for the occupants of these properties.
23. The separation to the properties fronting Chipstead Valley Road would ensure that there was no material impact on the occupants of those properties.
24. On the basis of the above I am satisfied that the proposal would provide reasonable amenity for the occupiers of the adjoining properties and would not result in a material effect on outlook or the sense of enclosure and overbearing. The proposal therefore would not conflict with policy DM13 of the CLP or Policy D3 of the LP which require developments to deliver appropriate outlook, privacy and amenity and ensure the amenity of the occupiers of adjoining properties are protected.

Other matters

25. The proposal would result in one additional dwelling on the site this is a positive benefit of the scheme. Given the Council's reliance on windfall development this is an important consideration. However, it is only one additional unit and given the limited level of provision I only give this benefit limited weight in the planning balance.
26. Also whilst there would be some economic benefits associated with the development through the construction phase and additional future residents again this is only a limited positive weight given the scale of the scheme.
27. The sustainability of the location, the use of SUDS and renewables and the fact the scheme would meet relevant floorspace standards to provide a good internal living environment for future residents are requirements of the development plan and as such are not directly positive benefits and any positive benefit that could be derived is of only limited weight given the scale of the scheme.
28. The reuse and effective use of land does not come at any cost and schemes need to also comply with all relevant requirements of the development plan and ensure that no material harm of sufficient weight to refuse permission should arise. A claim of the efficient use of land is not of itself a justification to find a scheme that has material harm acceptable as it is by its very terms not efficient if it results in an unacceptable level of material harm.

Overall conclusions and planning balance

29. The proposed development would result in material harm to the character and appearance of the area. Whilst the loss of parking would not result in material harm, refuse could be dealt with by an appropriately worded condition and there would be no material impact on the occupants of adjoining properties these factors do not outweigh the harm I have identified. Even when taken together with the positive benefits of the scheme the harm I have identified is not outweighed by positive aspects of the scheme. The scheme therefore conflicts with the development plan and there are no material considerations that indicate a decision otherwise would be appropriate.

30. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR