



Appeal Decision

Site visit made on 19 April 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021.

Appeal Ref: APP/L5240/W/20/3261765

4 Cart Lodge Mews, Croydon, CR0 6FG

- 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 Mohammad Ghafar against the decision of London Borough of Croydon Council.
 - The application Ref 20/01288/FUL dated 13 March 2020, was refused by notice dated 29 July 2020.
 - The development proposed is erecting two storey dwelling house on empty plot.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application form did not include a postcode however, the Council have included it on their decision notice. I have therefore included it within the decision header for the avoidance of doubt as to the appeal site in question.
3. The appellant has submitted a list of potential outcomes (relating to certificates of lawfulness) however, it has since been confirmed that the additional submission related to another appeal site. I have therefore disregarded that element of the appellant's submission.
4. Since the determination of this application the London Plan 2021 (a Replacement Plan) has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to within the refusal reason are no longer in force.
5. The draft new London Plan (intend to publish) is clearly referred to within the Council's submissions and appeal statement. Given that several London Plan 2016 policies are referenced within three of the four refusal reasons both parties have been given a further chance to comment as to the impact of the publication of the London Plan. The appellant has submitted further comments. I have taken these comments into account.

Main Issues

6. The main issues are:
 - i) the impact of the proposal upon the character of the area;
 - ii) the impact of the proposal upon the amenities of neighbouring properties with regard to visual intrusion, loss of light and overlooking;

iii) whether the proposal can provide adequate refuse storage, parking, turning and cycle storage facilities.

Reasons

Character of the area

7. The appeal site is a narrow, irregularly shaped, plot located between the rear gardens of houses on Oval Road and Lebanon Road. It forms part of a back land area with access being gained via a narrow vehicular access which is also utilised by the existing dwellings at 1 – 3 Cart Lodge Mews. Within the area the nearby streets are characterised mainly by two storey terraced and semi-detached dwellings. 1 – 3 Cart Lodge Mews do, however, have a more modern mono-pitch design which has become part of the character of the area.
8. The block plan¹ shows the proposed dwelling as wedge shaped which is an obvious response to the shape of the appeal site. This wedge shape is then further cut into as a result of the dwelling being designed around accommodation of a parking space (creating an overall “L shape”). The widest portion of the site is shown on the site general arrangement and layout² to be occupied by a space for neighbours’ vehicles manoeuvring area. This leaves the dwelling itself occupying the most constrained area of the site and the plans demonstrate that no space would be retained between the boundaries of the site on either side other than that labelled as a neglected neighbours garden area access. A very small garden area would be retained to the rear part of the plot but this is noted as being in line with Mayoral requirements in terms of size (when assessing amenity of future occupiers).
9. The general design is more modern as a result of the mono-pitched roof but as a result of 1 – 3 Cart Lodge Mews I do not find a more modern design to be sufficient to warrant refusal on its own in terms of design within the immediate area. 1 – 3 Cart Lodge Mews are irregular in shape and plot however; space is maintained around the dwellings so they do not present as cramped or contrived by comparison to the appeal proposal. I find that the proposal would present as awkward and contrived as a result of the site constraints. It does not fit in with the overall form and layout of the surroundings. The combination of the awkward shaped plot and footprint of the proposal would fail to reinforce or respond positively to the predominant pattern and layout of the existing dwellings in the area. I find that the siting, massing and form of the proposal would result in a cramped, overcrowded, layout which would result in an unsatisfactory relationship with adjoining properties and the character/development pattern of the immediate area.
10. The appellant makes reference to sections of Croydon Local Plan 2018 (LP) with regard to character, however, the sections referred to have not been submitted as part of the appeal submissions so I can attribute limited weight to the references within the commentary and/or policies referred to. Whilst the Council have submitted parts of the LP these are only those relevant to the policies referred to in the refusal reasons stated. The efficient use of land is noted and encouraged at both national and local level however, it should not be to the detriment of good design or result in negative impact upon the immediate area in terms of density or overall scale. Matters such as materials

¹ 0320200113/A001

² 0320200113/A100

could be secured via condition if the proposal was found to be acceptable in other regards.

11. Meeting the Nationally Described Space Standard 2015 is noted, however, does not overcome the issues I have found as outlined above. Whilst I do not have copies of previous schemes before me the Council have submitted a previous appeal decision³ which was dismissed for a proposed new studio (dwelling). The schemes may well be different in design and planning policy has changed since, however, the main findings raised by the Inspector with regard to character of the area, a wedge shaped proposal and overall being squeezed into the available area I find to still be of relevance.
12. The proposal would be contrary to LP Policy SP4 which requires development that respects and enhances Croydon's varied character and LP Policy DM10 which states that proposals should respect the development pattern, layout and siting. The proposal would be contrary to London Plan 2021 (LP2) Policy D3 which requires development to respond to the existing character of a place and enhance local context by delivering buildings and spaces that positively respond to local distinctiveness.
13. The proposal would be contrary to chapter 12 of the National Planning Policy Framework 2019 (the Framework) which, following the definition of sustainability in chapter 2, goes on to confirm in paragraph 124 that good design is a key element of sustainable development and, in paragraph 127, that developments should function well and add to the overall quality of the area and be sympathetic to local character and the surrounding built environment. Paragraph 130 requires development to take opportunities available for improving the character and quality of an area. Both the Framework and LP Policy LP2 seek to secure and boost supply of housing but there is still strong emphasis upon quality design.

Neighbouring Amenity

14. The second refusal reasons states there would be loss of light, however, I can find nothing in the Council's submissions to support this statement. I have no evidence before me, and nothing from my site visit, to suggest the proposal would result in loss of light for the occupiers of adjoining properties.
15. As seen during my site visit, and the submitted plans, the appeal proposal is in close proximity to 1 – 3 Cart Lodge Mews. Matters relating to landscaping could be secured by condition, however, I do not consider that submission of further details could overcome or alleviate the impact as a result of the close proximity of the properties. At two storeys, at a distance of 12m away, I find the scale of the proposal would be visually intrusive and impact negatively upon the outlook for 1 – 3 Cart Lodge Mews and provide potential for overlooking. It would also create a strong sense of enclosure around the remaining space between the dwellings.
16. As outlined above the proposal seeks to build up to the appeal site boundary at two storeys. For the properties which share a boundary with the appeal site, on both Lebanon Road and Oval Road, the height of the proposal immediately adjacent to their boundary I find would present as overbearing and visually intrusive compared to the open, undeveloped, space currently present. The

³ APP/L5240/W/16/3155512

proposed East and West elevations do not propose windows, other than roof lights which could be controlled by condition as appropriate. I do not find there would be overlooking, as a result of the proposal, in relation to adjoining properties on Oval Road or Lebanon Road.

17. The Council's Suburban Design Guide 2019 advises that the separation distance between new to existing third party dwellings should be 18m. Whilst guidance, it is a material consideration designed to ensure sufficient privacy to existing and future occupiers. The proposal falls notably below this with a separation distance of 12m window to window. Obscure glazing has been suggested to address concerns over privacy, however, I do not find it would be appropriate to obscurely glaze bedroom and kitchen windows. This would result in an unacceptable impact upon amenity for future occupiers as a result of restricted outlook and light.
18. Comments have been made regarding loss of space which has been used for community events, however, from my inspection I found the site to be very overgrown with some rubbish within the site. I find it presents as having not been used for quite some time. Notwithstanding this it would appear the appeal site was purposely left undeveloped at the time 1 – 3 Cart Lodge Mews were developed and that loss of the site would result in loss of amenity for occupiers whether or not the site is within the sole ownership of the appellant.
19. The proposal would be contrary to LP Policy DM10 which requires that the amenity of the occupiers of adjoining buildings are protected and that developments do not result in direct overlooking at close range.

Refuse Storage, parking, turning and cycle storage facilities

20. The site general arrangement and layout plan does indicate potential sites for recycling bins storage. One of these sites immediately conflicts with the manoeuvring position demonstrated for 3 Cart Lodge Mews. At the time of my site visit I found the site to be very limited on space in general. Reference is made to neighbour's use of the land for bins, but this is not demonstrated on the submitted plans.
21. The site demonstrates a single parking space as acknowledged earlier in this decision. The appellant submits that there is a potential second parking space in front of the kitchen window but from the plans before me this does not look plausible given, to leave the manoeuvring area clear, the car would have to parallel park in front of the kitchen window. The figures in 4. b. of the appellant's statement are noted but this information has not been transferred to plans which would clearly demonstrate whether or not the concerns raised could indeed be overcome.
22. Due to a car being parked in the access route at the time of my site visit I was not able to drive into the site and/or see vehicles turning around but as previously stated, the site looks small and neighbour objections indeed confirm that manoeuvring is already tight for the existing dwellings on site. I find that insufficient evidence has been submitted to demonstrate that, if the proposal was allowed, four dwellings using the access and turning space could be done safely and without conflict with regard to parking and turning as well as providing adequate refuse storage of bins.

23. Final details for matters such as cycle storage can usually be secured via condition, however, for such a condition to be acceptable it has to be feasible that there is sufficient room within the appeal site for such facilities to be provided in the first place. The appellant has suggested that cycle storage be accommodated in the rear garden, however, given size of the garden proposed (11.44 sq./m) I am not persuaded that this would not limit the quality and usability of this space.
24. Notwithstanding this the Council also submit that the access is insufficient based upon guidance within the London Cycle Design Guide, however, I do not have a copy of this before me so can attribute limited weight to the issues raised regarding access. Overall I am not persuaded, based on the evidence before me, that the proposal would, or could, provide adequate secure cycle storage facilities.
25. The proposal would be contrary to LP Policy DM13 which requires developments to sensitively integrate refuse and recycling facilities or locate them where they will not compromise the provision of shared amenity space, LP Policy SP8 which requires the provision of cycle parking in new developments, LP Policy DM29 which seeks to promote cycling and walking and LP Policy DM30 which requires proposals to provide car and parking spaces.

Other Matters

26. The appellant has offered to accept a condition relating to use of renewable energy. Whilst such measures are of course positive for any new development I do not find this would outweigh the other issues with I have identified with the proposal. I concur that planning should not necessarily seek to preserve things in a static way, however, in securing change proposals must demonstrate how they positively contribute to the area. In the case of this proposal I found it to negatively contribute to the area which is not consistent with the overall aims of both the Framework and LP Policy LP2. Similarly whilst all development will of course create change and visual impact, it is key to consider at what point that impact becomes unacceptable for occupiers of the immediate area.
27. I note there are a number of third party comments and objections to the proposal. I have addressed many of the matters raised within this decision letter already and given that I am dismissing this appeal I see limited merit in addressing all objections specifically on this occasion. Concern has been raised with regard to trees and wildlife, however, the Council has not presented this as a reason for refusal and I have no reason to conclude differently. Matters relating to rights of way are private and not fall within the scope of this appeal. The presence of a planning condition, from a previous consent, falls to the Council as to whether or not they wish to (or are able to) enforce any relevant conditions – it is not within the scope of this appeal.

Conclusion

28. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR