

Appeal Decision

Site visit made on 8 April 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/M3645/W/20/3262780

60-64 Croydon Road, Caterham, Surrey CR3 6QB

- 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 W J Birch Properties Ltd against the decision of Tandridge District Council.
 - The application, Ref. TA/2020/337, dated 11 February 2020 was refused by notice dated 11 May 2020.
 - The development proposed is the erection of one additional level to the existing building over the existing car park. Erection of six new residential dwelling units comprising 5 x 2 bedroom & 1 x one bedroom apartments. Omission of 1 no. retail unit for main street access for the units; façade changes to the existing building with new glazing, openings and material treatments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposal on the character and appearance of this part of Caterham town centre; (ii) whether the loss of the retail unit is acceptable, and (iii) the effect of the development on the living conditions for adjoining and nearby occupiers in terms of outlook and light. I note that the Council regards these issues as being relevant, despite the current proposal including modifications to an earlier refused scheme in order to resolve objections.

Reasons

Character and appearance

3. The existing building, whilst no doubt of an architectural style popular at the time of its construction (presumably the 1960's /1970's), makes a negative contribution to the street scenes of Croydon Road and Colin Road in terms of its scale, bulk and external materials and relationship with nearby properties in this mixed commercial / residential area of the town centre.
 4. In acknowledging the building's negative effect, the appellant argues that the appeal scheme '*would inject change, to create diversity and visual interest*' with '*the overall design in terms of scale, form, bulk and height consciously seeking to be an inventive and visually original development*'. It is considered
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that these changes, including the use of contemporary materials for the external walls would, create a 'landmark feature within the High Street'.

5. However, whilst I am sympathetic to this approach and note the inspiration for the design as illustrated in the Design and Access Statement, I have two main reservations that both individually and together are a cause for concern. Firstly, and using the figures in the officer's report, the proposed height increase in the building's frontage from 8.7m to 14.4m would result in a significant increase from the existing height which broadly has parity with the maximum of adjoining and nearby premises on this side of Croydon Road.
6. Secondly, the overtly contemporary design of this addition would be radically different to the neighbouring buildings, which leaving aside the narrow gap for the entrance of Colin Road, form a considerable length of terraced properties of a more traditional design on the side of Croydon Road that has for the most part retained its late C19th/early C20th character. Even the more recent buildings of this terrace tend to blend in with their older counterparts, albeit in some cases this is confined to their scale and mass.
7. With a proposal for a much higher building of contemporary design and in a street scene with no separation of buildings that would permit an individualised setting and context, I am not persuaded that No. 60-64 Croydon Road is a location where this type of landmark would be successful, either in intrinsically aesthetic terms or the visual impact on the street scene. I am aware of the large scale of the proposed building on the opposite side of Croydon Road, but this does not have the same contextual constraints and the proposed design is in greater conformity with existing newer buildings in the town centre.
8. I acknowledge that the appeal scheme's design is not without merit and the poor quality of the existing building presents an enormous challenge. However, I agree with the Council's view that, overall, the extended building would be discordant and overbearing. Certainly, as the Council explains, there would be no deference to the local identity and distinctiveness required by the Council's policies including Policy CSP18 of the Tandridge District Core Strategy 2008 ('the Core Strategy'); Policies DP2 & DP7 of the Tandridge District Local Plan: Part 2 - Detailed Policies 2014 ('the Local Plan') and by Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019 ('the Framework').

Loss of retail unit

9. The appeal proposal would result in the loss of a retail use and frontage in Croydon Road. The Council has explained that the retail proportion of the town centre's secondary frontage has already fallen to 37% which is below the 45% target figure set out in relation to Local Plan Policy DP2. On this basis it considers that any further reduction should be resisted, and I recognise the validity of that argument. On the other hand, current Government policy is in favour of a more relaxed approach towards alternative uses for commercial uses within shopping centres that would facilitate a greater benefit for the local or town centre within which they are located. This suggests a degree of flexibility where there is a good reason.
10. Furthermore, the appeal proposal has a housing benefit in the form of the provision of six additional dwellings with the associated economic advantage of

the residents using local retail and other commercial facilities. On balance on this issue, I therefore conclude that if the proposal were to be acceptable in terms of the other main issues, the loss of this unit as a means of enabling the scheme to work would not be in such harmful conflict with Core Strategy Policy CSP23 and Local Plan Policy DP2 as to preclude a grant of planning permission.

Living conditions for nearby residents

11. The appeal building has adjoining and nearby residences in the form of the first floor/rear wing accommodation at No. 58 Croydon Road to the south west and Nos. 1, 1c and 2 Colin Road to the north east. Despite this revised scheme's set-backs to both sides of the proposed third floor extension, the Council's objection to the scheme is that existing dwellings would be affected either by a harmful loss of light or a worsening of outlook, or both. Firstly as regards light, the appellant has used the standard Building Research Establishment ('BRE') guidelines to apply a Daylight and Sunlight Study for a Vertical Sky Component Test ('the VSC'); a Daylight Distribution Test and a Sunlight Hours Test (as relevant) to nearby properties, including those above referred to in the Council's Refusal Notice.
12. These tests reveal one or more failures in respect of windows in all four of the aforementioned dwellings. As regards the VSC, the performance against the test is often also indicative of a poor outlook as regards a development being overbearing or resulting in an undue sense of enclosure, and these factors are relevant to No. 58 Croydon Road and Nos. 1, 1c and 2 Colin Road. I have noted the appellant's view that BRE guidelines should be applied flexibly; that a number of the results are borderline, and that in the case of No. 58 Croydon Road the existing level of VSC amenity is so low that the effect of the development would not be likely to be noticed by the occupants.
13. However, even after having taken these mitigating factors into account, I consider that overall the technical evidence on living conditions does support the Council's refusal on this issue on the basis of a harmful impact on 'residential amenities' or more specifically the living conditions identified in main issue (iii). There would therefore be conflict with Core Strategy Policy CSP18, whilst the proposal would also be contrary to paragraph 127f) of the Framework.

Other Matters

14. The Notice of Refusal includes a reference to the scheme's failure to comply with Core Strategy Policy CSP14 in terms of achieving a minimum of 10% reduction in CO2 emissions through the incorporation of renewable energy technologies. Whilst it would have been preferable for the details of how this is to be achieved to have been included in the application, I consider that conditions on a permission relating to the design and performance of the solar panels and air source heat pump or a more general condition on renewables would secure compliance with the policy.

Conclusion

15. On the main issues I conclude that in relation to the effect of the proposed development on the character and appearance of the area and the living conditions for nearby residents the appeal should be dismissed. Although I

have concluded in favour of the appellant on the issue of the loss of the commercial unit, this does not outweigh my findings on the other issues.

16. For these reasons and having taken account of all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR