



Appeal Decision

Site visit made on 15 June 2021

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/L5240/W/20/3263933

6 Woodcote Drive, Purley, CR8 3PD

- 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 Isar Raja against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/00769/FUL, dated 17 February 2020, was refused by notice dated 30 September 2020.
 - The development proposed is demolition of an existing house and the erection of 14 self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The reasons for refusal refer to policies in the former London Plan which has now been replaced by the 2021 publication. However, the parties have not indicated that any policies in the current version are relevant to this appeal.

Main Issues

3. The main issues are:-
 - The effect of the proposal on the character and appearance of the area;
 - Whether provision for affordable and family housing would be adequate;
 - The effect of the proposal on the living conditions of the occupiers of 6b Woodcote Drive; and
 - Whether living conditions for future occupiers would be satisfactory and whether the development would function well with particular reference to privacy, accessibility, parking provision, on-site storage and drainage.

Reasons

The effect on the character and appearance of the area

4. Woodcote Drive is a short residential road that rises northwards from Foxley Lane. The development along it is not especially coherent in terms of layout and spacing but together with the ends of Peaks Hill and Green Lane it is part of a pleasant suburban area. The building blocks are of a conventional domestic scale. No one design predominates and there is a mix of materials but the houses are generally simple rather than elaborate or fussy. The large street trees provide a green setting and are also major townscape features in their own right.

5. The proposed development would replace the existing, rambling house with a block of flats that would be three stories high but with accommodation in the roof. The proposed building would be sited between the dwellings on either side of the appeal site.
6. The Council is critical of the Design and Access Statement which did not include a character analysis. Defining character is encouraged by the Council's Suburban Design Guide of 2019 which also expects that development proposals should identify how the characteristics of the area have been responded to. The Planning Practice Guidance on *Design: process and tools* confirms that design and access statements should demonstrate how the local character of an area has been taken into account and how design principles will be applied to achieve high quality design (Ref: ID: 26-012-20191001).
7. The absence of a document setting out concisely how the proposal is a suitable response to the site and its setting, taking account of baseline information is a weakness in the way that the proposal has been formulated. Although the scheme would contribute to the variety of built form nearby the same could be said of any design. However, there is no policy requirement for the design rational to be specified following a detailed analysis so that this, on its own, is unobjectionable. What is most important is whether the proposal would contribute positively to achieving well-designed places.
8. The Design Guide identifies three broad approaches to how to respond to local character and encourages applicants to follow one of them. Such advice is likely to be helpful in ensuring clarity about the design principles to be adopted. However, expressly following one of these approaches is not a local policy requirement. Rather Policy DM10 of the Croydon Local Plan 2018 requires, amongst other things, respectful design of high quality which is sympathetic to its local context and where the roof form positively contributes to the character of the wider and local area.
9. The main external materials would be painted render and brick with plain clay tiles which would reflect the surroundings. The architecture comprises a mix of traditional forms with more contemporary features such as recessed windows with balconies and gables with overhanging eaves. The overall effect would be of a very 'busy' building that would contrast significantly with the generally restrained design of the houses nearby. Indeed, the multiple elements would jar with the simplicity that prevails to the extent that the proposal would not look as if it belonged in Woodcote Drive.
10. Furthermore, as it would occupy most of the plot width, the proposed block would be of a significantly greater scale and mass than development in the vicinity. This would be accentuated by the bulk of the roof including the front gable features. Policy DM10.1 indicates that proposals should seek to achieve a minimum height of 3 stories. However, because of a combination of its width and height this proposal would simply be too large in this location. Even though there are other substantial buildings nearby it would be dominant and domineering when seen between the neighbouring houses. Whilst there is a need to respond to the constraints of the site and the Design Guide accepts that changes in height might occur, local character would not be respected. On the contrary, the proposed development would significantly detract from it.
11. The fact that the side elevations would be visible is not objectionable. The existing forecourt is extensive and so the proposal would offer some

opportunity for more greenery at the front of the site than at present. The parking area to the rear would reduce the total amount of green space. However, there is scope for landscaping to be undertaken as the plot coverage would not be excessive and increasing the density of occupation is bound to lead to a change in the balance between hard and soft areas.

12. Therefore because of its detailed design and excessive size the proposal would harm the character and appearance of the area. As well as policy DM10 it would conflict with Policy SP4 which is an overarching policy that requires high quality development.

Whether provision for affordable and family housing would be adequate

13. Policy SP2.4 of the Local Plan establishes that on sites of 10 or more dwellings up to 50% affordable housing will be sought subject to viability. The Council is satisfied that 4 units is the maximum affordable housing contribution that the scheme can viably support.
14. However, no registered provider has so far expressed any interest in taking on 4 affordable units. To address this the appellant has provided a unilateral undertaking to the effect that a further unilateral obligation will be entered into before development is commenced. In turn, this would require all reasonable endeavours to be used for 6 months to transfer the affordable dwellings to a registered provider. If such an agreement cannot be reached then a sum of over £209,000 would be paid to the Council as an affordable housing contribution. Policy SP2.6 allows for commuted sums in exceptional circumstances such as these.
15. It is reasonable to expect that any commuted sum in lieu of on-site provision should be of equivalent value to that on-site provision. Nevertheless no detailed information has been provided to confirm that the sum offered equates to 4 homes. Given the circumstances outlined there is a likelihood that such a payment will eventually be required. Therefore it is not clear that adequate provision would be made for affordable housing in line with Local Plan policies.
16. Policy SP2.7 sets a strategic target for 30% of all new homes up to 2036 to have three bedrooms or more. This is to address the identified need for larger family homes in the Borough. This target is put into effect by Policy DM1.1 and Table 4.1 which, in this location, requires a minimum of 70% of three bedroom or larger units on sites with ten or more dwellings. Nine of the proposed flats would have 3 bedrooms but this would amount to a shortfall of one unit when judged against Policy DM1.1.
17. The proposed proportion of larger units would exceed the overall target and the 50% figure identified in the Strategic Housing Market Assessment. However, the higher expectations in Policy DM1 are presumably to reflect the fact that schemes of less than ten units are not required to provide any larger houses and as the policy requirement in Central areas is only 20%. Therefore, by applying the detailed policy the aim of increasing the general supply of family housing would be met. So whilst the proposal would provide a high proportion of larger flats there would be a conflict with the terms of the policy.

The effect on the living conditions of the occupiers of 6b Woodcote Drive

18. According to the Council the end of the rear wing of the proposal would breach the 45 degree line taken from the middle of the kitchen window at No 6b. However, that part of the proposed development would be set well away from the shared boundary. Whilst it would be 3 stories in height with a roof above this separation means that the proposal would not detract from the rear outlook from the neighbouring property. The development would lie to the south of No 6b but there is no evidence that sunlight or daylight would be unacceptably curtailed.
19. Therefore no harm would be caused to the living conditions of the adjoining occupiers and the proposal would be in line with Policy DM10.6 of the Local Plan which seeks to ensure that the amenity of the occupiers of adjoining buildings is protected.

Whether living conditions for future occupiers would be satisfactory and whether the development would function well

20. Planting to a depth of about 1m would be provided in front of the ground floor windows of flats 1, 3 and 4 to provide some separation from the communal amenity area. A close relationship between private space and areas that other residents may utilise is to be expected in flatted development of this kind and would not render the internal environment of those flats unsatisfactory. Access to the building by means of ramps is shown at the front of the building and could be required by condition at the rear to facilitate access to the garden. There would be no conflict with Policies SP2.8 or DM10 as a result.
21. In line with Policy DM30 provision would be made for 14 car parking spaces within the site. The majority would be at the rear and the standard bays would be 2.5m by 5m. The disabled bays would be 3m by 5m. Utilising bay 2 at the front of the site would be slightly awkward and would require care but it would not be impractical or unsafe. Whilst movements along the access drive would be fairly infrequent the central bay would provide some scope for vehicles to pass one another along it. Furthermore, drivers turning into the site would be aware of those exiting and could make their manoeuvres accordingly such that a separate 5m apron is not essential.
22. A development of this scale would not be expected to generate significant levels of traffic even in conjunction with developments in Foxley Lane. Furthermore, the surveys undertaken indicate that there would be capacity for on-street overspill parking nearby should the need arise. There is no evidence that the proposal would have an unacceptable impact on highway safety including the provision of adequate visibility splays onto Woodcote Drive. As a result there would be no conflict with Local Plan Policies SP8, DM29 or DM30.
23. The waste storage area would be at the front of the site along the northern boundary. As it would not be behind the building line the proposed location would not comply with the expectations of Policy DM13. However, visual screening could be provided. It seems unlikely that residents would leave waste out in the open and it is unclear how much bulky waste would be generated by a development of 14 flats. Although a more discrete position would be preferable there would be scope to integrate the facility.

24. A storage area for 30 bikes is shown at the rear of the site although the Council requires 24 cycle spaces to accord with Policy DM30. There are several ways that the necessary secure provision could be made. The appellant has not demonstrated how this could be achieved in the area shown. However, this is not so clearly deficient that the matter could not be dealt with subsequently.
25. The proposal would incorporate a sustainable urban drainage system as expected by Policies SP6.4 and DM25.3 of the Local Plan. The Council identifies several points that were missing from the information submitted with the application in order to comply with its checklist. However, there is no evidence that a suitable drainage system could not be devised and any necessary details could be covered by condition.
26. In conclusion on this issue living conditions for future occupiers and the functioning of the development would be satisfactory and there would be no conflict with relevant development plan policies.

Other Considerations

27. There is no objection to the principle of the redevelopment of this site. Indeed, the proposal would lead to a more efficient use of land through the delivery of a windfall flats. The Government's objective is to significantly boost the supply of housing but this is not to be undertaken at the expense of the quality of the built environment. Therefore, the provision of additional housing does not outweigh the objection identified.
28. Other aspects of the development have been highlighted including the provision of a range of units sizes; a commuted sum payment towards affordable housing; adherence to space standards with adequate private and communal amenity space; the avoidance of overlooking due to the positioning of habitable room windows and achieving passive surveillance. However, these matters all relate to elements that are expected of any development in order to be acceptable and policy compliant. They are therefore not considerations that positively favour the proposal.

Conclusion

29. The main objection is the harm that would be caused to the character and appearance of the area. In addition, it is not clear that adequate provision would be made for affordable housing and there would be a shortfall of one family unit when judged against relevant policies. As a result, the proposed development would not comply with the Local Plan. The other considerations do not indicate that a decision should be taken other than in accordance with the development plan. Therefore, for the reasons given, the appeal should fail.

David Smith

INSPECTOR