



Appeal Decision

Site Visit made on 14 September 2021

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2021

Appeal Ref: APP/L5240/W/21/3269194

7 Bramley Avenue, Coulsdon CR5 2DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Mr Jarrod Patterson, Ascendant Core Ltd against the Council of the London Borough of Croydon.
 - The application Ref 20/06602/OUT, is dated 22 December 2020.
 - The development proposed was described as 'demolition of existing building and erection of a part 3 storey, part 4 storey building with accommodation within the roof space containing 2 x 1 bedroom, 5 x 2 bedroom and 2 x 3 bedroom apartments with associated parking'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The description of development in the banner heading above is taken from the application form. However, the appeal form provides a revised description of 'demolition of existing building and erection of a part 3 storey, part 4 storey building with accommodation within the roof space containing 2 x 1 bed; 4 x 2 bed & 3 x 3 bed apartments with associated parking'. This more accurately reflects the proposed housing mix shown on the plans, and is also the description used by the Council in its evidence. I have considered the appeal on the same basis.
3. The appeal seeks outline planning permission. Approval is sought for matters of access, layout, scale and appearance and I have considered the appeal accordingly. Landscaping is a reserved matter, and therefore while I have had regard to the plans submitted as part of the application, I have considered details of the landscaping of the development as illustrative.
4. The Council did not determine the planning application within the prescribed period, but has submitted an appeal statement which indicates that planning permission would have been refused, giving 5 putative reasons for refusal. Concerns that the development would harm the living conditions of neighbouring occupiers, and that the quality of accommodation offered by the dwellings would be unsatisfactory, do not form part of these reasons, but are nevertheless raised within the Council's statement. The appellant has been able to respond to the Council's evidence, including with regard to the living conditions of neighbouring and future occupiers of the development, and I am therefore satisfied that no prejudice would occur as a result of me taking these

matters into account within my decision. I have accordingly had regard to the Council's statement and the concerns raised within it in considering the appeal.

Main Issues

5. In light of the above, the main issues are:

- i) the effect of the proposal on the character and appearance of the area;
- ii) the effect of the proposal on the living conditions of the occupiers of 5 Bramley Avenue with particular regard to outlook;
- iii) whether or not the proposed access and parking arrangements would be acceptable with specific regard to the level and accessibility of parking provision;
- iv) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to outlook and light; and
- v) whether or not provision for cycle storage would be acceptable.

Reasons

Character and Appearance

6. Bramley Avenue is predominantly characterised by two-storey detached dwellings of typically traditional appearance and external materials, albeit of varied architecture. For the most part, dwellings are set back from the street on relatively large plots. Gaps between them vary in width, but nevertheless afford views from the street to a backdrop of deep rear gardens which in many cases include established vegetation. Mature street trees and soft landscaping to the front of dwellings add to the verdant quality of the area, and there is an attractive spacious character overall.
7. The appeal site includes a detached dwelling which the appeal proposes would be replaced by a 5 storey building containing 9 flats. I note that the building's lower ground level would not be readily appreciable in views from Bramley Avenue. However, the proposal would result in a considerable increase in the height, depth and the overall mass of the building on the site, including as a result of the bulky roof design incorporating a large flat section. Its substantial scale would contrast strikingly with other dwellings on Bramley Avenue which are of much more modest size, and would be particularly jarring when seen against 5 Bramley Avenue given its height projecting well above this neighbour in very close proximity. I acknowledge guidance within the Suburban Design Guide Supplementary Planning Document 2019 (SDG) that where surrounding buildings are predominantly detached dwellings of two or more storeys, new developments may be three storeys with an additional floor contained within the roof space or set back from the building below. Be that as it may, I find that the above factors would in this case result in development that would be dominant and highly conspicuous.
8. Irrespective of the reason for their inclusion, multiple steps at varying levels to both the sides and rear of the building would also result in uncharacteristically complex and convoluted elevations and fragmented roof forms. I accept that those at lower ground floor level would not be readily visible from outside of the site, but I nevertheless consider that the overall number and spread of steps would cause the building to appear disjointed and awkward. There would also be conflict with guidance within the SDG indicating that buildings of incoherent form and complicated appearance lacking design merit are unacceptable.

9. Furthermore, the large proportion of the site frontage that would comprise hardstanding and the undercroft parking would be unusual within the area. Despite the higher land level of the street and potential for screening by vegetation, these elements would be likely to be visible, at least in part, from Bramley Avenue including along the access. This would exacerbate the incongruous nature of the development, and in combination with the unsympathetic scale and appearance of the building would result in a prominent and incongruous feature.
10. For these reasons, I find that the proposal would not represent high quality design, and I conclude on this main issue that the development would unacceptably detract from the character and appearance of the area. As a consequence, it would conflict with Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP) and Policies D3 and D4 of the London Plan 2021 (LP) insofar as they together broadly seek high quality buildings and development that responds to local distinctiveness and that respects local character.

Living Conditions – Neighbouring Occupiers

11. The adjacent dwelling at 5 Bramley Avenue is set fairly close to the site, and is also at a lower land level. The proposal would result in a substantial increase in the height, bulk and massing of development close to the boundary, and it would extend some way beyond the rear of this neighbour. The appellant proposes to supplement landscaping along the boundary, but given the scale of the building, it would be unlikely to be fully obscured. In any event, vegetation coverage is likely to vary somewhat throughout the year, and cannot be relied on long-term to provide screening.
12. The submitted information does not demonstrate that the proposal would fully comply with guidance within the SDG requiring that the height of projections beyond the rear of neighbouring properties is no greater than 45 degrees as measured from the middle of the window of the closest ground floor habitable room. In any case, the building would in my judgement be a conspicuous presence in views from the closest rear windows and garden to No 5, and I consider that its height, bulk and mass beyond the rear of this neighbour in combination with its close proximity would be visually intrusive and dominant.
13. For these reasons, I conclude on this main issue that the development would be overbearing, and the proposal would cause unacceptable harm to the living conditions of the occupiers of 5 Bramley Avenue through loss of outlook. It would therefore conflict with Policy DM10 of the CLP which requires, amongst other things, that the amenity of occupiers of adjoining buildings is protected.

Access and Parking

14. The existing vehicular access to the site from Bramley Avenue would be extended to serve the development. I note the Council's concerns that this could result in the loss of on-street parking. However, I have not been directed to any absolute requirement within the development plan to retain on-street parking. At the time of my visit, I saw a large number of available on-street spaces on both Bramley Avenue and nearby streets. I acknowledge that this was a snapshot and that my visit was carried out during a working day at a time when some residents may be out at work or engaged in other activities away from home. Nevertheless, I saw that the majority of the buildings in the vicinity of the site have some provision for off-street parking, and there is no

firm information before me to indicate a high level of parking stress locally, nor to demonstrate insufficient on-street capacity that would be exacerbated by the proposal. Given these circumstances, I see no reason that the development would be likely to result in additional parking stress to the detriment of the surrounding highway network.

15. I also note the appellant's view that planning conditions could secure details of manoeuvring of vehicles and the gradient of the access on the appeal site, and provide for minor adjustments to parking to meet design standards. However, Policy T6 of the LP includes a requirement that development is designed to provide the minimum necessary parking, and Policy T6.1 of the LP further outlines that residential development should not exceed parking standards indicating a maximum provision of 7.5 spaces for the development. The appeal proposes 9 spaces on the site, and no compelling evidence has been provided to justify provision in excess of the maximum in this case.
16. Even if I were satisfied that the accessibility of parking for the development could be made acceptable through the imposition of conditions, I therefore find that the level of parking would be unacceptable, and I conclude on this main issue that the proposal would conflict with Policies T6 and T6.1 of the LP.

Living Conditions – Future Occupiers

17. The Council confirms that the dwellings would meet standards concerning the quantum of internal and amenity space to be provided. The shape and layout of individual rooms would also offer functional and usable areas, and I do not consider that circulation routes would be convoluted to the extent that the living conditions of future occupiers would be impaired to any tangible degree.
18. Some rooms would be served only by windows to the front of the building. While these windows would face broadly north, this is not an unusual situation. There would be significant separation to buildings to the opposite side of the street, and given the raised height of the windows above parking to the front of the site, I am satisfied that there would be open views from these rooms and satisfactory outlook for occupiers. Noting also the fairly generous size of the glazing against the rooms served, I see no reason that levels of light would be inadequate.
19. I appreciate that Flats 4 and 7 would be served only by windows to the front of the building. Nevertheless, windows onto the recessed balconies would provide living accommodation with additional ventilation and some variation in aspect. In combination with the elevated position of these dwellings at the first and second floor levels of the building, and given the size of the windows providing for light and outlook, I do not consider that this arrangement would offer unsatisfactory living conditions for occupiers. To the rear of the building, windows would face onto the garden, and noting the depth and orientation of this space, I am satisfied that they would provide for sufficient outlook and light. In addition, while the Council refers to Flats 1 and 2 as single-aspect, they would both include windows to side elevations of the building which would provide for additional ventilation.
20. For these reasons, I conclude on this main issue that living conditions for future occupiers of the development would be acceptable, and I find no conflict in this regard with Policy DM10 of the CLP which broadly seeks residential

development of suitable quality including through provision of adequate levels of sunlight and daylight.

Cycle Storage

21. The Council is concerned that the proposed cycle store within the building's undercroft would not be secure or weatherproof, and that it would not provide stands suitable for wider and adaptable bikes. However, given the scale and layout of the undercroft and in the absence of compelling evidence to the contrary, I see no reason that accommodation of cycle storage in accordance with requirements would be impractical or infeasible. In the circumstances, I am satisfied that it would be appropriate to seek further details through a planning condition were I to find the development otherwise acceptable, and I note that the Council has suggested such a condition.
22. I therefore conclude on this main issue that satisfactory cycle storage could be provided to comply with Policy T5 of the LP and Policies DM29 and DM30 of the CLP which broadly seek to promote cycling and require the provision of appropriate cycle parking.

Other Matters

23. The proposal would make effective use of the site, providing a net gain of 8 dwellings towards the supply of housing. This is an important benefit, and I afford it great weight. I also note support within the LP and the SDG for intensification within existing residential areas to deliver new homes. However, given the modest contribution that the proposal would make in these regards, I consider the benefit to be relatively limited.
24. Conversely, the proposal would result in significant harm to the character and appearance of the area and the living conditions of the occupiers of 5 Bramley Avenue. Parking arrangements would also be unacceptable. These matters together attract significant weight, and outweigh the benefits associated with the proposed development.

Conclusion

25. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR