



## Appeal Decision

Site visit made on 13 September 2021

by **Tim Wood BA(Hons) BTP MRTPI**

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

Decision date: 04 OCTOBER 2021

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**Appeal Ref: APP/L5240/W/21/3266351**

**19 Orchard Avenue, Croydon CR0 8UB**

- 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 Novo Land and Development against the decision of the Council of the London Borough of Croydon.
  - The application Ref 20/03721/FUL, dated 14 August 2020, was refused by notice dated 22 October 2020.
  - The development proposed is the demolition of the existing dwelling, erection of 9 flats, revised access, parking, landscaping and relocation of dropped kerb.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant has included some revisions to the proposal within the submitted appeal documents. In my judgement, these represent minor alterations to the scheme which would not have any prejudicial effects on any other party if I were to consider them as part of the appeal. The Council has not commented on this matter. Therefore, I shall determine the appeal on the basis of these revisions.
3. The reasons for refusal included reference to the effects of the proposal on the highway transport network. The Council's submitted documents indicates that the proposal would be required to secure sustainable transport improvements by means of a financial contribution. The appellant has submitted a Planning Obligation which would secure such a payment. In the absence of any information, assessment, or comment from the Council, I am accepting that this now satisfies the Council's concerns in this respect.

### Main Issues

4. The main issues in this appeal are;
  - The effects of the proposal on the character and appearance of the area
  - The effects of the proposal on neighbours
  - The acceptability of the standard of the proposed accommodation
  - The effects on trees/landscaping

## **Reasons**

### ***Character and Appearance***

5. The appeal relates to this 2-storey mock-Tudor house located within this residential area. The road contains a variety of styles and sizes of properties; there are a number of bungalows and also 2 storey houses. The site at No 17 immediately adjacent to the appeal site has been granted planning permission by the Council for redevelopment to provide a block of 8 flats and I have been provided with details of that scheme. It appears that works have commenced to implement that permission.
6. The appeal site sits within an area of Shirley which is identified in Policy 10.11 the Croydon Local Plan as an area of focussed intensification, where new development may be significantly larger than the existing. It adds that new development should: be up to double the predominant height of buildings in the area; take the form of specific character types; assume a suburban character with spaces between buildings. Furthermore, the policy states that developments in such areas should contribute to an increase in density and a gradual change in character and will be expected to enhance and sensitively respond to existing character by being of high quality and respectful to the existing place.
7. The proposal would have accommodation on 4 floors. At the front, the eaves line would be at the top of the second floor with the top floor within gables. To the sides there would be a half-hip arrangement where the eaves line rises and then at the rear the eaves would be above the top floor level. When seen from the main public vantage point at the front, I consider that the proposed roof design would give the proposed building a visually awkward and top-heavy appearance. The asymmetric gables at the front and the arrangement of windows and brick features would also add to the disruptive appearance. Some comparison is made with the proposed scheme at No 17. Having considered that scheme, I note that the eaves level is lower with a more traditional roof form which results in a building of far less bulk, particularly at the upper level. The appeal scheme would be a dominating feature within the street-scene here even when compared with the approved development at No 17 it would appear cumbersome and over-dominant. Even taking account of the encouragement to provide intensified forms of development here, I consider that the proposal would fail to enhance and sensitively respond to existing character and so would be contrary to Policy DM10.11.

### ***Effects on neighbours***

8. The Council's original assessment of the effects of the proposal on neighbours was undertaken in relation to Nos 17 and 21 Orchard Avenue, in particular. It would now appear that the redevelopment of No 17 has been commenced and, in accordance with the officer's comments in their pre-application response, I am satisfied that there would be no unreasonable effects on future residents at the site of No 17.
9. The appellant suggests that, if the appeal site is developed in the manner proposed, then it is likely that No 21 would be similarly developed and indicates that this should be taken into account in determining the effects on those neighbouring residents. There is nothing before me to confirm that there are any plans to redevelop No 21 and I have not been made aware of any

approaches or applications to the Council. In these circumstances, I shall seek to determine the effects on neighbours, as things currently stand at No 21.

10. The proposal would extend some considerable distance deeper into the site than the rearmost part of the 2-storey house at No 21. I judge that the proposal would appear stark and immediate in view of its depth, height, and proximity to the boundary with No 21. Whilst I accept that Policy DM10.11 envisages larger buildings within this area, I consider that it would fail to be respectful of the existing place and would have a considerable and negative effect on the residential amenity of neighbours at No 21. Therefore, the proposal is in conflict with Policy DM10.6 of the Croydon Local Plan.

### ***Standard of accommodation***

11. The proposal would result in some bedrooms of the ground floor having windows facing onto the narrow side area of the plots, close to the boundary. In one case the appellant indicates that this would be a high-level window, which I consider would be unacceptable for the sole window to a main room, albeit a bedroom. In another instance, the bedroom would have 2 windows, but one would face onto the side walkway which would give access to the communal garden. I find that this would give rise to a loss of privacy for the occupiers of that flat due to the passage of other residents in very close proximity to this window.
12. There would be bedrooms within proposed units 8 and 9 which would have rooflights as the only source of light and outlook. I consider that this would place an unacceptable restriction on the outlook from these rooms which would have a prejudicial effect on the living conditions of those residents. Within the ground floor flats, there would be bedroom windows within the front elevation, close to the parking spaces. The Council suggest that this would give rise to disturbance to those residents. Whilst the level of disturbance may be judged as only moderate and not sufficient to dismiss the appeal by itself, I consider that it adds to the sum of the faults with the proposal on this main issue.
13. In relation to accessibility, one of the ground floor flats is indicated as being accessible. The provision of a lift is acknowledged to require a flexible approach and the appellants have indicated that firstly, none was required for the development at No 17 and secondly that it would not be viable to do so for the proposal. In the light of these uncontested statements, I do not see this as a fault with the proposal. In relation to the route from within the flats to the communal garden area I consider it acceptable for residents to do so by the front main entrance and around the side of the building. However, for the reasons given above, the proposal would raise conflict with Policy DM10 of the Local Plan.

### ***Trees/Landscaping***

14. The proposal would result in the loss of trees within the site, including the evergreen trees which form a dense screen at the site frontage. The appellant has submitted landscaping details which indicates to me that there would be the likelihood of providing a degree of landscaping similar to that at the approved scheme at No 17 and others within the area. The loss of the dense screen of trees at the frontage would be a benefit in my judgement as they do not enhance the site but present an impenetrable barrier. Whilst the proposed frontage would accommodate car parking, I consider that the potential exists to

provide a suitable scheme and had the appeal been successful, I am content that conditions could have secured an appropriate scheme for the front and rear of the site.

### **Conclusions**

15. I note that interested parties have raised a number of other issues, which have mostly been dealt with by the Council in the officer's report and I see no reason to disagree with those conclusions. Of particular note is the information relating to car parking and the capacity of the surrounding highway to accommodate any overflow.
16. I have taken account of all other matters, including the provision of new homes in an area identified for intensification. However, the shortcomings of the proposal are not outweighed by any benefits that would arise from it. Therefore, the appeal is dismissed.

*S T Wood*

INSPECTOR