



Appeal Decision

Site Visit made on 7 September 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/L5240/W/21/3268518

16 Coombe Road, Croydon CR0 1BP

- 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 planning permission
 - The appeal is made by Mr Daniel DeMello against London Borough of Croydon.
 - The application Ref 20/03437/FUL, is dated 3 August 2020.
 - The development proposed is Demolition of existing dwelling house and the construction of a three-storey building comprising five flats with associated cycle store and landscaping.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing dwelling house and the construction of a three-storey building comprising five flats with associated cycle store and landscaping is refused.

Procedural Matters

2. Following the submission of this appeal, a revised version of the National Planning Policy Framework has been published. I have considered the proposals in the light of this revised document, having first given the parties an opportunity to comment on its content.

Main Issues

3. The main issues are:
 - the effect of the development upon the character and appearance of the Conservation Area (the CA);
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties in terms of outlook and light;
 - whether sufficient living conditions would be provided for the future occupiers of the development in terms of access to refuse storage;
 - the effect of the development upon highway safety; and
 - whether sufficient cycle storage would be provided for the future occupiers of the development.

Reasons

Character and appearance of the Conservation Area

4. The appeal site is located in the Conservation Area (the CA). For the purposes of this appeal, the significance of the CA is derived, in part, from the presence of traditional designed dwellings arranged in a linear form and of a consistent design. In addition, dwellings typically feature similar architectural details, such as similar window designs.
5. In contrast, the appeal proposal would be of a more modern design that would not reflect the traditional form of architecture that is a feature of the surrounding area. In addition, the proposed development would have a different height and massing to the neighbouring dwellings. The contrasting form of architecture would be exacerbated by the proposed palette of materials that differs substantially in appearance from the surrounding dwellings.
6. This adverse effect would occur irrespective of the similarity in colour of materials between the proposed and existing buildings. Although of a more contemporary design, the proposed development would be viewed alongside traditionally designed buildings resulting in it being discordant.
7. This would be most apparent owing to the flat roofed section of the proposed development, which would conflict with the traditional roof form utilised on the surrounding buildings. Owing to the height of the dwelling, this incongruous form of development could not be mitigated through landscaping.
8. Whilst surrounding developments feature different roof shapes, they are typically pitched. The presence of flat roofs occurs on an infrequent basis. Therefore, the proposed development would conflict with the prevailing character.
9. This matter is of concern given that the proposed development would be particularly prominent. Of note is that the proposed development would be visible from a number of different viewpoints within the surrounding area, in addition to some views from the occupiers of neighbouring properties.
10. In addition, the road features a relatively level topography. This means that the adverse effects arising from the proposed development would not be diffused by changes in the local levels. Therefore, the proposed development would be strident and readily perceptible. In result, the erosion of the area's character would be eroded.
11. Although the balconies would be located at the rear of the building, they would be viewable from the gardens of the neighbouring dwellings. Therefore, given that this is an architectural feature not common within the surrounding area, the presence of balconies would add to the incongruous design.
12. The development's windows would be of a similar form to those utilised on neighbouring properties, this is only one of the matters that must be considered and therefore does not overcome the previously described harm.
13. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the CA. The development, in this regard, would conflict with Policies SP4; DM10 and DM18 of the Croydon Local Plan (2018) (the Local Plan); and the Chatsworth Road Conservation Area

Appraisal and Management Plan Supplementary Planning Document (2008). Amongst other matters, these seek to ensure that developments contribute to the public realm; that developments be of a high quality; that development; affecting heritage assets will only be permitted if their significance is preserved or enhanced; and that proposed replacement schemes will be of a suitably high quality.

Living conditions of the occupiers of existing properties

14. The proposed development would be of a relatively bulky design and significant height. It would also project into the rear garden of the appeal site and would be close to the appeal site's side boundaries.
15. By reason of the projection beyond the rear elevation of the neighbouring properties and the height of the proposed development, the proposal would have an enclosing effect upon the gardens and rear elevation windows of the neighbouring properties.
16. This enclosing effect would lead to an overbearing effect arising from the form and proximity of the proposed building. Furthermore, it would lead to a loss of outlook to the rear elevation windows and the rear garden. This would be particularly concerning given that the rear garden of the neighbouring properties represents the only space where private outdoor recreation or play might take place.
17. In addition, by reason of the proximity of the proposed development to the shared boundaries, the proposed development would result in development taking place in proximity to several different windows. The development would also be near to the rear gardens of the adjoining properties.
18. On account of the height of the proposed development, combined with the general proximity of the development to neighbouring properties, the proposed development would result in a loss of light to the neighbouring windows and the gardens of the neighbouring properties.
19. Whilst the orientation of the site is such that this effect would not occur at all times of the day, the effect would still be significantly adverse, which would lead to an erosion of the living conditions of the occupiers of the neighbouring properties.
20. The proposed development might maintain a '45 degree line' when drawn from the windows of the neighbouring dwelling of 14 Coombe Road. However, this would not overcome the adverse effects to the occupiers of 16 Coombe Road and the users of the gardens of the neighbouring properties.
21. I therefore conclude that the proposed development would have an adverse effect upon the living conditions of the occupiers of the neighbouring properties. The development, in this regard, would conflict with Policy DM10 of the Local Plan. Amongst other matters, this seeks to ensure that the amenity of the occupiers of adjoining buildings is protected.

Proposed occupiers living conditions

22. The proposed development would include a refuse storage area that would serve as a location for the storage of refuse of waste and recycling materials

- for all occupiers of the proposed dwellings. This would be located in a separate building and would be accessible via a pathway.
23. By reason of the layout of the proposed dwellings, the development could potentially accommodate a relatively large number of people. In consequence, the occupiers of the proposed development would potentially need to make a relatively large number of trips to and from the proposed refuse storage area.
 24. The proposed development indicates a relatively narrow pathway would be provided to access the refuse storage. This is a concern given that residents accessing the storage way are likely to be carrying items such as bags or refuse bins.
 25. Therefore, the relatively narrow width would make it difficult to traverse the path and therefore the effectiveness of the storage area would be diminished as residents might then seek alternative areas for the storage of waste.
 26. This adverse effect would be particularly notable should a resident meet another individual when accessing the storage area as the limited space is likely to make it difficult for residents to pass one another.
 27. Given that the layout of the proposed dwellings, there would be insufficient space within the units of accommodation for the storage of waste and materials for recycling. Therefore, the lack of appropriate access to such a facility would prevent the occupiers of the development from experiencing appropriate living conditions.
 28. I understand that this is a matter that has not previously been raised by the Council. However, given that I have been directed towards planning policies that seek to maintain the living conditions of the occupiers of proposed developments, I must give this matter weight in my assessments.
 29. I therefore conclude that the proposed development would not provide appropriate living conditions for all occupiers of the development. The development, in this regard, would conflict with Local Plan Policy DM13. Amongst other matters, this seeks to ensure that developments provide adequate space for the temporary storage of waste materials generated by the development.

Highway safety

30. The proposed development would feature a shared driveway with the occupiers of the neighbouring dwelling. Therefore, a large number of occupiers would potentially be using this road.
31. This is a concern given that this area would not include a separate environment for pedestrians. Therefore, anyone needing to access the refuse storage would need to utilise the same area used by vehicles.
32. Owing to the fact that within this area, vehicles would be manoeuvring and potentially be turned around, motorists would potentially have a restricted view of any pedestrians. In consequence, there would be a conflict between the movement of people and cars.
33. Therefore, the proposed development would not create a good level of safety for the occupiers of the proposed and existing buildings. In reaching this view,

I have had regard to the Framework, which is clear that development should not result in an erosion of highway safety.

34. Whilst the access point is already in existence, the proposed development would have the potential to be used on a greater degree of intensity than the existing dwelling. In consequence, the potential exists for the accessway to be used by a greater number of people, which would give rise to the previously identified adverse effect.
35. I therefore conclude that the proposed development would have an adverse effect on highway safety. The development, in this regard, conflicts with Policy DM30 of the Local Plan. Amongst other matters, this seeks to ensure that the movement of pedestrians is not impeded by the provision of car parking.

Cycle storage

36. The proposed development includes the provision of a storage area for bicycles to the rear of the site within a proposed building.
37. Given the relatively small scale of the building, and the fact that the proposed dwellings could conceivably be occupied by couples, this space is unlikely to be sufficient to accommodate all of the needs of the occupiers of the proposed development.
38. This is particularly pertinent as the building would also require space for individuals to manoeuvre their bicycles into and around the building, which may also be in use by other residents simultaneously.
39. The provision of appropriate cycle storage is especially pertinent as the development features limited car parking spaces and owing to the nature of the development's location, residents may require a bicycle to travel to services within the surrounding area.
40. Therefore, the lack of appropriate cycle storage within the development is likely to deter residents from utilising bicycles as a means of travel. This would not be conducive to securing travel by means other than motor vehicles.
41. I have given consideration as to whether a condition could be imposed to secure more appropriate bicycle storage. However, such a condition would likely require the provision of a building larger than that indicated on the submitted plans.
42. Therefore, whilst the storage facility is proposed to be located within part of the appeal site adjoined by relatively large boundary treatments, such a condition would permit a development that falls outside of the scope of the proposal before me. Therefore, such a condition would be unreasonable as it would prevent consultation with the occupiers of neighbouring properties.
43. I therefore conclude that the proposed development would not provide appropriate cycle storage. The development, in this regard, would conflict with the requirements of Policy DM30 of the Local Plan. Amongst other matters, this seeks to ensure that appropriate cycle storage is provided.

Other Matter

44. I note concerns raised by the appellant regarding the manner in which the application was considered by the Council. However, in considering this appeal, I have limited my assessments to the planning matters before me.

Planning Balance

45. The harm that would occur to the character and appearance of the CA would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
46. The proposed development would generate some benefits arising from the increase in the local housing supply, whilst generating some economic benefits arising from the construction process. However, these benefits would be limited due to the scale of the development and, in some instances, would be of a time-limited duration.
47. Therefore, when giving significant importance and weight to the special attention I must pay to the desirability of preserving or enhancing the character and appearance of the CA, I find that the harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 200 of the Framework as harm to designated heritage assets would not have clear and convincing justification.

Conclusion

48. The proposal would therefore have an adverse effect upon the character and appearance of the CA. In addition, the development would erode the living conditions of the occupiers of the neighbouring development and would not provide appropriate living conditions for the future occupiers of the proposed development; whilst having an adverse effect on highway safety and not providing appropriate cycle storage.
49. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed, and planning permission refused.

Benjamin Clarke

INSPECTOR