



Appeal Decision

Site Visit made on 20 July 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2021

Appeal Ref: APP/L5240/W/21/3270447

land rear of 19 Sanderstead Hill, South Croydon CR2 0DH

- 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 James Bacon against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/01054/FUL, dated 3 March 2020, was refused by notice dated 7 September 2020.
 - The development proposed is the demolition of existing garage fronting Ownstead Gardens and construction of a detached dwelling with parking and landscaping and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Between the determination of the planning application and the appeal coming before me, the new London Plan¹ and a revised Framework² were published. The Council has subsequently indicated that Policies D1 and D3 of the new Plan are relevant to this appeal. The views of the appellant have been sought on the new London Plan and I have referred to it in my findings. Similarly, both main parties have had an opportunity to comment on the revised Framework.
3. The appellant has submitted amended drawings that are said to address the reasons for refusal. However, this appeal is against the scheme considered by the Council and the amendments represent fundamental changes to that scheme. Accordingly, I am unable to accept them, particularly as they would prejudice both the Council and any interested parties from commenting. I have therefore made my decision based upon the drawings considered by the Council at the time they made their decision.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions for future occupants with regard to internal space and layout; and c) highway safety.

¹ The London Plan 2021

² National Planning Policy Framework (2021)

Reasons

Character and Appearance

5. The appeal site comprises part of the rear garden and the garage of 19 Sanderstead Hill. The site would be accessed from Ownstead Gardens, a cul-de-sac to the rear of the host property. In the vicinity of the appeal site the existing properties in Ownstead Gardens are generally positioned on only one side of the road and around the turning head. They are set back within their plots, providing each house with a generous front garden. Cumulatively, this creates a sense of spaciousness that contributes positively to the area.
6. I acknowledge that the proposed dwelling would have limited wider visibility when approaching the site along Ownstead Gardens from Sanderstead Hill. However, the position of the proposed house relatively close to the front boundary of the site, together with its small front garden, given over almost entirely to car parking, would be somewhat at odds with the spacious layout and character of the area. Whilst the design of the building seeks to use local styling and detail, it would be of a very different scale to other properties in Ownstead Gardens. This would add to the incongruity of the proposal and give the building an awkward presence within the street scene.
7. Consequently, I find that the proposal would not respect the spacious layout of the area and would be a discordant addition that would cause harm to the character and appearance of the area. As such, it would be contrary to Policies SP4 and DM 10 of the Local Plan³ and Policies D1 and D3 of the London Plan, which amongst other things, seek to ensure that new developments are of an appropriate form and design that relate well to their surrounding area. I have also had regard to the Council's Design Guide⁴, which for similar reasons would not support the appeal proposal.

Living Conditions

8. The Council indicates that the proposed dwelling would be some 10.1m² below the minimum gross internal floorspace as set out in the Space Standards⁵. The Council has not indicated that it has formally adopted the Space Standards but nonetheless they provide a useful comparator and I note that the appellant has not disputed the Council's figures.
9. The proposed dwelling would provide for family accommodation. Having regard to the potential number of occupants, the need for space to move around furniture and access other rooms, as well as space to climb the stairs to the upper floor, I feel that the Dining/Family/Kitchen area particularly would be unduly restrictive and cramped for normal day to day living arrangements. Accordingly, I find that the proposed development would be harmful to the living conditions of future occupants.
10. The proposal is therefore contrary to Policy SP2.8 of the Local Plan and Policy D3 of the London Plan, which amongst other things, seek to ensure that new dwellings provide acceptable indoor living conditions for future occupants.

³ Croydon Local Plan (2018)

⁴ Suburban Design Guide – Supplementary Planning Document (2019)

⁵ Nationally Described Space Standards (2015)

Highway Safety

11. The host property already benefits from off-street parking to the front of the existing dwelling and therefore the proposal is likely to lead to an intensification in the use of Ownstead Gardens and vehicles entering or leaving the site. When exiting the site by car, visibility to the north-west is compromised by the neighbouring property's fencing. There is limited detail to demonstrate that the proposed 'in/out' arrangement would be a viable option and that a vehicle could enter and leave the site as indicated, such that the limited visibility to the north-west would not compromise the proposal, particularly if cars are parked opposite the appeal site. Given all of the above, I share the Council's concerns that the proposal has not sufficiently demonstrated that it would protect other road users. I must therefore conclude that the proposal would be likely to cause harm to highway safety.
12. Accordingly, the proposal would be contrary to Policies SP8 and DM30 of the Local Plan and Policy D3 of the London Plan, which amongst other things, seek to create safe environments and ensure that developments do not impede other road users or compromise highway safety. The Council has also referred to Policy DM29 of the Local Plan but has not provided me with a copy of that policy. However, I find that the policies I have cited above, copies of which I have seen, are more than sufficient to relate to this main issue.

Other Matters

13. I acknowledge that the appellant has had a protracted dialogue with the Council, which is on-going. However, it is not a matter to which I can attach any weight in the consideration of this appeal.

Planning Balance and Conclusion

14. The Government's objective is to significantly boost the supply of housing and the proposal would provide a single dwelling with adequate access to services. The proposal would also accord with the Framework's support for windfall sites. However, given the small scale of the proposal, the provision of this one additional house would attract only modest weight. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
15. Conversely, I have found harm in relation to the effect of the proposed development on the character and appearance of the area, on the living conditions for future occupants and on highway safety. These harms are significant and as a consequence worthy of substantial weight that would outweigh the benefits associated with the proposed development.
16. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar
INSPECTOR