



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: 14 October 2021

Appeal Ref: APP/L5240/W/21/3266962

36 Oakwood Avenue, Purley, Croydon CR8 1AQ

- 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 Aventier against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/01658/FUL, dated 9 April 2020, was refused by notice dated 18 December 2020.
 - The development proposed is the demolition of a single-family dwelling and erection of 4x two storey semi detached 4 bedroom houses with accommodation in the roof, and 4x one storey semi detached 3 bedroom houses with accommodation in the roof with associated access, 9 parking spaces, cycle storage and refuse store.
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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 D3 and D4 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.

Main Issues

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) the living conditions of neighbouring occupants; and c) the cattery at 110 Riddlesdown Road during the construction phase of the development.

Reasons

Character and Appearance

4. This part of Oakwood Avenue is characterised by large, detached dwellings sitting within large plots. There is a variety of styles and heights of dwellings although most have either brick or render finishes and brown roof tiles. The houses are set back from the site frontages and together with the width of the road and the extensive tree and boundary planting, the area has a spacious and verdant character that contributes positively to the area.

¹ The London Plan 2021

² National Planning Policy Framework (2021)

5. The appeal site is on the eastern side of Oakwood Avenue, where due to the topography of the area, properties sit slightly lower than those on the western side of the road. The site has a wide frontage compared to most others in the vicinity. However, the existing bungalow on the appeal site, which respects the general pattern of development in terms of its positioning within the site, is not particularly prominent within the street scene.
6. Whilst the proposed houses at the front of the site would be set slightly forward of the existing bungalow's position, they would be broadly reflective of the orientation and positioning of other properties in this part of Oakwood Avenue. However, by virtue of the sub-division of the site to accommodate this number of dwellings, they would be markedly smaller plots than most other properties in the vicinity. The significant size and scale of the dwellings in relation to their plot sizes only serves to reinforce this conflict with the prevailing street scene.
7. Access to the houses to the rear would be via a new shared driveway off Oakwood Avenue. It would run centrally through the site, serving both a parking area on the site's frontage, and a parking court positioned more centrally within the site. Much of the site's frontage would be dominated by the car parking and access arrangements. Although other properties in Oakwood Avenue have areas of hardstanding and car parking to the front and/or side of the houses, it does not generally dominate the frontage in the way it would at the appeal site. The need for footpaths to serve all the front entrances, a pedestrian surface to serve the dwellings to the rear plus a dedicated bin store, are consequential factors which would also contribute to the proposal appearing out of keeping with the area's spacious and verdant character.
8. The central parking area would represent a further, large expanse of hardstanding, such that the proposed communal garden areas would be marginalised to the side of the site, making access to them difficult. The four single storey houses would be squeezed towards the rear of the site and, particularly in the case of the northern two houses, their resulting small rear gardens would be likely to be overshadowed by neighbouring trees.
9. Consequently, the size of the plots and resultant garden area for each of the proposed dwellings would be materially smaller than the plots and gardens of dwellings in the vicinity of the appeal site. It is acknowledged that the appeal site is wider than most others in the street but, given the number of proposed dwellings and the site layout, it would appear as a cramped form of development, out of keeping with the character of the area.
10. For the reasons outlined above, I conclude that the proposal would be harmful to the character and appearance of the area. Consequently, it would conflict with Policies SP4 and DM10 of the Local Plan³ and Policies D3 and D4 of the London Plan, which amongst other things, seek to ensure developments respect the existing character and appearance of the locality in which they are sited.
11. Although not referenced in the decision notice, the main parties have referred to Paragraph 134 of the Framework in support of their cases. For the reasons set out above, I find that the proposal would not fit in with the overall form and layout of its surroundings and thus, my decision would be in accordance with advice in Paragraph 134.

³ Croydon Local Plan (2018)

Living Conditions

12. The position of the front four houses and their side windows are such that they would be unlikely to harm the living conditions of the existing neighbours either side of the site. Both neighbours would experience more overlooking of their rear gardens from the additional upper floor windows than is currently the case. Despite this, a reasonable level of privacy would be retained in this respect.
13. Despite the proposed four houses to the rear of the site having the first floor accommodation in the roof, the use of a crown roof means that the dwellings would nevertheless be considerable structures. As a result, they would be substantially higher than the existing fencing as well as much of the planting along the boundary with 34 and 38 Oakwood Avenue. Given their height and depth, together with their positioning very close to these neighbours' boundaries, the proposed dwellings are likely to be overbearing and create a significantly more enclosed setting for these neighbours.
14. Furthermore, there would be new activity and an increased level of noise associated with these 3 bed/4 person dwellings. This will be accompanied by associated effects such as engine noise, light spillage from cars and houses. This will all be taking place in close proximity to the existing gardens of 34 and 38 Oakwood Avenue.
15. Cumulatively these factors would result in a significantly diminished living environment for the occupants of 34 and 38 Oakwood Avenue. Therefore, I am satisfied that the overall effect of the proposed development would be harmful to the living conditions of these neighbouring occupants.
16. Accordingly, the proposal would be contrary to Policy DM10 of the Local Plan and Policy D3 of the London Plan, which amongst other things, seek to ensure that occupiers of adjoining buildings are protected and that outdoor environments are comfortable and inviting for people to use.

Construction Noise

17. A Noise Impact Assessment (NIA) has been produced by the appellants in support of the scheme and as a direct response to the concerns of the owners of the Purley Cattery at 110 Riddlesdown Road. Although construction noise is temporary, I have no doubt that these neighbours have genuine concerns regarding its implications.
18. The NIA has undergone several iterations and I note that neither the Council's Environmental Health Officer nor the Licencing Team raised objections. The mitigation measures that are proposed would reduce the impact of the construction noise. These measures could be controlled by condition.
19. Based on the substantive evidence before me, I am satisfied that had the proposal been acceptable in all other respects, then the noise mitigation measures would, whilst not eliminating construction noise, have sufficiently reduced its impacts.
20. Accordingly, I am satisfied that the proposal could meet the requirement of Policies DM10 and DM23 of the Local Plan and Policy D3 of the London Plan, which amongst other things, seek to ensure that noise from new development is appropriately mitigated and controlled.

Other Matters

21. The appellant points to a number of aspects of the proposed development as a whole, such as car parking, house and room sizes, housing mix, styling and materials to demonstrate that the proposal complies with the relevant policies and guidance. Similarly, broad adherence to the 45-degree rule, use of obscurely glazed windows and no loss of light to neighbours are identified by the appellant as important factors in demonstrating the scheme's lack of harm to neighbours. However, these matters in themselves do not mean that the current scheme is acceptable. They would simply represent a lack of harm in these specific respects which do not necessarily weigh in the proposal's favour. Accordingly, such factors would be neutral in any balance.
22. Local Plan policies, together with the Design Guide⁴, encourage increased densities and building heights for new housing, in order to ensure land is used efficiently and meets growing demand, which is also encouraged by the Framework. It is accepted that there will be consequential changes on established environments as a result. However, such development must still respect, and have regard to, the prevailing pattern and qualities of the area, in order to ensure such changes are not harmful. Whilst the scheme has gone through pre-application discussions and the appellant points to a design-led approach, in this instance, it appears to me that the scheme does not pay sufficient regard to the prevailing character and appearance of the area. As a result, I have found the proposed development would appear cramped and harmful to the character of the area and living conditions of neighbours.

Planning Balance and Conclusion

23. The Government's objective is to significantly boost the supply of housing and the proposal would provide a net increase of seven dwellings with adequate access to services. The proposal would also accord with the Framework's support for windfall sites. Given the scale of the proposal, the provision of these additional houses would attract moderate weight. The scheme would also lead to some, albeit time-limited, economic benefit during the construction phase, which may give rise to extra local employment.
24. Conversely, I have found harm in relation to the effect of the proposed development on the character and appearance of the area and on neighbours' living conditions. These harms would be long lasting and unlikely to diminish over time and as a consequence worthy of substantial weight that would outweigh the benefits associated with the proposed development.
25. 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

⁴ Suburban Design Guide – Supplementary Planning Document (2019)