

Appeal Decision

Site visit made on 12 October 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/L5240/W/21/3274321

37 Havelock Road, Croydon CR0 6QQ

- 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 Shah against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/05977/FUL, dated 17 November 2020, was refused by notice dated 1 April 2021.
 - The development proposed is construction of an outbuilding on the rear to create a storage space for each flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal application was determined, there has been a change in the policy context at both a local and national level. The London Plan was adopted in March 2021 and the revised National Planning Policy Framework (the Framework) was also published in July 2021. The appeal was submitted following the adoption of the London Plan and the parties were provided with an opportunity to comment on the implications of the revised Framework on the appeal. As such, no prejudice has been caused.

Main Issues

3. The main issues are:
 - the effects of the proposal on the character and appearance of the area, including whether or not it would preserve or enhance the East India Conservation Area; and
 - the effects of the proposal on the living conditions of neighbouring occupiers at Nos 35 and 39 Havelock Road and Nos 52 and 54 Elgin Road in terms of noise and disturbance; and
 - whether the provision of three car parking spaces would help to promote alternative means of travel.

Reasons

Character and appearance

4. The appeal dwelling is a semi-detached house with two visible storeys from street level and has a front garden set back behind a partial low brick wall. There is a deep, linear garden to the rear of the dwelling. The site lies within the East India Conservation Area (CA). Under Section 72(1) of the Listed

Building and Conservation Areas Act (1990), I am required to have special regard to the desirability of preserving and enhancing the character or appearance of the CA.

5. The special qualities of the CA derive from a dense concentration of historic buildings of a high architectural quality, which are formally laid out within a strong urban 'ladder' structure made up of six parallel roads. There is a degree of architectural variation within the well-defined layout, but it maintains a distinctive local character. The appeal building contributes to the special qualities and thus the significance of the CA by maintaining its original siting, form and general architectural quality within the streetscene that forms a part of the wider CA, despite the ongoing works to subdivide it internally.
6. The appeal proposal involves the construction of a building at the far end of the rear garden, spanning the width north-south between the boundaries. It would be approximately 52 sqm in area with a flat roof and painted render walls. It would also be divided into three sections, each with a single entrance door and adjoining window arrangement. This division into three separate compartments appears to correlate to the subdivision of the host dwelling into three flats under a separate planning permission¹ which appears to be in the process of being implemented. The garden has similarly been divided into three sections widthways, and the building would be beyond the rearmost garden. It is suggested that the individual sections of the building would be used for storage, although elsewhere it states that they would be used as home offices.
7. There appeared to be a garden outbuilding spanning the width of the adjoining garden at No 35 Havelock Road, and a garage block adjacent to that associated with 'Brook House' at No 33. Such features are therefore a sufficiently commonplace within the CA. Whilst the CA Management Plan² indicates that back garden development "*will generally not be permitted due to the potential disruption to the area's spacious character and loss of green spaces*", this appears to refer more to backland-type development and an exception is made for outbuildings insofar as they should be designed to "*preserve views across gardens and not cause the removal of existing trees*". No such trees existed on the site at the time of my visit. As such, a modest, single storey, incidental outbuilding in such a position could still preserve the sense of spaciousness.
8. However, the scale of the building with particular regard to its depth, projecting forward of the building line of the adjacent building at No 35; its very crude flat roof form, and basic elevational treatment and materials would not represent good design. Considered overall, the proposal would be an overly large, uninspiring, 'boxy' addition with a utilitarian appearance, lacking in any finesse or consideration of the context or wider CA.
9. In terms of the proposal to create a larger hardsurfaced parking area at the front of the property, I noted that some neighbouring properties retained their low boundary walls at the front. This feature provides some definition to the public and private realm and minimises the degree to which the frontage spaces become proliferated by vehicles. The appeal property retains the partial front boundary wall, with an opening on the southern side sufficiently wide for the parking of a single vehicle.

¹ Permission ref: 20/01633/FUL dated 27 July 2020

² East India Conservation Area Appraisal and Management Plan Supplementary Planning Document (2014)

10. The proposal to remove the remaining boundary wall and allow the frontage space to become dominated by hardsurfacing, and thus, regularly by up to three vehicles, would be to the detriment of the appearance of the property and the wider streetscene. It would remove any ability for the frontage space to retain, or provide, any soft landscaping that may otherwise enhance the appearance of the site and its surroundings.
11. In view of the above, the proposal would be harmful to the character and appearance of the area and would fail to preserve the appearance, and thus significance, of the East India Conservation Area, contrary to Policy HC1 of the London Plan (2021) and Policies DM10 and DM18 of the Croydon Local Plan (2018) (Local Plan). Amongst other things, these Policies seek to ensure new development is of a high quality and conserves the significance of heritage assets.

Living conditions of neighbouring occupiers

12. The properties on either side of the appeal site are Nos 35 and 39 Havelock Road. Nos 52 and 54 Elgin Road back onto the site. The Council allege that the use of the outbuilding as home offices/storage units would be unduly intensive and could cause disturbance through activity and users travelling through the site adjacent to these gardens.
13. Though I accept that there is a degree of inconsistency in the evidence about the intended use of the buildings, I consider that a condition could be imposed to ensure that each section of the building were only used for incidental purposes in connection with each respective flat, such as for office or storage space. Whilst it would likely lead to more use of the area and passage up and down the garden, as these would be occupiers of the flats that would have access to the gardens in any event, I do not consider that the intensity or nature of the intended use would be so harmful to the adjoining neighbours so as to harm their living conditions.
14. In view of this main issue, subject to appropriate conditions, the proposal would not harm the living conditions of neighbouring occupiers and would therefore comply with, in particular, Policy DM10 of the Local Plan which seeks to protect the amenities of the occupiers of adjoining buildings.

Parking provision

15. The approved scheme to convert the building into flats involved the retention of the single car parking space at the front of the dwelling. The proposal seeks to increase the provision and alter the frontage to provide three parking spaces.
16. The area has a public transport accessibility level (PTAL) rating of 4 which is considered to be moderate-to-good. Policy T6 of the London Plan stipulates that the maximum car parking standards set out in Policy T6.1 should be applied to new development. Policy T6.1 sets a maximum standard of 0.5 to 0.75 spaces per dwelling. Policy DM29 of the Local Plan supports the desire to promote measures to increase the use of public transport, cycling and walking.
17. Notwithstanding the separate consideration in respect of the effects on the areas character and appearance from the enlarged parking area, with three residential units, the maximum number of spaces that should be provided would be 2. The provision of three spaces would therefore facilitate a greater than permissible number of vehicles to be parked outside the property and

encourage reliance on private vehicles through the convenience and availability of parking on a 1:1 rating.

18. The proposal would therefore fail to support the shift towards alternative means of travel than by private vehicle, contrary to, in particular, Policies T6 and T6.1 of the London Plan and Policy DM30 of the Local Plan.

Planning balance and conclusion

19. Though the proposal could be conditioned to avoid material harm to the living conditions of neighbouring occupiers, it would still be harmful to the character and appearance of the area and to the East India Conservation Area. It would also undermine the desire to promote more sustainable means of travel by over-providing car parking for future occupiers. Owing to the combination of these factors, the proposal would conflict with the development plan, when considered as a whole.
20. The harm to the CA as a designated heritage asset is a matter that attracts great weight. Under the terms of the Framework (paragraph 202), the level of harm would be 'less than substantial' and such harm should be weighed against the public benefits of the proposal.
21. The proposal would generate a minor additional economic benefit throughout the construction phase over and above the current works. There would also be minor enhancements to the future occupiers of the development through increased storage or incidental floorspace.
22. However, neither the benefits or other stated considerations are of sufficient materiality to outweigh the less than substantial harm to the significance of the heritage asset or indicate that a decision should be made other than in accordance with the development plan.
23. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR