



Appeal Decision

Site Visit made on 7 September 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2021

Appeal Ref: APP/L5240/W/21/3266990

97 Wentworth Way, South Croydon CR2 9EZ

- 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 Paul Philips against the decision of London Borough of Croydon.
 - The application Ref 19/05103/FUL, dated 28 October 2019, was refused by notice dated 12 August 2020.
 - The development proposed is the erection of detached ½ storey building comprising of 3 no. flats with associated parking and landscaping details.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been addressed within the appeal decision.
4. Since the appeal was submitted a new London Plan was published on 2 March 2021 and so policies 3.5, 7.1, 7.4 and 7.6 in The London Plan (2016) referred to in the decision letter are now superseded by policies D3, D4 and D5 of The London Plan (2021). Therefore, the appeal will be considered against these policies from the newly published London plan.
5. It is noted that two differing site plans have been provided showing the proposed scheme, with a planning statement addendum submitted by the appellant indicating that the proposal was amended during the application. As the Council's report and decision notice makes reference to this amended site plan, drawing number 3913 Rev E, I have considered the appeal on this basis.

Main Issues

6. The main issue is the effect of the proposed development on the character and appearance of the appeal site and the surrounding area.

Reasons for the Recommendation

7. The appeal site is occupied by a two-storey end of terrace dwelling to the front of the site on Wentworth Way. The rear of the site is fenced off from the host dwelling and has a separate access from the road. This area is unoccupied, with overgrown vegetation, some remaining hardstanding and several temporary buildings. The surrounding area is residential in nature, largely made up of two-storey terrace and semi-detached properties on Wentworth Way with bungalows to the rear of the site on Princes Close.
8. The proposal seeks to introduce a two-storey building to the rear part of the site, comprised of three self-contained flats. The proposal also includes landscaping, a communal play area, waste storage, cycle storage and one car parking space, with future occupiers using the existing access.
9. The proposal would be similar in height to the dwelling at No.97 and other surrounding buildings on Wentworth Way, albeit with a lower eaves height. However, the building would have a larger footprint, spanning the majority of the width of the site as well as having a substantial depth. The overall bulk of the building would therefore be significant, appearing as an overly dominant form of development within its setting and would not be subservient to the dwelling at No.97 or in keeping with other buildings within the surrounding area.
10. The proposed building would be located to the rear of No.97 with no road frontage, however there would be views of the development from the access and surrounding dwellings. These views, along with the significant size of the proposal, would result in an intrusive addition to the site which would not follow the scale of development in the locality. Although the proposal has been designed to follow the design detail and style of properties on Wentworth Way, the overall massing of the building would not match those surrounding properties and would be a prominent addition to the site to the detriment of the spatial character and appearance of the area.
11. I have had regard to Policy DM10.4(e) of the Croydon Local Plan (2018) which seeks a minimum retention of 10 metres length and no less than half or 200m² (whichever is the smaller) of the existing garden area to be retained for the host property. In this instance, although the amended plan determined by the Council showed the resultant garden at No.97 as providing in excess of 10 metres length, as the garden area to the rear would be less than 200m² it would not meet this requirement and would conflict with this section of the policy.
12. I note the appellant states that the land required for development is separate from the dwelling at No.97 and, as it is not a host property, this policy would not apply. However, there is no compelling evidence provided that the appeal site did not previously form part of the curtilage of No.97 prior to subdivision, which on the basis of the submissions and my observations on site I regard as a reasonable conclusion.
13. Despite the conflict with the policy regarding the shortfall in resultant garden area at No.97, I do accept that the retained private garden area would be sufficient in size for a two-bedroom dwelling, providing sufficient outlook and amenity to the existing dwelling and maintaining openness within the garden as required in the Suburban Design Guide Supplementary Planning Document

(2019), which is a material consideration. I also find that the proposed size would also not be entirely uncharacteristic of other existing garden areas within the wider area.

14. Due to its significant massing, as discussed above, the proposed development would result in harm to the character and appearance of the site and surrounding area and would not therefore comply with policies SP4 and DM10 of the Croydon Local Plan (2018) and policies D3 and D4 of The London Plan (2021). These policies collectively require development of a high-quality design, respecting scale, height, massing and density and which positively respond to local distinctiveness.
15. The proposal would also be contrary to the Suburban Design Guide Supplementary Planning Document (2019) which states that where development is proposed to the rear of a property, it should be subservient and paragraph 134 of the National Planning Policy Framework which states that development that is not well designed should be refused.
16. The proposal would not be contrary to Policy D5 of The London Plan (2021) which aims to achieve the highest standards of accessible and inclusive design.

Other Matters

17. The proposed development would provide three new residential units on the site, which is within an existing residential area, and given the proximity to existing services and facilities would be in a sustainable location. The Council also concur that the proposal would make efficient use of the site and provide additional homes within the borough for which it is highlighted there is a significant need, which even allowing for the limited quantum must attract some limited weight. However, although these benefits cumulatively would attract some limited weight, they would not be sufficient to outweigh the significant harm to the character and appearance of the site and the surrounding area.
18. The appellant has highlighted a number of developments within the local area which they consider are similar to the proposal. Of these, 103 Wentworth Way, 141 Brancaster Lane, 4 Rectory Park and 182 Brighton Road are not comparable to the proposal before me, as they involve the conversion, extension or replacement of an existing property. 59 Rectory Park is a similar backland form of development, however it is some distance from the appeal site and within a different setting, where large, detached dwellings form the prevailing character. It is also located on a larger site than the appeal proposal. Therefore, this is evidently different to the proposed development and I do not regard that it sets a precedent for the proposed development.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole, and I recommend that the appeal should be dismissed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR