



Appeal Decision

Site visit made on 19 October 2021

by D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 8th November 2021

Appeal Ref: APP/L5240/W/21/3271061

44 Hartley Hill, Purley CR8 4EN

- 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 Mrs Rebecca Mahmood against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/03931/FUL, dated 27 August 2020, was refused by notice dated 5 February 2021.
 - The development proposed is alterations, erection of a two storey side and rear extension, single storey side extensions, alterations to the main ridge and erection of two rear dormers, conversion to form 5 No. self-contained flats; 1 x 3-bed, 1 x 2-bed and 3 x 1-bed, with associated cycle and refuse stores, alterations to existing vehicular access and provision of associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning law requires that applications for planning permission be determined in accordance with the development plan for the area, unless material considerations indicate otherwise. In this case, the development plan comprises the Croydon Local Plan (Local Plan) and the London Plan. The National Planning Policy Framework (the Framework) is a material consideration.
3. The Council considered the application against policies in the London Plan (March 2016) that have been superseded by the London Plan (March 2021). Appeals are decided on policies in the development plan that is in force at the time of the appeal decision. I have therefore considered the proposed development against the 2021 London Plan, insofar as it is relevant to the appeal.
4. Planning permission granted by the Council for extensions at the site is noted. I have paid regard to this decision in so far as it has been brought to my attention, whilst also determining this appeal on its own merits.
5. The Appellant submitted a revised drawing with the appeal showing changes to the extent and location of waste storage.

6. This revision may have knock on effects for the parking and turning of vehicles within the front of the site that other interested parties may wish to express a view on, particularly given the concerns they have raised about highways issues. As such, in the interests of fairness and paying regard to the guidance in Annex M of the Appeals Procedure Guide¹, this revised drawing has not been taken into account.

Main Issues

7. The main issues are:

- The effect of the proposal on the character and appearance of the surroundings, including in relation to trees.
- The effect of the vehicular access arrangements in terms of highway safety.
- Whether an acceptable standard of accommodation would be provided for future occupants.

Reasons

Character and appearance

8. The character of the area is residential in nature, with a mix of semi detached and detached houses, mostly with gardens and main buildings set back from the front boundary. Houses vary in both form and appearance but can be loosely categorised as modern and suburban. The sloping topography heavily influences the character of the area, reinforced by the ground levels of buildings which respond to it. The detached dormer bungalow with garage that sits on the site is consistent with the general character of the area.
9. Policy DM13 of the Local Plan gives specific consideration to the location and design of refuse storage, which sits alongside more general policies in the development plan concerned with achieving a good standard of design. The policy ambitions are consistent with the aims in paragraph 8 of the Framework of fostering well designed and beautiful places.
10. DM13 (a) sets out a requirement for integrating refuse storage into the building envelope, if possible. Although the proposal represents a conversion of an existing building, the evidence does not satisfactorily indicate that inclusion of refuse storage within the proposed extensions has been explored to establish feasibility.
11. Notwithstanding this, if it were established that integration within the building envelope was not possible, DM13 (a) requires facilities to be located behind the building line where they will not be visually intrusive. Again, the available evidence does not demonstrate that the feasibility of meeting this requirement as part of the design process has been explored sufficiently.

¹ <https://www.gov.uk/government/publications/planning-appeals-procedural-guide>

12. The additional needs resulting from conversion of the property would naturally generate different waste storage demands. This is shown on the plans as two free standing structures, located forward of the front building line. Due to the topography, they would be on higher ground than the adjacent road, where the front of the site would be prominent and visible in close public views.
13. The overall effect of the storage would obscure views of the front of the property at ground floor level and, unless carefully designed to complement the host property, would detract from its character and appearance and that of the wider surroundings.
14. Paying regard to the Appellant's evidence on this matter, there is an absence of satisfactory demonstration that options for locating waste facilities within the building envelope have been explored and, if that is not possible, that a design solution would be employed to ensure that waste storage would not be visually intrusive. The design approach set out in the Appellant's Design and Access Statement in particular feels generic rather than well thought out and sensitive to the location.
15. I have considered whether a satisfactory outcome could be achieved using a condition that reserves agreement of a detailed design for the waste storage. However, given the deficiencies in consideration of Policy DM13 discussed above, such a condition would not be effective in ensuring that the location and design of facilities is treated as an integral element of the overall design in line with the aims of DM13.
16. In relation to vehicle parking within the site, much of the area to the front of the property would be hard landscaped, which would facilitate the parking and turning area. The Council acknowledge that properties on Hartley Hill have a mixture of hard and soft landscaping to the front, some providing parking areas for multiple vehicles. I observed this variety during my site visit.
17. Notwithstanding this, the evidence provided does not indicate that there would be meaningful space to the front left over for soft landscaping. Such landscaping would be important to integrate the proposal into the surroundings and soften the appearance of what would be an extensive area of hardstanding. Given the lack of likely space available, relying on a quality landscaping scheme to come forward by condition would not be a reasonable expectation.
18. Taking this issue in combination with the waste storage matter discussed above, the evidence points towards a design approach to the front of the property that would be unsympathetic to the character and appearance of the building and the wider area.
19. I have considered the Appellant's evidence relating to whether a similar area of parking and waste storage could be achieved by means other than an application for planning permission, for example utilising Permitted Development Rights.

20. This point is not extensively evidenced or formally established and, as such, whether it represents a genuine and meaningful fallback position is not something I can conclude on one way or another. This point therefore attracts limited weight as a consideration.
21. I have also considered the examples of other local development referred to by the Appellant, including at 45 Old Lodge. These developments have been taken into account but are not in locations that significantly inform the physical surroundings of the site. They were also decisions reached by the Council on their own merits and on the basis of the information provided and adopted planning policies at that time. As such, they have limited influence on my conclusions in this appeal.
22. Turning to the effects on trees, the Appellant's statement of case indicates that the proposal would result in the removal of the street tree on the grass verge adjacent to the site. Notwithstanding the Appellant's comment that the tree is not a high quality specimen, I have no substantive arboricultural evidence assessing its quality or life expectancy. I also have no substantiated evidence before me to demonstrate that the tree would be unlikely to survive for many years or whether its loss could be avoided.
23. Whilst I accept that the tree is not protected, it is prominently located adjacent to the highway and, as part of the collective of street trees, makes a positive contribution to the character of the area.
24. The unjustified loss of the tree would conflict with development plan policy, in particular Policy DM28 (b) of the Local Plan. The aims of this policy are consistent with Paragraph 131 of the Framework which recognises the important contribution trees make to the character and quality of urban environments.
25. In conclusion on this issue, the proposal would have a harmful effect on the character and appearance of the surroundings, including in relation to trees. Consequently, there is conflict with Policies in the development plan for the area, in particular Policies D3 and G7 of the London Plan and Policies SP4, DM10, DM13, and DM28 of the Local Plan which collectively seek to ensure that development achieves a good standard of design and protection and enhancement of trees.

Highways

26. The plans indicate an alteration to the existing vehicular access to facilitate the development. However, in the absence of an existing plan it is difficult to make a meaningful assessment of the proposed changes that would be necessary. I also have limited evidence about the likely number of vehicle movements from the site and servicing needs. As such, the level of intensification in use of the access and effects on the adjacent highway are not substantively evidenced.

27. The Appellant's assumptions around local traffic flows and speeds and influence of the set back from the highways and visibility also lack more detailed consideration. Whilst car parking spaces are shown clearly on the drawings, whether vehicles could safely enter and exit the site in forward gear is also not demonstrated by the evidence provided.
28. Whilst I understand the Appellant's view that moving the access further away from the bend in the road may be beneficial in terms of road safety this, along with the other points discussed above, is not evidenced in sufficient depth to allow a sound conclusion to be drawn one way or another.
29. Carefully considering this matter and the views of the parties, including the comments from other interested parties, site constraints, local topography and location of the site in relation to the bend in the road, it is prudent to take a precautionary approach to this issue. As such, I do not have satisfactory evidence to demonstrate that the proposed access arrangements would not have a detrimental impact on highway safety as required by Policy DM29 and DM30 of the Local Plan.
30. My attention is drawn to the Manual for Streets, and in particular Paragraph 7.9.5. Whilst I have paid regard to this research, it is not site specific and therefore only carries limited weight in my conclusions.
31. As such, the available evidence does not demonstrate that the proposal would be acceptable in relation to the effects of the vehicular access arrangements on highway safety. Consequently there is conflict with the development plan for the area, in particular Policies DM29 and DM30 of the Local Plan and Policies T4 and T6 of the London Plan in relation to highway safety.

Living conditions

32. The subdivision of the garden would enable private amenity space to be provided for each of the five units. The spaces that would serve the ground floor units would be directly accessible and therefore convenient for users and otherwise of acceptable quality. Access for the upper floor units to the rear section of the garden via a side passageway would be sufficiently convenient for users given the site constraints and would otherwise be of an acceptable quality.
33. In light of the enclosure provided by the proposed fencing, the appearance and use of the rear sections of garden would not create unsatisfactory living conditions for the users of the ground floor units.
34. The provision of cycle storage within each of the amenity areas and space for getting bicycles to the road would not introduce a level of inconvenience that would render the cycle storage unusable or create unacceptable living conditions for future occupants of the development.

35. In relation to quality of outlook from within the ground floor units, the proposed waste storage would not be located in a way that would create unsatisfactory standards of outlook, taking particular account of the relative locations of the storage in relation to the ground floor windows and the spaces that the most affected windows would serve.
36. For the reasons set out, the proposal would create an acceptable standard of accommodation for future occupants. Consequently, in relation to this issue there is no conflict with Policies SP2.8 and DM10 of the Local Plan and Policies D3, D5, D6 and T5 of the London Plan in relation to standards of development for occupants.

Other issues

37. My conclusions in relation to deficiencies in the evidence provided are addressed in relation to the main issues and are discussed above. It is not therefore necessary for me to conclude on the substance of the Council's reason for refusal number 6, which appears to be general in nature.

Conclusion

38. The proposed development would be contrary to the development plan in that it would result in harm to the character and appearance of the surroundings, including in relation to trees, and the available evidence does not demonstrate that the proposal would be acceptable in relation to the effects of the vehicular access arrangements on highway safety.
39. I have paid regard to the benefits that would flow from the proposal, including in terms of housing provision and social and economic benefits.
40. In relation to housing delivery, I have considered the contribution the proposal would make to the Government's aim of significantly boosting the supply of housing. I also acknowledge the contribution that small sites such as this can make towards local housing supply and the need to make appropriate use of available land, paying regard also to policy in the London Plan in relation to optimising the capacity of sites.
41. However, the benefits do not provide material considerations that would outweigh the conflict with the development plan. I am also mindful of the objectives in the Framework of fostering well-designed, beautiful and safe places.
42. For the above reasons and having regard to all other matters, I conclude that the appeal should be dismissed.

D.R. McCreery

INSPECTOR