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## 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: 3 December 2021**

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**Appeal Ref: APP/L5240/W/21/3271159**

**15 Haydn Avenue, Purley CR8 4AG**

- 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 Bruce Burkitt against the decision of the Council of the London Borough of Croydon.
  - The application Ref 19/04919/FUL, dated 15 October 2019, was refused by notice dated 9 October 2020.
  - The development proposed is demolition of the existing dwelling house and erection of a three storey building comprising 8 self-contained apartments, provision of 4 parking spaces, cycle and refuse stores with associated external works including excavation and lightwells.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling house and erection of a three storey building comprising 8 self-contained apartments, provision of 4 parking spaces, cycle and refuse stores with associated external works including excavation and lightwells at 15 Haydn Avenue, Purley, CR8 4AG in accordance with the terms of the application 19/04919/FUL, dated 15 October 2019 and subject to the conditions in the attached schedule.

### 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 policies in the Croydon Local Plan (Local Plan) and the London Plan (2021). The National Planning Policy Framework (the Framework) is a material consideration.
3. The planning application was originally considered under the now superseded London Plan (2016). As appeals are decided on the basis of the development plan in force at the time of the appeal decision, I have assessed the proposal against policies in the 2021 London Plan.

## **Main Issue**

4. The main issue is whether the proposal represents an overdevelopment due to the inadequate residential amenity of the scheme for future occupiers.

## **Reasons**

5. The Council have provided no statement to elaborate more fully on their reason for refusal and their concerns regarding the inadequacy of residential amenity for future occupiers. I have, nevertheless, provided reasoning on this issue relating to the evidence available and on the basis of my site visit and comments raised by other interested parties, which I have paid regard to.
6. I have no substantive evidence to demonstrate that the proposed units would not accord with the standards set out in the Nationally Described Space Standard. The size of the units in terms of floorspace are therefore considered to be acceptable.
7. In relation to standards of light, I have paid regard to the Appellant's Daylight Assessment, which demonstrates that all habitable rooms in the lower ground floor would receive acceptable levels of daylight. No substantive technical reason has been advanced that leads me to dispute these findings or take a view that overall standards of natural light for the units would be unacceptable.
8. Outlook from the lower ground floor level units would be towards the lightwells. Whilst the size of the lightwells would be adequate, the quality of the outlook would be somewhat more limited. However, this level of quality is not such that it would create unacceptable living standards for future occupants or be an unacceptable design response. The outlook from all other units would also be acceptable.
9. I am satisfied from the information provided that the orientation of windows and spaces would be such that it would provide good levels of privacy for future occupants, enhanced further by privacy screening that could be the subject of condition.
10. External amenity space would be provided in the form of balconies for the flats and a communal space to the rear that includes play provision. Whilst the external amenity space would be somewhat constrained by the sloping topography, its size and quality would be acceptable to meet the needs of a development of this scale and nature. Detailed landscaping, including play provision and measures intended to promote biodiversity could be the subject of condition.
11. Overall, I am satisfied that the proposal would create acceptable standards of residential amenity for future occupants and, in this regard, would not represent overdevelopment of the site.

12. For the above reasons I find no conflict with Policies SP2 and DM10 of the Local Plan or Policy D6 of the London Plan in relation to housing quality and standards of accommodation, as a component of achieving good design.
13. In reaching a conclusion on this matter I have paid regard to the Council's Suburban Design Guide, in particular where specific provisions have been drawn to my attention.

### **Other Matters**

14. Comments from Other Interested Parties are noted and have been considered. Where they relate to the main issue they have been considered as part of the discussion above. Some of the issues raised can be adequately addressed using conditions, which are discussed below. For example, provision for waste and cycle storage and the detailed design of landscaping.
15. The provision of windfall sites, including small and medium sized sites, as a component of meeting London's housing need is supported by development plan policy, including Policy H2 of the London Plan. It is also noted that no loss of family sized accommodation contrary to Policy DM1.2 of the Local Plan would result and the mix of units would be consistent with the requirements of Policy SP2.7 of the Local Plan. The loss of a house in favour of apartment accommodation would still make provision for families within the meaning of the policies.
16. In relation to character and appearance, the character of the area is residential in nature, with a mix of semi detached and detached houses, many with substantial gardens and main buildings set back from the front boundary and arranged in a linear fashion along the long and straight Haydn Avenue. Houses vary in both form and appearance but can be loosely categorised as being suburban in character.
17. The sloping topography heavily influences the character of the area, with the site being subject to a relatively steep incline from the road. The topography, along with the setback from the road and presence of greenery and built structures restricts the extent of views from street level. Notwithstanding the proposed parking area, a good level of boundary screening could be maintained and secured by condition.
18. The lack of consistency in built form along Haydn Avenue means that retention of the existing building on principle is not justified. Further, achieving a minimum of 3 storeys would accord with Policy DM10.1 of the Local Plan and also respect the setting and other characteristics of the area, including in terms of the scale of the proposed building. Whilst the proposal would cover more of the site than the existing property, including its width, the size of the site is such that it is capable of accommodating a building of the scale proposed.

19. The proposal is contemporary in approach but includes a built form and level of detailed design that would not be out of keeping. Although I accept the building would not be white rendered, there is enough variety in the area to accommodate a range of treatments without detracting from the character of the area.
20. I have considered neighbouring developments, in so far as they are brought to my attention and detail is provided. Applying reasons for refusal from other sites on the basis of the information supplied would not be appropriate given the need to assess each proposal on merit.
21. I have considered the Appellant's arboricultural evidence which, in the absence of contradictory technical evidence, I consider to be a sound basis on which to assess the effect of the proposal on surrounding trees.
22. Four low value trees are identified for removal to facilitate the development, along with further works. Whilst I am satisfied that these specimens should not impede the development of the site, it will be important to ensure that appropriate replacements are provided to maintain a good standard of natural green coverage in the interests of preserving the character and appearance of the surroundings. Such provision can be secured via condition, which would also be a suitable vehicle to agree appropriate enhancements in terms of biodiversity.
23. In relation to effects on the living conditions of occupiers of neighbouring properties, the most likely to be affected are the immediate neighbours at 17 and 13 Haydn Avenue. Both properties would have side walls that would be subject to a greater degree of enclosure due to the proximity of the proposal closer to the boundary.
24. However, notwithstanding the presence of a single first floor window in one of the neighbours, the absence of windows that serve as the primary source of light to main habitable spaces would mean that the effects in relation to the sides of these properties, both in terms of light and enclosure, would be acceptable.
25. I am also satisfied that the forward and rearwards projection of the proposed building would be such that it would not unduly effect the light conditions of the windows in the primary elevations of neighbouring buildings or provide an unacceptable sense of enclosure. The outlook and conditions of the neighbouring gardens would not be materially affected by the proposal given their size and orientation.
26. Facing properties on Highland Road and Haydn Avenue are too far away to be materially affected by the proposal in terms of effects on living conditions. This is the case even allowing for the fact that facing properties on Haydn Avenue sit on lower ground.

27. The proposal makes provision for 4 off street car parking spaces to serve the 8 units. This meets the relevant parking standards, which are expressed as a maximum. It is also noted that the site falls within an area of relatively poor access to public transport. As such, there is a general risk of a greater level of car dependence being a characteristic of the area.
28. To assess the likely effects of an element of demand for overspill parking resulting from the proposal, I have paid regard to the findings of the Appellant's parking survey, whilst also considering the comments of other interested parties on this issue where, for the most part, contrary views are taken.
29. Taking account of all the evidence on this issue, as well as the scale and nature of the proposal, I am satisfied that the risks of overspill parking leading to unacceptable levels of highway stress are relatively low as there is existing on street capacity to accommodate the relatively modest demands of the proposal. Whilst there is a lack of detailed swept path analysis of the access arrangements, the plans adequately show a space of sufficient size to demonstrate that access and exit in forward gear would be achievable and safe for normal use of a development of this scale and nature.
30. The construction impacts of the development could be appropriately managed via a Construction Logistics Plan, which could be secured by condition.
31. How CIL money has been distributed locally and general trends and patterns of development across the area are matters for the Council's consideration as part of their wider planning function. The evidence provided does not indicate that the necessary infrastructure to support the development will be absent.
32. Other matters raised by interested parties have been considered but do not affect my conclusions.

### **Conditions**

33. I will consider conditions by reference to the numbering in the attached schedule. Where conditions originate from the Council's suggested conditions I have, in a number of cases, amended the wording in the interests of clarity and effectiveness.
34. (2) (3) are necessary in the interests of certainty. (3) needs to be a pre-commencement condition as misunderstandings over levels would be harder to address at a later point.
35. (4) (7) are necessary to ensure a satisfactory standard of appearance and development.
36. (5) (11) are necessary in the interests of preserving the living conditions of residents of nearby properties.

37. (6) is necessary to assist with managing the construction. (6) needs to be a pre commencement condition as it included measures that may need to be in place from the start of works.
38. (8) (9) (10) are necessary to ensure provision is made for waste and cycle storage and for electric vehicle charging points, in the interests ensuring a good standard of development and promoting more sustainable transport choices.
39. (12) is necessary in the interests of highway safety. (13) is necessary in order to provide good standards of accessibility. (14) is necessary in the interests of managing the energy and other consumption of the development.
40. Overall, I am satisfied that the conditions meet the tests in paragraph 56 of the Framework.

### **Conclusion**

41. For the above reasons, and paying regard to all other matters raised, the proposal would accord with the development plan for the area and, as a consequence planning permission should be granted. As such the appeal is allowed.

*D.R. McCreery*

INSPECTOR

### **Schedule of conditions**

1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following plans and supporting documents unless otherwise agreed in writing by the Local Planning Authority.  
  
1923.P100, 1923.P101, 1923.P102, 1923.P103, 1923.P104a, 1923.P105d, 1923.P106e, 1923.P107d, 1923.P108b, 1923.P109, 1923.P110d, 1923.P111d, 1923.P112b, 1923.P113a, 1923.P115, 1923.P115a, and the SUDs report DOCUMENT NUMBER: C2279-REV-A-R1 and accompanying details.
3. Prior to commencement of development details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed strictly in accordance with the approved levels.
4. Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
  - a) External facing materials including samples of all facing materials and finishes;
  - b) Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings in external walls.
  - c) Details of glass balustrade to rear
  - d) Details of privacy screens to balconies

The development shall be carried out strictly in accordance with the details approved unless first agreed in writing with the Local Planning Authority.
5. Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse hereby approved shall be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor taken from a point immediately below the centre of the window upwards to the opening part of the window. Such measures shall be provided and completed prior to the first occupation of the development, and retained for the lifetime of the development, unless variation is first agreed in writing with the Local Planning Authority.

6. Prior to the commencement of development including demolition a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development:
- a) Hours of construction;
  - b) Hours of deliveries;
  - c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
  - d) Facilities for the loading and unloading of plant and materials;
  - e) Details of any site hoardings;
  - f) Details of the precautions to guard against the deposit of mud and substances on the public highway;
  - g) Dust control methods.
  - h) A photographic survey of the local highway to document the status of the highway and any defects so that any damage can be identified.
  - i) Measures designed to protect trees during the period of construction

The measures approved in the CLP shall remain in place throughout construction and the development shall be carried out strictly in accordance with the details so approved unless otherwise agreed in writing by the Local Planning Authority.

7. Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Hard landscaping materials (including samples as appropriate);
  - b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees, and measures aimed at enhancing biodiversity;
  - c) Boundary treatments;
  - d) Details of child play space, including details of proposed play equipment;
  - e) Details of communal amenity space, including details of any fixed external furniture;
  - f) A maintenance/management plan for all aspects of the hard and soft landscaping, including the child play and communal amenity spaces.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and maintained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period

- shall be replaced by planting of a similar size and species to that originally planted.
8. Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works. The approved details shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
  9. Details of provision for electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The approved details shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
  10. Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works. The arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
  11. Prior to first occupation of the development, details of privacy screening designed to be used on the upper floor balconies, shall be agreed in writing with the Local Planning Authority. The arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.
  12. Before first occupation of the dwellings hereby permitted parking spaces and turning space shall be completed and available for use in accordance with the details approved as part of this planning permission. Thereafter they shall be kept available for such use unless variation is first agreed in writing with the Local Planning Authority.
  13. All of the residential units within the development hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' except for units 1 and 3 which shall meet M4 (3) wheelchair user dwellings standard. Such provision shall be reasonably maintained for the lifetime of the development.
  14. The development hereby permitted shall achieve a minimum 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the Building Regulations (2013), and achieve a minimum water efficiency standard of 110/litres/person/day.