



Appeal Decision

Site visit made on 15 December 2021

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 DECEMBER 2021

Appeal Ref: APP/L5240/W/21/3272098

231B Bensham Lane, Thornton Heath CR7 7ET

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- 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 John Casey against the decision of London Borough of Croydon.
 - The application Ref 20/00471/FUL, dated 31 January 2020, was refused by notice dated 31 December 2020.
 - The development proposed is retention of containers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the period since the appeal was lodged the Government has published the revised National Planning Policy Framework July 2021 (the Framework) which is being brought into immediate effect for the purposes of decision making. The London Plan 2021 (LP 2021) has also been published since the Council's decision and this replaces the Policies of the London Plan 2016 that are referred to in the decision notice. The Council has provided copies of Policies D3, D4 and D5 of the LP 2021 which it considers to be relevant to the appeal. The appellant has been provided with an opportunity to comment on these matters and the updated local and national policy position has been taken into account in my assessment of the appeal.
3. The development is already in situ and the proposal seeks its retention. Therefore, I have assessed the proposal on the basis that planning permission is sought retrospectively.
4. I have removed the address from the description of the proposal since the location is already provided within my banner heading.

Main Issues

5. The main issues are the effect of the development on:
 - (i) The character and appearance of the area; and
 - (ii) The living conditions of neighbouring occupiers on Lakehall Road.

Reasons

Character and appearance

6. The appeal site relates to a commercial yard used for storage purposes by a removals company. Its access drive, which is taken from Bensham Lane, is shared with a neighbouring MOT garage. These business uses occupy a backland position but are visible from Bensham Lane in views down the access drive. The appeal site shares boundaries with residential properties on Bensham Lane, Lakehall Gardens and Lakehall Road. These dwellings give the area a prevailing traditional character and appearance.
7. By their commercial nature, the buildings associated with the neighbouring MOT garage are utilitarian in design. Even so, the main structure on this neighbouring site is of a comprehensive pitched roof design with dull facing materials. This ensures the MOT garage site has a relatively understated presence within the street scene helping it to assimilate into the mainly traditional built context of its surroundings.
8. Due to their box-shaped profile and cumulative width and height, the shipping containers have a considerable combined bulk and mass. Their fenestration, including individual door components, and the visible gaps between them gives them a cluttered and disjointed appearance. Together with their blue painted finish, these factors combine to give the shipping containers a conspicuous presence in the street scene, particularly in views down the access drive from Bensham Lane. Consequently, the appearance of the development fails to respect or enhance the immediate built environment.
9. I conclude, the development has resulted in harm to the character and appearance of the area. In that regard it conflicts with the design and local character requirements of Policies SP4 (Urban Design and Local Character) and DM10 (Design and Character) of the Croydon Local Plan 2018, Policies D3 (Optimising site capacity through the design-led approach), D4 (Delivering good design) and D5 (Inclusive design) of the LP 2021 and the Framework.

Living conditions of neighbouring occupiers

10. During my site visit, I was able to see the shipping containers in a view from the street between the dwellings at Nos 67 and 75 Lakehall Road. This gave me an understanding of the relationship of the development with the rear aspect of these dwellings as well as the likely similar relationship with other properties on this side of Lakehall Road which have rear elevations and gardens backing towards the appeal site.
11. In the case of Nos 67 and 75, the combined height of the shipping containers significantly exceeds the height of the boundary fencing. Even accounting for the depth of gardens, existing tree planting and space between the rear boundaries serving these dwellings and the development, the scale, design, and expanse of the shipping containers forms an overbearing and unsightly mass for occupiers of these dwellings.
12. I was also able to appreciate the rear elevation of the MOT garage building from the street between Nos 49 and 51 Lakehall Road. I acknowledge that this building is also prominent in views from the rear of the properties it sits

behind. Even so this relationship is long-established, relates to different properties to those which the appeal site aligns with, and is partially mitigated by its pitched roof profile and duller materials. In any case, any established poor relationships between commercial buildings and the living conditions of occupiers of other dwellings in the area does not justify the harm to outlook caused by the appeal proposal.

13. I conclude, the development is harmful to the living conditions of neighbouring occupiers on Lakehall Road with particular regard to outlook. In that regard, the development conflicts with the requirements to protect the amenity of the occupiers of adjoining buildings including delivering appropriate outlook in Policy DM10 of the Croydon Local Plan 2018 and Policy D3 of the LP 2021. The development also conflicts with Paragraph 130 of the Framework which amongst other things requires that developments create places with a high standard of amenity for existing and future users.

Other Matters

14. The evidence before me indicates that there was previously an open double-height storage structure on the site in a similar position to the appeal development. Notwithstanding whether the previous building was lawful, there is no substantive evidence before me to demonstrate that its profile, height, expanse and material composition were identical or similar to the appeal proposal. Therefore, I am not persuaded that the appeal proposal has the same relationship with the character and appearance of the area or neighbouring living conditions as previously existed on the site.
15. I acknowledge that there is support for businesses and the economy in the Framework and the LP 2021. Even so, this does not override the need for developments to positively relate to their surroundings.

Conclusion

16. The development is harmful to the character and appearance of the area and the living conditions of neighbouring occupiers. In these regards it conflicts 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 be dismissed.

M Russell

INSPECTOR