



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: 05/01/2022

Appeal Ref: APP/L5240/W/21/3270610

1 Holland Court, 15 Woodplace Lane, Coulsdon CR5 1NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Peter Appleby - Foxbury Homes Ltd against the decision of London Borough of Croydon.
- The application Ref 20/04351/CONR, dated 23 September 2020, was refused by notice dated 10 December 2020.
- The application sought planning permission for the erection of two storey four bedroom detached dwelling and associated garage, vehicular access, parking and refuse storage without complying with a condition attached to planning permission Ref 19/00320/FUL, dated 26 April 2019.
- The condition in dispute is No 1 which states that: 'The development shall be carried out entirely in accordance with the following document(s) and drawing(s): HC/P/E/1, HC/P/P/1, HC/P/P/2, HC/P/P/3, HC/P/P/4, Design and Access Statement, SouthOaks Arboricultural Consultancy Arboricultural Method Statement, Impact Assessment and Tree Protection Plan.'
- The reason given for the condition is: To ensure an acceptable standard of development.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the decision was made outside the usual 8-week determination period, the appeal was not lodged until after the Council made its decision. I have therefore assessed the appeal on the basis that it is made against the Council's decision to refuse to vary a condition on a previous planning permission. I have given regard to the reasons for refusal given on the Council's decision notice in defining the main issues.
3. 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 and the Council has provided copies of Policies D1, D2, T5 and T6 from the LP 2021. These policies replace the policies of the London Plan (2016) and the Draft London Plan both of which are referred to in the Council's decision notice. The appellant has been provided with an opportunity to comment on the updated local and national policy position and I have taken the comments received into account.

4. As part of their final comments, the appellant has provided an annotated version of the 'Swept Path Analysis Using an Estate Car' drawing (ref 2381-001). This drawing does not alter the position or dimensions of the vehicular access point or forecourt on the plan which was before the Council when it made its decision. Therefore, no party would be prejudiced by me taking this additional information into account.
5. The previously approved drawings under the planning permission¹ indicate that the neighbouring dwelling to the south east was to be numbered '3 Holland Court'. On my site visit I noted that this neighbouring dwelling was still under construction. However, I have referred to this dwelling as No 2 Holland Court within my assessment given that the remaining two dwellings at Holland Court have been completed and have been numbered 3 and 4 Holland Court respectively.
6. The application forms sought a variation to part (5) of Condition 4 of the planning permission. However, that particular part of the planning permission required the provision of details of 'the boundary treatments throughout the site (detailed sections showing the proposed land levels and boundary treatments)'. It is clear that the proposed amendment shown on drawing No 1HC/CO/A would actually require a variation to the previously approved drawings under Condition 1 of the planning permission. This is reflected in the Council's decision notice which confirms that planning permission has been refused for 'Variation to Condition 1 (approved drawings)'. I have taken these matters into account in my banner heading and in defining the main issues.

Background and Main Issues

7. Planning permission has been granted on the appeal site for a two-storey detached dwelling. The approved drawings under the planning permission indicate that the dwelling would be served by an access drive shared with the neighbouring dwellings to the south east.
8. The appeal before me follows the Council's decision to refuse a subsequent application seeking to vary the planning permission to include an amended layout. The revised drawings incorporate an independent vehicular access point and a hard surfaced forecourt.
9. Taking into account the Council's reasons for refusal, the main issues are whether a variation to Condition 1 to include the amended layout would be acceptable in terms of its effect on:
 - (i) The character and appearance of the area; and
 - (ii) Highway safety

Reasons

Character and appearance

10. Residential development on Woodplace Lane is mainly characterised by detached dwellings set within generous plots. Dwellings are generally set back from the boundary with the highway with their front gardens predominantly soft landscaped. This gives the street frontage an attractive suburban character. The appeal development is one of four new dwellings known as

¹ LPA Ref 19/00320/FUL

Holland Court at No 15 Woodplace Lane. The immediate dwelling to the south east at No 2 Holland Court was still under construction at the time of my site visit. However, the dwellings at Nos 3 and 4 Holland Court have been completed and their frontages are substantively hard landscaped.

11. Paragraph 2.29 of The Croydon Council Suburban Design Guide Supplementary Planning Document (2019) (SPD) amongst other things sets out guidance for new driveways and hardstanding. It includes that they should be designed to ensure no net loss of vegetation or areas of landscaping.
12. The previously approved shared driveway would enter the site from the side boundary with No 2 Holland Court. The driveway and parking configuration in that instance provides space for areas of soft landscaping to the front of the dwelling and between the driveway and the front boundary of the site. This would assist in softening the appearance of the development in the street scene.
13. In contrast, the revised layout would include a substantial block paved forecourt to the dwelling's frontage. I acknowledge that soft landscaping could be provided towards the boundary with No 13 Woodplace Lane. However, the large expanse of hard surfacing to the foreground of the dwelling would be evident to passers-by in views over any low front boundary treatments and through the proposed vehicular access point. In combination with the hard landscaping provided to the frontages of the other dwellings at Holland Court, including those already in situ at Nos 3 and 4, the proposal would unacceptably increase the presence of hard landscaping in the street scene and would be at odds with the prevailing soft landscaped suburban characteristics of the wider estate.
14. I conclude, the proposed variation to the drawings listed under Condition 1 would result in harm to the character and appearance of the area. This would conflict with the requirements for development to be of high quality design which respects and enhances local character in of Policies SP4 (Urban Design and Local Character) and DM10 (Design and character) of the Croydon Local Plan 2018 (CLP). It would also be contrary to the guidance in the SPD.
15. The Council has drawn my attention to LP 2021 Policies D1 (London's form, character and capacity for growth), which mainly relates to the preparation of area assessments and development plans, and D2 (Infrastructure requirements for sustainable densities) which is primarily concerned with densities and site capacity for development. Given these policies do not specifically relate to matters of character and appearance I have not identified conflict with them. However, this does not overcome the conflict with other policies of the development plan identified above.

Highway safety

16. A 20mph speed limit is in place on Woodplace Lane in the vicinity of the appeal site. Even so, to the north and in close proximity to the proposed access point, there is a sharp bend in the road on Woodplace Lane. The road also has an incline around this point and land levels continue to rise as one travels past the appeal site. Tall mature planting exists within the front garden of the neighbouring property at No 13 Woodplace Lane close to the boundaries with the highway and the appeal site. From my own observations on site, these constraints would combine to restrict inter-visibility between drivers exiting the

proposed driveway and road users travelling towards the proposed access point from the north.

17. The 1.5 metre (m) x 1.5m visibility splays on the drawing provided only indicate that drivers exiting the site would have visibility of pedestrians, cyclists and vehicles within very close range of the access point. Sightlines towards the bend which also take into account the stopping distances required for oncoming vehicles and the other site constraints identified have not been provided. Therefore, it has not been demonstrated that suitable sightlines could be provided to ensure that there would not be an unacceptable risk to the safety of road users as a result of the proposed variation to the plans.
18. In addition, whilst I acknowledge that that 2 off-road parking spaces would be provided by the garage and its immediate forecourt, the Council's Transportation Team was specifically concerned about parking on the frontage. Swept path vehicle tracking has not been provided to show a situation with 2 or more vehicles parked forward of the dwelling on the hard surfaced frontage. Without this, I cannot be certain that there would be sufficient space for vehicles to manoeuvre and leave the site in a forward gear. Any vehicles reversing from the site has the potential to add to the unacceptable levels of risk already identified.
19. The appellant suggests that they discussed the proposal with the 'Highways Agency' before the application was submitted and that no highway safety issues were raised. However, no substantive evidence has been provided in this regard. It is therefore unclear whether such discussions related to the works that would be necessary to install the dropped kerb or to specific advice on highway safety. Therefore, in reaching my conclusion, I am more persuaded by the written concerns of the Council's Transportation Team.
20. I conclude, it has not been demonstrated that the proposed access point would provide a safe and suitable access. A variation to condition 1 to include the revised layout therefore has the potential to have an unacceptable impact on the safety of users of the highway. In that regard, the proposal would conflict with the highway safety requirements and general objectives to provide safe and convenient access for all in Policies T5 (Cycling) and T6 of the LP 2021 and Policies SP8 (Transport and Communication), DM29 (Promoting sustainable travel and reducing congestion) and DM30 (Car and cycle parking in new development) of the CLP and the Framework.

Other Matters

21. In addition to their requests for vehicle sightlines and swept paths, the Council's Transportation team also queried how the front door would be accessed from Woodplace Lane. As confirmed by the appellant, pedestrians could access the front door via the proposed paved forecourt. Even so, this does not overcome my concerns under the main issues.

Conclusion

22. Varying Condition 1 of the planning permission to include the revised layout would result in harm to the character and appearance of the area and has the potential to result in material harm to highway safety. Therefore, the condition in its current form is reasonable and necessary to ensure an acceptable standard of development and varying it would result in conflict with the

development plan when 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