



Appeal Decision

Site visit made on 22 December 2021

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10TH January 2022

Appeal Ref: APP/L5240/D/21/3284152

82 Stafford Road, Croydon, CR0 4NE

- 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 The Ibiyinka Olusheyi Macaulay Personal Injury Bare Trust 2018 against the decision of the Council to the London Borough of Croydon.
 - The application Ref 21/02608/HSE, dated 16 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is described as Alterations: erection of part single, part two storey rear extension and the provision of new vehicular crossover.
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Decision

1. The appeal is dismissed insofar as it relates to the proposed vehicular crossover. The appeal is allowed insofar as it relates to the proposed part single, part two storey rear extension and planning permission is granted for the erection of part single, part two storey rear extension at 82 Stafford Road, Croydon, CR0 4NE in accordance with the terms of the application, Ref 21/02608/HSE, dated 16 May 2021, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans, insofar as they relate to the rear extension hereby permitted: 1827_PO1, 1827_PO2, 1827_PO3 and 1827_PO7.
 - 3) The materials to be used in the construction of the external surfaces of the rear extension hereby permitted shall match those used in the existing dwelling.

Preliminary matter

2. At the time of the appeal site visit the front boundary wall of the appeal property had been removed and the front garden was being used for the parking of two 4x4 vehicles. For the avoidance of any doubt, I confirm that this decision is based upon the submitted drawings and not on the recent works and use of the site.

Main Issues

3. The first main issue is the effect of the proposal on the appearance of the host property. The second main issue is the effect of the proposal on highway safety.

Reasons

4. The Appeal site is located in an area that is characterised by short terraces of two storey houses that are uniformly sited and designed. The dwellings sit behind modest sized front gardens, typically with low walls or fences between individual properties. In the vicinity of the appeal dwelling, the rear gardens contain a variety of large outbuildings at the bottom of them. A significant proportion of these dwellings have single storey rear extensions of various depths and designs, one dwelling has a large two storey flat roofed extension and two properties have flat roofed dormer extensions. This contributes to the more informal appearance within the rear garden environment.
5. The appeal property comprises an end of terrace dwelling, with passageways to the side of the appeal dwelling and the adjacent dwelling at 84 Stafford Road (No.84). To the rear of the appeal dwelling is a conservatory extension which stretches across most of the width of the dwelling and has a shallow mono-pitched roof. The dwelling at No.84 has a single storey extension that is similar in depth and the attached dwelling at 80 Stafford Road has a deeper single storey rear extension.
6. The National Planning Policy Framework 2021 (The Framework) states that good design is a key aspect of sustainable development. Together and amongst other things Policy D3 of the London Plan 2021 (The London Plan) and Policies SP4.1, DM10.1 and DM10.7 of the Croydon Local Plan 2018 (LP) seek to ensure that new development is designed to a high standard, resulting in high quality buildings, which respect and enhance local character and contribute positively to the public realm. Section 4.21 of The Croydon Suburban Design Guide (SPD), similarly advises that residential extensions should respond to the character of the host building, although this does not mean that they should replicate it.
7. Section 4.16.1 of the SPD advises that two storey rear extensions need to be carefully designed to ensure that they do not have a negative impact on the living conditions of the occupiers of neighbouring properties. With this in mind two storey rear extensions to terraced dwellings are acceptable when they fill the gap between two outriggers. Two storey extensions to semi-detached houses should be on the opposite side to the adjoining property. Such extensions should normally be no wider than 50% of the width of the dwelling and should fall within a horizontal 45° line measured from the adjacent habitable windows.
8. The proposed extension would replace the existing conservatory extension and the first floor element would stretch across no more than 50% of the rear elevation of the host property. It would be located on the opposite side to the adjoining house and would be separated from the dwelling at No.84 by two pedestrian passageways. The proposed extension would project three metres from the rear wall of the host dwelling and would meet the 45° angle with the adjacent rear conservatory and first floor windows at No.84. Although there is

- a side window in the rear conservatory at No.84, the main windows in the conservatory face into the rear garden of that property.
9. The south easterly part of the extension is single storey and would not project beyond the outer wall of the single storey rear extension to the adjoining dwelling at 80 Stafford Road.
 10. Whilst it is acknowledged that the extension would not fill the gap between two outriggers, the relationship between the proposed extension and No.84 is comparable to that of two pairs of semi-detached properties. The proposal meets with other relevant advice and the objective of paragraph 4.16.1 of the SPD, that proposals should not have a negative impact on the living conditions of the occupiers of adjoining and adjacent properties.
 11. The single storey element of the proposed extension would have a shallow pitched roof that would sit below the retained first floor bedroom window. The two storey element would have a shallow pitched gable roof, its eaves line would follow that of the host dwelling and the ridge line would sit well below the main ridge line of the dwelling. The proposed exterior walls and roof materials would match those of the host dwelling and the fenestration would be balanced and proportionate to the host dwelling.
 12. As a result of these factors the proposal would respect the proportions, uncluttered lines and materials of the host dwelling, the terrace as a whole and the rear garden environment, without replicating it.
 13. I conclude on the first that the proposal would respect the character and appearance of the host property. Accordingly, it would comply with Policy D3 of The London Plan, LP Policies SP4 & DM10, The Framework and the objectives of the SPD.

Highway safety

14. The majority of the front gardens along this stretch of Stafford Road are hard surfaced and used for parking, although a good proportion of the parking areas do not benefit from having vehicle crossovers with dropped kerbs. The appeal property is one of five dwellings within a row of 10 dwellings that do not have vehicle crossovers with dropped kerbs. The council has stated that the approved crossovers were constructed under different policy guidance. As stated in The Framework, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Only if material considerations in a particular case indicate that the plan should not be followed should decisions depart from an up-to-date plan.
15. Collectively and amongst other things LP Policies DM29 and DM30 seek to ensure that new development does not have a detrimental impact on highway safety. Policy T6 of The London Plan 2021 relates to parking standards and state that parking should be restricted in line with existing and future levels of accessibility and connectivity. Car-free developments are encouraged although appropriate disabled persons parking for Blue Badge holders should be provided.
16. For highway safety reasons the Croydon Vehicular Crossover Guidance Document 2020 (VCG) advises that new crossovers off classified roads will only be approved if they provide sufficient space to enable vehicles to access and exit the parking area in forward gear. The VCG also states that vehicle

crossovers will not be permitted where they would result in the loss of on-street parking, in a heavily parked area.

17. The appeal site is located within an urban area with a PTAL of 4, which reflects its good accessibility. Stafford Road is a busy classified distributor road with four traffic lanes and wide pavements. There is a minor road junction a short distance to the southwest of the appeal site and a busy controlled junction with the A23 a short distance to the northwest. There are two bus stops in close proximity to the appeal site on each side of the road, although there are no easily accessible pedestrian crossings to access them. There is a collection of signage relating to the road junction, local businesses and a petrol filling station, as well as a number of vehicle entrances to business premises.
18. There are no controlled parking zones along this stretch of Stafford Road, although on-street vehicle waiting is restricted between 08.00 and 18.30 hours. Outside these hours on-street parking is permissible. Thus, the proposed crossover would reduce the availability of on-street parking in the immediate area between 18.30 and 08.00 hours.
19. The proposed on-site parking area would be large enough to accommodate two cars or vans, although there would be no ability to turn on-site. Accordingly, the vehicles would need to be reversed either out of or into Stafford Road and across the pavement.
20. During the daytime Stafford Road is busy and at times congested with waiting buses, rush hour and turning traffic. Reversing vehicles into or out of the highway, including across the pavement would have the potential to interfere with the free flow of traffic. Having regard to the busy nature of Stafford Road and the distractions within it, passing drivers, cyclists and pedestrians may not see the vehicles reversing out of the proposed driveway and similarly the drivers reversing may not be aware of approaching vehicles, cyclists and pedestrians. This would have a materially adverse impact on highway safety.
21. For these reasons the proposal would have an unacceptable impact on highway safety.
22. The submitted plans do not show vehicular visibility splays or pedestrian visibility splays between the front of the proposed parking spaces and the pavement. It was clear from my site visits that these splays would be achievable and so this is something that could be dealt with by the imposition of conditions.
23. I have taken into account the personal circumstances cited by the appellant, however, it is not stated whether or not they are Blue Badge Holders, or where the closest publicly available disabled parking spaces are located. It is also unclear at what times they require access to their vehicle and where the occupiers of the property have previously parked their vehicles. During my site visit I noted that parking is unrestricted in Stafford Gardens, which is located a short distance from the appeal site and that there were on-street parking spaces available on the three occasions I observed traffic levels along Stafford Road between 07.50 and 15.30 hours.
24. Given the importance of maintaining highway safety and the limited information submitted, the personal circumstances of the appellant do not

outweigh the harmful impact the proposal would have on highway safety. This harm could not be satisfactorily addressed through the imposition of conditions.

25. I conclude on the second main issue that the proposal would have an unacceptable impact on highway safety. It would therefore conflict with LP Policies DM29 and DM30, London Plan Policy T6 and the VCG.

Conclusion

26. In view of the acceptability of the rear extension I have considered the possibility of issuing a split decision. As the rear extension and vehicular crossover are physically and functionally independent, I am able to issue a split decision in this instance.

Elizabeth Lawrence

INSPECTOR