



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: 26/01/2022

Appeal Ref: APP/L5240/W/21/3273920

12 Roke Road, Kenley CR8 5DY

- 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 David Mumford - Rushmon Homes against the decision of London Borough of Croydon.
 - The application Ref 20/05324/FUL, dated 14 October 2020, was refused by notice dated 15 January 2021.
 - The development proposed is demolition of existing two storey detached dwelling and erection of a three-storey building comprising of self-contained flats, hard and soft landscaping, vehicular parking, communal/amenity/play space/refuse and cycle storage and formation of a new vehicular crossover.
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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 appellant has been provided with an opportunity to comment on these matters and I have taken the comments received into account as part of my assessment.
3. The London Plan 2021 (LP 2021) has also been published since the Council's decision and this supersedes the policies of the London Plan 2016 and the Draft London Plan (DLP) that are referred to in the decision notice. The Council has provided copies of the policies of the LP 2021 which it considers to be relevant to its case. The appellant has been provided with an opportunity to comment and I have taken the policies of the LP 2021 into account as part of my assessment.
4. As part of the appellant's appeal submission, alternative first floor, site and southwest elevation drawings have been provided to demonstrate that an additional three-bedroomed flat could be provided. Given my conclusions on the second main issue, I have assessed the appeal on the basis of the housing mix and respective drawings that were before the Council when it made its decision. An 'Alternative Site Plan' (drawing ref 5628-019) has also been submitted with the appeal showing amendments to the proposed planting areas to the site frontage. Given the limited extent of the changes made, I consider that no party would be prejudiced by me taking this plan into account as part of my assessment.

Main Issues

5. The main issues are:

- (i) the effect of the proposal on the character and appearance of the area;
- (ii) whether the proposal would provide an acceptable housing mix having regard to local and national policy; and
- (iii) whether the development would be likely to give rise to highway safety issues and/or inconvenience for road users and pedestrians in the area.

Character and appearance

6. Roke Road is residential in character and includes buildings of varying scale and appearance. A substantial, mainly three-storey, contemporary building at Rokewood Court Care Home and a semi-detached two-storey dwelling at No 8 Roke Road share boundaries with the appeal site. In both cases these neighbouring buildings occupy large plots and are set well back from their front boundaries. The detached two-storey dwelling on the appeal site occupies a comparatively much smaller plot and is sited in close proximity to the road frontage. However, buildings which are over two-storeys in height on Roke Road are predominantly set well back from front boundaries and more often incorporate generous amounts of mature landscaping within their frontages. This is especially true to the side of the road on which the appeal site is situated. The verdant and spacious attributes of Roke Road give it an attractive suburban character and appearance.
7. The Framework and the development plan encourage the efficient use of land. Policy DM10 (Design and character) of the Croydon Local Plan (2018) (CLP) and The Croydon Suburban Design Guide Supplementary Planning Document (2019) (SDG) accord with this objective insofar as amongst other things they seek to achieve minimum heights of three-storeys. However, local and national policies including DM10 are clear that this is subject to proposals respecting their surrounding context.
8. The building would be set further back from the front boundary than the dwelling that would be replaced. However, it would still occupy a prominent position much closer to the boundary with the road than is the case with buildings on adjoining plots. The dual-gabled design of the front elevation with windows provided over four levels would emphasise the substantial scale of the building. The considerable bulk of its side elevation would also be visible from the street including in views through the entrance to Rokewood Court Care Home. Consequently, the building would have an imposing presence on this side of Roke Road.
9. In addition, even taking the 'Alternative Site Plan' into account, the frontage would be dominated by a hard surfaced parking forecourt with only limited opportunities to provide soft landscaping. I acknowledge that there is also dominance of hard landscaping to the front of the existing dwelling. However, the proposed forecourt would be larger and would be seen in combination with a building of significantly greater bulk and scale. As a result, the development would appear overly-intensive relative to its immediate surroundings. Overall, the development would not positively reflect the general position of larger

three-storey buildings within the street scene or the overall spacious and verdant characteristics of Roke Road.

10. My attention has been drawn to recent planning permissions¹ on Roke Road. These developments would introduce three-storey, terraced, gable fronted developments into the street scene opposite the appeal site. However, in those instances the position of the buildings within their plots, their stepped footprint and their maximum heights would correspond with the staggered building line and the scale of neighbouring buildings to that side of the road. Soft landscaping would also form a more integral part of the frontage to these buildings. Therefore, whilst I acknowledge that there is an evolving increase in densities in close proximity to the site, I do not find these examples would have as dominant a presence within the street scene as the appeal proposal.
11. I conclude that the development would result in significant harm to the character and appearance of the area. In that regard, it would conflict with the design and local character requirements in Policies D1 (London's form, character and capacity for growth), D3 (Optimising site capacity through the design-led approach) and D4 (Delivering good design) of the LP 2021, Policies SP4 (Urban Design and Local Character) and DM10 (Design and character) of the CLP and the Framework.
12. The Council's decision refers to Policy D2 (Infrastructure requirements) of the Draft Local Plan which has since been replaced by Policy D2 of the LP 2021. This policy is principally concerned with 'Infrastructure requirements for sustainable densities' and not design. Even though I have not identified specific conflict with Policy D2, this does not diminish the harm when assessed against the other policies identified above.

Housing mix

13. The Framework seeks to create mixed and balanced communities and states amongst other things that the size, type and tenure of housing needed for different groups should be reflected in planning policies.
14. Policy H10 (Housing Mix) of the LP 2021 confirms that schemes should generally consist of a range of unit sizes and that decision-makers should have regard to amongst other things robust local evidence of need in determining the appropriate mix of unit sizes. Policy SP2 (Homes) of the CLP includes amongst other things that it will seek to ensure that a choice of homes is available in the Borough that will address the Borough's need for homes of different sizes.
15. My attention has been drawn to the findings of the London Borough of Croydon Strategic Housing Market Assessment (2019) (SHMA) which suggests a market housing mix need in the Borough of 10 – 15% one-bedroomed properties, 45-50% two-bedroomed properties, 20-25% three-bedroomed properties and 15-20% to be four-bedroomed properties. The proposal would contribute towards the evidenced need for one, two and three-bedroomed units and like the SHMA would be heavily weighted towards the provision of two-bedroomed units.
16. The Council is concerned that the development would not provide enough family sized units and has drawn my attention to the strategic target in Policy SP2 for 30% of all new homes up to 2036 to have three or more bedrooms.

¹ LPA refs 21/01912/FUL and 21/01913/FUL

However, the strategic target not a rigid policy requirement to be applied to all developments.

17. The only policy before me which sets specific housing mix requirements for developments is Policy DM1 (Housing choice for sustainable communities) of the CLP. This policy amongst other things sets out minimum percentage requirements for the provision of homes designed with 3 or more bedrooms on sites of 10 or more dwellings. It also sets out that the redevelopment of residential units will be permitted where it does not result in the net loss of 3 bedroomed homes. In those respects, I find the appellant's argument persuasive that this is the means by which the Council can pro-actively seek to achieve their strategic target for the provision of homes with 3 or more bedrooms. Given that the proposal is for fewer than 10 dwellings and would not result in a net loss of three-bedroomed units on the site, the proposal would not conflict with these requirements.
18. Overall, the development would provide an acceptable housing mix which would address some of the Borough's evidenced need for homes of different sizes. In that regard it would adhere with the identified development plan policies and the Framework.
19. The Council's decision also refers to the Housing Supplementary Planning Guidance to the London Plan (March 2016). I have not been provided with a copy of this document. In any case, for the reasons given, the proposal would comply with the policies of the development plan relating to the delivery of housing which carries significant weight in decision making terms.

Highway safety and/or inconvenience for road users and pedestrians

20. The highway on Roke Road is narrow although there is room for two cars to pass one another. The road has a 20mph speed limit and has a steep gradient rising from its northern junction with Oaks Way to its southern junction with Foxley Road. The road only has a public footway to one side. Dwellings on the road predominantly have their own off-road parking facilities. The evidence before me indicates that the site is situated within an area with a Public Transport Accessibility Level (PTAL) rating of 2.
21. At the time of my site visit, only a few vehicles were parked on the highway on Roke Road and traffic levels on the road were low. However, I acknowledge that my observations only represent a snapshot of the parking and traffic conditions on this road.
22. The Council has acknowledged that at the time of its decision, it applied the maximum parking requirements of the London Plan 2016. However, there is no dispute between the parties that the LP 2021 sets a lower maximum parking requirement for the development of 5.5 parking spaces. The plans indicate that 6 on-site parking spaces would be provided, thereby meeting the maximum requirement once it is rounded up to the nearest full number.
23. Paragraph 111 of the Framework confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
24. I acknowledge that due to the narrow width of the road, any overspill parking on the road has the potential to either reduce the space available on the road

for vehicles to pass by or, in instances where cars are mounted on the pavement, to reduce the space available for pedestrians on the footway.

25. However, given the scale of the development and the off road spaces provided, any overspill parking associated with the development are likely to be limited. From what I saw on site and from the parking surveys provided by the appellant, parking stress levels on Roke Road are low. Even acknowledging that this may be down to an unwillingness of vehicle owners to park on the highway due to its narrow width, the survey indicates that there is ample on-street parking available close by on neighbouring roads. Therefore, I am not persuaded that any overspill parking associated with the development would give rise to any significant inconvenience for drivers and pedestrians on Roke Road.
26. Within their statement of case, the appellant has provided plans showing vehicle tracking for a medium sized car and visibility splays at the proposed access point. These drawings demonstrate that there is space for vehicles to manoeuvre from the on-site parking spaces and leave the site in a forward direction. They also show that minimum visibility splays across the site frontage of 2.4m x 22m could be provided. Having regard to these factors, the straight alignment of the road, the generally low traffic speeds along it and that landscaping within the site either side of the access points could be restricted in height, I am satisfied that the proposal would not have an unacceptable impact on highway safety.
27. Third-parties have raised concerns in respect of driver visibility at the junction of Roke Road with Oaks Road/Oaks Way. The Council and its highways officer have not raised any such concerns in this regard and from what I saw on site visibility at the junction was acceptable. Therefore, I am not persuaded that additional traffic from the development would unacceptably increase the risk of collision in the vicinity of this junction.
28. The Council's reason for refusal also refers to the Kenley Intensification Zone Transport Study (2020) (the Study). However, the Council's own delegated report confirms that the appeal site does not fall within the focused intensification area. Furthermore, the Council has not drawn my attention to any specific references to Roke Road within the Study nor any parts of the Study that it considers are pertinent to an assessment of the appeal scheme and its relationship with the local highway network. In any case, having regard to the appellant's travel statement which anticipates that the development would generate no more than three additional trips per hour above the existing dwelling, the impacts on the local road network would not be severe.
29. The site is sustainably located close to the services and public transport options available in the area. The Council suggests that the development would fail to mitigate increased demand on sustainable travel. Any increased demand on sustainable travel modes resulting from the development would be modest and I have not been provided with any substantive evidence that this demand could not be absorbed in this instance. The Council's delegated report suggests a financial contribution would have been sought towards a public footpath to the front of the site. It is not clear why this would be necessary given a footpath already exists. Furthermore, no specific policy requirements or detailed justification for mitigation measures directly attributable to the development are before me.

30. I conclude that the development would not give rise to highway safety issues or a material increase in inconvenience for road users and pedestrians in the area. In that regard, it would comply with the sustainable travel, highway safety and capacity requirements in Policies T4 (Assessing and mitigating transport impacts), T5 (Cycling) and T6 (Car parking) of the LP 2021, Policies SP8, DM29 and DM30 of the CLP and the Framework.
31. The Council's decision notice also refers to the Croydon Suburban Design Guide Supplementary Planning Document (2019) (SPD). However, I have not been referred to any specific parts of this guidance which the Council considers supports its reason for refusal relating to this main issue. In any case, for the reasons given, the proposal would comply with the development plan in this particular respect.

Conclusion

32. In accordance with the requirements of s38(6) of the Planning and Compulsory Purchase Act (2004), the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.
33. I recognise that an efficient use of land can positively contribute towards the Government's objectives to significantly boost the delivery of housing. In this regard there is support in the development plan for the intensification and greater provision of housing. I have also found that the development would provide an acceptable housing mix and would not have a harmful effect on the local highway network.
34. However, the proposal would result in significant harm the character and appearance of the area and in that regard would 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