

Appeal Decision

Site visit made on 14 December 2021

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/L5240/W/21/3276066

14 Seymour Place, South Norwood, London, SE25 4XU

- 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 Mark Kimpton (Bella Property Solutions Ltd) against the decision of London Borough of Croydon.
 - The application Ref 21/00384/FUL, dated 7 January 2021, was refused by notice dated 23 March 2021.
 - The development proposed is demolition of existing storage unit and construction of new build single residential unit.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) The effect of the proposed development upon the character and appearance of the area;
 - ii) Whether the proposal would provide for a suitable standard of residential accommodation for future residents;
 - iii) Whether the proposal would include satisfactory provision for refuse/recycling storage; and
 - iv) The effect upon the living conditions of the occupiers of neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

3. The general form of development in the vicinity of the site is characterised by terraced and semi-detached dwellings. Whilst other buildings can be found at the end of and/or adjacent to rear gardens, these tend to be ancillary buildings to the main dwelling or garaging.
4. The proposal would be adjacent to a pair of semi-detached dwellings fronting on to this part of Belfast Road. However, the two existing dwellings are set back into their plots, unlike the appeal proposal that would directly adjoin the pavement edge.

5. The proposed development would be significantly higher than the existing building it replaces. Whilst the existing building does not make a positive contribution to the streetscene, the replacement dwelling would be of a materially greater height and massing.
6. Other existing properties have their flank walls adjoining the footpath (including No.16 Seymour Place) and the fronts of houses in Brocklesby Road also adjoin the pavement. However, the proposal would be forward of the immediately adjacent properties on Belfast Road and would be of a design and appearance that would not reflect that of existing properties. The front elevation clad in timber, the sloping flat roof, along with the size and proportions of the window openings would not reflect those typically found on other residential properties in the vicinity. The addition of a green roof would not significantly alleviate these concerns. Although lower than the adjacent dwelling, located in a particularly prominent location immediately adjacent to the footpath with no set back and being higher than the existing building, it would be unacceptably visually intrusive in this location.
7. Although the National Planning Policy Framework ('the Framework') does not prevent or discourage appropriate innovation or change, the harm arising in this case is such that it would be contrary to the Council's design policies and would not meet one of the aims of the Framework, to achieve good design.
8. The proposed development would therefore appear as being incongruous and out of keeping with the site's context and the streetscene to the detriment of the character and appearance of the area. It would be contrary to the design aims, including the requirement for high quality design, of Policy D3 of the London Plan, Policies SP4.1 and DM10 of the Local Plan and the Croydon Council Suburban Design Guide Supplementary Planning Document 2018.

Residential living accommodation

9. The proposed residential floor area falls considerably short of the space standard set out in the Technical Housing Standards requiring 50 sqms for a 1 bedroom dwelling across a single storey. The floorspace requirement (58 sqms) would be yet greater for a two storey development, although the form of the proposal does not amount to what could reasonably be considered to amount to a two storey property. However, based on the proposed layout, I consider that the development would be tantamount to a one bedroomed flat rather than a studio flat, given it effectively contains a separate living room, kitchen and bedroom space over two levels. The overall floor area would be constrained for future residents.
10. The main living room area would have a good floor to ceiling height of well above 2.3m. Whilst the bedroom ceiling height would be constrained, that of the kitchen area would only be marginally below 2.3m. Therefore, whilst the Council argues that only 35% of the of the accommodation would have a ceiling height of at least 2.3m (below the standard of 75%), in terms of ceiling height the overall effect on living accommodation would be less severe than it implies, particularly taking account of the generous ceiling height of the living area.
11. The sole window to the living area would be within a wall directly adjoining the pavement. This would lead to the likelihood of clear views of the living area from pedestrians using the pavement resulting in an unsatisfactory level of

privacy for future inhabitants. Whilst there are other houses in the vicinity that have windows directly fronting on to the street, these pre-date contemporary planning policies that seek a high standard of amenity for residents.

12. A small 2.5 sqms, almost rectangular, area of enclosed amenity space would be provided to the rear. This would be a tightly constrained space and would be below the outdoor amenity space sought by Policy DM10 of the Croydon Local Plan 2018 ('the Local Plan'). It would therefore be of limited value as outdoor amenity space and would not be compensated for by the proposed internal floor area given the floor area limitations of this set out above.
13. These factors lead to my conclusion that the proposal would not provide an acceptable standard of living accommodation for future residents of the dwelling. The proposal would be contrary to the residential design and amenity aims, including the requirement for high quality design, of Policies D6 of the London Plan 2021 ('the London Plan'), SP2.8 and DM10 of the Local Plan. Even were I to consider that the proposal could be considered as a studio flat and therefore could justify a lower floor space figure, the other limitations would still result in a material conflict with these policies seeking high quality design and a good standard of amenity for future occupiers.

Refuse

14. Taking account of the refuse requirements of the Council, the proposal would not offer sufficient refuse or recycling storage space within the small area indicated on the submitted plans. This would lead to the possibility of refuse/recycling storage on the pavement which would add clutter to the pavement to the detriment of the visual appearance of the streetscene. The width of the pavement is not such to mitigate against such a concern. A condition in this respect would not be appropriate as this is not a location where additional refuse/recycling storage on the pavement/forecourt of the property would be suitable given the potential for additional visual clutter. It would also involve space outside of the application site and there is no indication that the highway authority would agree to such storage on the pavement.
15. It would be therefore contrary to Policy DM13 of the Local Plan which seeks to ensure that the location and design of refuse and recycling provision is treated as an integral element of design for new developments, including visual screening.

Neighbouring living conditions

16. The side wall of the proposed dwelling, measuring 3.9m in height would be a fairly prominent feature when viewed from the rear ground floor windows and rear amenity areas of the existing adjacent properties at 14 and 16 Seymour Place. However, the rear of No.16 is orientated so that it would not directly look towards the side wall of the appeal proposal. Furthermore, the existing rear outbuilding next to the storage building already has some impact on outlook from these two properties. Whilst the proposed flank wall would be higher than the existing buildings located to the rear of Nos. 14 and 16, in this context it would not be so dominant so as to be unacceptably overbearing or oppressive in appearance for the occupants of these neighbouring properties.

17. The proposal would therefore accord with the relevant amenity aims of Policy DM10 of the Local Plan.

Other Matters

17. Whilst the proposal is to be designed taking into consideration climate change and low carbon initiatives, these are now general requirements for the provision of new residential accommodation and do not weigh significantly in favour of the appeal.
18. The Framework states that substantial weight should be given to the value of utilising suitable brownfield land for development including homes. Furthermore, the proposal seeks to make more effective use of the site and a new dwelling would be well located for local services and facilities. It would also make an albeit modest contribution to the supply of housing within the Borough providing a small dwelling unit. However, these benefits are outweighed by the harm set out above which lead me to a general conclusion that the proposal would not be appropriate for this site and would not amount to good design as sought by the Framework.
19. The appellant draws attention to several other schemes that have been granted planning permission. Several of these appear to pre-date the current planning policies which generally limits the weight that can be applied to such cases. The schemes also do not appear to be directly comparable in their circumstances.
20. Examples 1 and 2 show new dwellings that are set back from the road to be adjacent to the immediate respective neighbouring properties. Examples 3 and 5 are for certificates of lawful use or development so cannot be directly relevant to an application for planning permission which needs to be considered against the relevant planning policies. In any case the proposed buildings in these cases were proposed at the rear rather than the front of the respective sites. Example 4 proposed a new dwelling slightly set back from the pavement edge but immediately adjacent to and in line with an existing pair of semi-detached dwellings. Therefore, these other permitted schemes appear to be materially different in their form and context to the current proposal and they therefore do not carry any significant weight in favour of it.
21. In the referenced appeal decision¹, the Inspector refers to the plot size and the footprint of the proposed building being similar to many of the dwellings existing locally and the appearance of the proposed dwelling being generally in keeping with the style of the properties nearby. It appears that the scheme in that case is materially different to that now before me and therefore it does not provide a precedent for the current scheme.

Conclusion

22. The proposal would be contrary to the development plan, considered as a whole, and other material considerations do not outweigh this finding. I therefore conclude that the appeal should be dismissed.

David Cliff

INSPECTOR

¹ APP/L5240/A/09/2103638