



Appeal Decision

Site visit made on 29 November 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2022

Appeal Ref: APP/L5240/W/21/3274569

2 Hillcroft Avenue, Purley CR8 3DG

- 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 Arjuna Shandakumar against the decision of London Borough of Croydon.
 - The application Ref 20/02229/FUL, dated 26 May 2020, was refused by notice dated 7 May 2021.
 - The development proposed is described as a new detached 4-bedroom single family dwelling house proposed to be erected on land to the side of 2 Hillcroft Avenue, with off street parking, detached double garage to front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are as follows;
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of No 4 Hillcroft Avenue, with regard to outlook and natural light.; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

3. Hillcroft Avenue is a predominantly residential suburban area characterised by large, detached dwellings situated on large plots. Whilst some plots are narrower, these are on the southern side of Hillcroft Avenue, with the northern side retaining wide spacious plots. The properties vary considerably in their individual design characteristics and form; however, many properties are finished in render and buff and red brick. The road has a pleasant green environment, being tree lined with grass verges and most properties bound to the front by hedgerows. Properties are set back from the road behind front gardens and parking areas.
4. The appeal site is unique in that it forms part of a large side garden for 2 Hillcroft Avenue and therefore there is an area of open space between No 2

and the neighbouring No 4. The proposed dwelling would be located within this space.

5. The appeal site is located on the northern side of Hillcroft Avenue. The subdivision of the garden to facilitate the proposal would create a narrow plot which is at odds with the prevailing character of this side of the road comprised of large dwellings within generous plots. Whilst the proposed development would be smaller in scale than the existing dwelling, its positioning, projecting forward of the existing dwelling means it will be visually prominent in the street scene and would not appear subservient. The lack of subserviency combined with the creation of narrow plots means that the proposed development would appear prominent and cramped and would detract from the spacious character and appearance of the area.
6. The appeal site benefits from existing landscaping, consisting of established hedgerows, trees and planting which contributes positively to the pleasant character and appearance of the area. Some existing planting within the garden, along with a section of hedgerow will need to be removed to facilitate the proposed development, and there is no clear evidence before me to the effect of the proposal in that regard, or what mitigation might be provided by any new landscaping. In any event the potential to include comparable soft landscaping to that which already exists would be limited, such that this in combination with the layout of the proposal would further exacerbate harm to the street scene. Due to the significant contribution landscaping makes to the character and appearance of the area, I do not consider that leaving this matter to conditions to be acceptable.
7. For the reasons above, I conclude that the proposal would harm the character and appearance of the area contrary to Policies DM10 and DM28 of the Croydon Local Plan 2018 (Local Plan), Policies D3, D4 and G7 of the London Plan 2021 (LP) and the guidance contained within the Suburban Design Guide Supplementary Planning Document 2018 (SPD) which seek, amongst other things, to ensure that development is subservient to host buildings and respects the development pattern, layout and siting and protects and enhances the boroughs woodlands, trees and hedgerows. The proposed development would also be at odds with paragraphs 130 and 174 of the National Planning Policy Framework (Framework) which seeks to ensure developments are visually attractive and sympathetic to local character and to protect and enhance valued landscapes.

Living conditions of neighbouring residents

8. At present the host dwellings is served by a large side garden. The proposed development would introduce a dwelling between it and No 4. The proposed dwelling would be located approximately 1.6 metres from the side elevation of No 4 and approximately 4 metres from any windows in the side elevation of No 4.
9. The location of the proposed dwelling close to the side elevation and windows of No 4 combined with its height and depth could potentially have a detrimental effect on the outlook from these windows. However, these windows are obscure glazed and therefore would not likely have any meaningful existing outlook. Nevertheless, the proximity of the proposed dwelling to these windows would significantly restrict levels of light entering them, which would result in

the rooms they serve being unduly gloomy to the detriment of their usability and the occupants of No 4.

10. Whilst my attention has been drawn to similar gaps between dwellings in the locality, the design of dwellings differs considerably and, in any event, I consider that this would not justify allowing development that harms the living conditions of neighbouring residents.
11. I conclude that the proposed development would significantly harm the living conditions of the residents of No 4, with particular reference to light contrary to Local Plan Policy DM10 and the guidance contained within the SPD which seek, amongst other things, to ensure that development does not result in the loss of existing sunlight or daylight levels. The proposed development would also be contrary to paragraph 130 of the Framework that seeks high standards of amenity for existing users.

Highway safety

12. At the time of my visit Hillcroft Avenue was quiet with minimal on street parking and very few vehicles passing. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that levels of traffic would increase at peak hours when traffic is at its heaviest.
13. The proposed development would create a new access on to Hillcroft Avenue. The Council are concerned regarding the lack of detail pertaining to visibility, crossover, parking and refuse storage. Hillcroft Avenue is a lightly trafficked and relatively straight road with minimal on street parking. As such, vehicles exiting the proposed access would have good visibility of any oncoming traffic. Additionally, the plans clearly demonstrate that there is sufficient space in front of the proposed dwelling to park and turn vehicles so that they can access and egress the site in a forward gear. The plans also detail refuse storage and cycle parking.
14. Whilst some detailed information has not been provided with the submission, this could be conditioned, were I minded to allow the appeal. However, as I am dismissing the appeal on other issues, I have not pursued this matter further.
15. For the reasons set out above I consider that the proposed development would not be detrimental to highway safety. Accordingly, I find no conflict with Local Plan Policies DM29 and DM30 or LP Policies T5 and T6 which seek, amongst other things, to ensure that highway safety is not compromised. The proposal also complies with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

16. The appellant suggests the Local Plan predates the most recent revision of the Framework and is therefore partially out of date. However, having considered the relevant policies for the determination of this appeal against the Framework, including having regard to the fact the proposal would be a self-build house, I do not consider that they are inconsistent. Therefore, the development plan is up to date.
17. The erection of a single dwelling would make a positive contribution, albeit limited, to the borough's housing supply. It would also provide economic

benefits during its construction by providing construction worker jobs. In addition, the future occupants would make a positive contribution to the local economy. However, the scale of the scheme would limit its associated socio-economic benefits. I have found that the proposal would cause unacceptable harm on the character and appearance of the area and on the living conditions of No 4 in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. It would not therefore be sustainable development for which the presumption in favour applies.

18. In their submission the appellant states that the proposed development is for a self-build dwelling, and this has been presented as a benefit. No evidence has been provided of the numbers of permissions granted by the Council for self-build dwellings. Nevertheless, if I were to find that insufficient permission had been granted a self-build proposal would need to be secured via a planning obligation and one is not before me. I have therefore given the self-build nature of the proposal limited weight which does not outweigh the aforementioned harm.

Conclusion

19. For the above reasons given above, having considered the development plan, the approach of the Framework and all other relevant consideration, the appeal should be dismissed.

Tamsin Law

INSPECTOR