



# Appeal Decision

Site visit made on 19 January 2022

**by C Jack BSc(Hons), MA, MA(TP), MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3 February 2022**

**Appeal Ref: APP/L5240/W/21/3276568**

## **1 The Ruffetts, South Croydon CR2 7LS**

- 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 Richard Rumbles for Barnfield Homes against the decision of London Borough of Croydon.
- The application Ref 20/06115/FUL, dated 25 November 2020, was refused by notice dated 20 January 2021.
- The development proposed is the erection of two buildings comprising five new flats and a pair of semi-detached dwellings with associated car parking and landscaping.

## **Decision**

1. The appeal is dismissed.

## **Preliminary Matters**

2. As there is no description of proposed development on the application form, the description above is from the appeal form and the Council's decision notice.
3. A revised National Planning Policy Framework (the Framework) took effect in July 2021, and The London Plan 2021 supersedes the 2016 policies referenced in the decision notice. The main parties have had opportunity to comment on any implications for their case in the appeal.

## **Main Issues**

4. The main issues are the effect of the proposed development on:
  - a) The character and appearance of the area;
  - b) The living conditions of future occupiers of the development, with particular regards to light, outlook, and the provision of satisfactory outdoor space;
  - c) The living conditions of neighbouring occupiers at 3 The Ruffetts, with particular regards to outlook, privacy, and light; and
  - d) Highway safety.

## **Reasons**

### *Character and appearance*

5. 1 The Ruffetts (No 1) is situated in a residential area with mainly single or two-storey, detached and semi-detached homes. While generally dating from the 1950s, there is some diversity in the designs and materials, including those introduced through later extensions and alterations. Nevertheless, frequently

occurring materials and features, such as plain tiles, pebbledash render, and modest gables with bargeboards, give the area an overall sense of cohesion. The locality has a pleasant, verdant, and generally spacious character with most dwellings set in mature gardens. Grass verges and an abundance of street trees also add positively to the established character.

6. The Council and appellant agree that some residential intensification of the site, and a design approach of 'contemporary reinterpretation', is acceptable in general terms. From the evidence before me, I see no in principle reason to disagree. Furthermore, while the existing 3-bed house at No 1 sits comfortably in its plot and wider context, it is an unremarkable building, and its removal to facilitate a redevelopment of the site would not be expressly harmful to local character and appearance.
7. The site occupies a prominent corner at the junction of The Ruffetts with Croham Valley Road, where it is in clear view from both streets. The area around this junction has a particularly open and spacious feel, due to the wide grass verges and the open grassed area on the opposite corner of The Ruffetts. Due to a very low boundary wall, the lawned garden frontage at No 1 contributes strongly to the overriding open and green character and appearance nearby. However, the grassy front garden would be largely replaced by the parking area for the flats. While planting is proposed around the parking area, hard-surfacing and parked vehicles would visually dominate the corner frontage, to the significant detriment of the open, green, and spacious appearance of the site and the street scene in this vicinity.
8. Although the elevation of the flats facing The Ruffetts would be roughly in the position of the existing front elevation of No 1, it would not have a principal appearance, such as the main elevation of the flats that would face Croham Valley Road. Given it would be positioned immediately adjacent to the principal elevation of 3 The Ruffetts, this would be at odds with the established pattern and character of principal elevations facing towards the open area around the junction and fail to work fully with the dual aspect position.
9. In the Croham Valley Road elevation, the pair of semi-detached houses would be of a scale and appearance generally reflective of the nature of some existing built development nearby, including with details such as arched entrance doorways. In addition, some features of the flats, such as brick corbels and the front gable would also refer to surrounding buildings. However, while being of a height considerate of nearby built form, the local topography, and the corner position, this larger building would include other details such as the ground to eaves glazing and the brick enclosed balconies as more contemporary reinterpretative elements of the design.
10. In particular, the brick balcony features, which would be a key visual feature of the frontages of the building, would have a relatively boxy and unwelcoming appearance and would not relate well to nearby buildings and would not be visually attractive in the street scene. Together with the substantially increased amount of built form and hardstanding/parking areas on the site, the development would not harmonise sufficiently with the prevailing pattern, character, design and appearance of the vicinity. I acknowledge the appellant's character appraisal work, but this does not alter my findings in this regard.
11. My attention has been drawn to permissions granted for residential development between the appeal site and 55 Crest Road (No 55), including a

scheme of 4 terraced houses. I understand permission to be extant and capable of being implemented. If constructed in combination, the development at No 55 would be situated adjacent to the proposed pair of houses at the appeal site. This would distinctly change the street scene in this part of Croham Valley Road, with built form replacing much of the existing rear garden areas of No 55 and No 1. Notwithstanding my significant concerns with the design and appearance of the proposed flats and parking area, in the general context of the residential area the adjacent siting of residential developments here would not necessarily have a harmful cumulative effect on the street scene, albeit there would be change to the appearance of the immediate area.

12. The June 2021 crossover guidance has not been provided. However, the evidence suggests that the Council's concern with crossovers in place of grass verges in this case mainly relates to the potential effect on character and appearance. Near the site, I saw many existing accesses and crossovers traversing grass verges. Most substantially pre-date the 2021 guidance. Nevertheless, in this area, most crossovers are visually unobtrusive including because the verges and views along them are interspersed with trees. While the existing vehicular access at No 1 is closed off by the garden fence, the crossover remains and is visually unobtrusive. Each of the two additional crossovers would be positioned between street trees, in a manner consistent with the prevailing arrangements nearby. Some loss of green verge would result but, in this specific case, I am not persuaded that this would be harmfully out of keeping with, or otherwise significantly detrimental to, the established character of the street.
13. The appellant has drawn my attention to various residential intensification developments in the general area, including the subject of an appeal decision at West Hill, many of which I viewed during my visit. While these demonstrate that diverse approaches have been accepted, each scheme, site and context is somewhat different to the appeal proposal and site, and the character of the locality in which it lies. Accordingly, my concerns which relate to the specific nature of the appeal site and the proposal before me, are not diluted.
14. I conclude that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies SP4, DM10.1 and DM10.2 of the Croydon Local Plan 2018 (the CLP) which together, and among other things, require high quality development that respects local character.

*Living conditions for future occupiers of the development*

15. The Council and appellant agree that the balconies and private outdoor spaces proposed meet at least the minimum relevant requirements of CLP Policy DM10.4 for functional private amenity space. However, this policy also sets out play space requirements at 10.4d, and CLP Policy 10.5 seeks high quality, flexible, multifunctional, accessible, and inclusive communal outdoor space to be provided in addition to private amenity space.
16. A modest-sized area of communal outdoor space is proposed at the rear of the flats, labelled on the site plan as including children's play space. Other communal outdoor areas on site would almost entirely consist of paths, storage areas, parking, or planting. The communal space at the rear would thus be expected, in addition to the proposed private balconies, gardens and patios, to provide children's play space and communal outdoor amenity space.

17. While being set at the rear may make the communal space feel more private and peaceful, and the area would be available to all residents of the development, it is not clear that the space provided would be sufficient to provide high quality multifunctional and flexible space as well as the minimum play space. Its tucked-away location and close relationship with adjacent bedroom windows would result in a somewhat enclosed and uninviting area, thus limiting its usability and attractiveness. It is not clear how the guidance of the Council's Suburban Design Guide (SDG) for quieter seating areas along with family-oriented areas would be achieved, or how its minimum expectations including a mixture grassed and planted areas and a shared patio area would be met, particularly if the area would mainly address the play space requirement of CLP Policy 10. While the SDG is guidance, I am not satisfied by the evidence that the relevant policy expectations of DM10.4 and 10.5 would be sufficiently addressed in the layout proposed. Accordingly, this is not a matter that should simply be deferred to condition.
18. Some flats would have windows in the flank (west) elevation, facing the side of House 2 at very close proximity so the outlook from those windows would be very limited. Similarly, sunlight and daylight received through those windows would be limited to varying degrees by the close relationship with House 2. However, the open plan kitchen/lounge at Flat 1 would also have a large patio window/door facing Croham Valley Road, providing acceptable outlook and light overall. There would be a similar arrangement at Flat 2, which would also have a modest rear window serving the kitchen area.
19. The flank elevation bedroom window at Flat 5 would be the sole source of outlook and natural light to that room. The hipped roof at House 2 would slope away from the window which would allow a reasonable level of daylight to the bedroom. Another bedroom in Flat 5 would be served by a single rooflight. While there would be no other window to the room, the rooflight would be positioned in the pitched roof slope facing The Ruffetts and so consistent with paragraph 2.9.4i of the Council's Suburban Design Guide (SDG). While the outlook from these two bedrooms would be limited, as a whole Flat 5 would have a reasonable level of daylight, sunlight, and outlook, which would be generally consistent with the SDG guidance in this regard.
20. I conclude that the proposal would not provide satisfactory living conditions for future occupiers of the development, with regard to outdoor space provision. It would therefore conflict with Policies DM10.4 and DM10.5 of the CLP which specify requirements for provision of children's play space and high quality outdoor communal amenity space.

#### *Neighbouring living conditions*

21. The pair of houses would be offset from 3 The Ruffetts (No 3) such that they would not be overbearing in the direct outlook from the rear of the neighbouring house. Furthermore, there would be a reasonable distance between the pair of houses and the rear elevation of No 3, and between the rear of the new houses and the rear garden of No 3. In addition, the gentle topography would result in the pair being set moderately lower than No 3, and trees proposed to be retained would soften the relationship to a degree. Accordingly, while the new pair of houses would be visible from No 3, they would not significantly enclose No 3 or impede the outlook experienced there to a harmful degree, in the context of the existing residential area.

22. The relative orientation of the pair of houses with No 3 would result in additional shading towards No 3, particularly the rear garden area. Due to the size and position of the garden at No 3, the effects would be partial with areas of the garden unaffected by shading from the new houses. Due to the relative orientation, and the degree of separation between the pair of houses and windows at the rear of No 3, levels of natural light within the house would not be affected to such a degree as to significantly harm living conditions there.
23. While there may be oblique views between the pair of houses and the rear of No 3, the principal windows at the rear of the new houses would face towards the rearmost area of the garden of No 3. As a result, there would not be direct overlooking of the house at No 3 or the garden area closest to it, where a greater degree of privacy can reasonably be expected by occupants. Accordingly, the development would not result in an unacceptable effect on privacy at No 3.
24. I conclude that the proposed development would not harm the living conditions of neighbouring occupiers at 3 The Ruffetts, with particular regards to outlook, privacy, and light. It would therefore be consistent with the relevant requirements of Policy DM10.6 of the CLP, which among other things seeks to avoid direct overlooking and significant loss of sunlight and daylight for adjoining occupiers.

#### *Highway safety*

25. Vehicular access to the development would be via three crossovers from Croham Valley Road. One of these is a historic access to a detached garage at No 1 which, while currently fenced off, remains in place. While manoeuvring space would be limited, it would be reasonably possible to turn cars within the parking area for the flats to enable entry and egress in forward gear. There may be some to-and-fro movements required but given the small number of parking spaces this is not likely to cause significant safety concerns or inconvenience to users. The on-site car parking provision for the pair of houses would not include space for turning, making reversing manoeuvres from or into Croham Valley Road inevitable.
26. Croham Valley Road is classified and is subject to a 20mph speed limit in the vicinity of the appeal site. Where it passes the site, I saw it operating akin to a typical residential access road, there is no bus route along it, and it takes a cul-de-sac form at its end near Chapel View, thereby generally limiting likely use other than for residential access. I saw that Croham Valley Road takes a different, busier, character as it progresses towards Croydon after joining Farley Road, but during my visit there was only a very modest level of traffic passing the appeal site. While this was only a snapshot of road conditions here, it was generally consistent with serving the principally residential streets accessed via this part of Croham Valley Road, rather than carrying passing traffic. Moreover, there is no substantive evidence before me that the road is particularly 'busy' here at other times, irrespective of its classified status, or that there is any significant record or evidence of significant incidents in recent years.
27. I note that most dwellings in the area have on-site parking, often with no associated turning space, and a significant proportion of manoeuvres must therefore involve reversing into the road. The same historic situation arises with the existing crossover to No 1, which would be retained to serve House 1.

Accordingly, the proposed arrangement for the pair of houses is typical for the locality. Furthermore, there is no significant evidence to indicate that the local arrangements have operated unsatisfactorily, or that highway safety concerns arise from the typical domestic parking arrangements nearby.

28. Nevertheless, it is generally accepted that reversing manoeuvres are less safe than forward manoeuvres, including because reversing into a street can make it particularly difficult for drivers to see a pedestrian. The road and footway are quite straight passing the site, visibility is reasonably good, and I consider that appropriate visibility splays, including for pedestrians, are likely to be achievable and so could be addressed by condition in this instance.
29. I conclude that the proposed development would not have an unacceptable impact on highway safety. It would not conflict with Policies SP8, DM29, DM30 and DM10.2 of the CLP, which together and among other things seek to ensure that development would not be detrimental to safety for all highway users.

### **Other Matters and Planning Balance**

30. The Council's appeal statement confirms that the Appellant's arboricultural and flood risk/drainage strategy information, which among other things set out that removed trees would be replaced and that the development would incorporate a sustainable drainage system, satisfy its reasons for refusal 8 and 9. On the evidence before me, I am satisfied that necessary safeguards and mitigations in these respects could have been addressed by conditions, had the appeal been allowed.
31. While there would be no significant harm in relation to living conditions for neighbouring occupiers or highway safety, there would be harm to the character and appearance of the area and the living conditions of future occupiers of the development. These harms would not be outweighed by the likely social and economic benefits, including increasing housing supply, associated with the modest net gain of six dwellings in the context and circumstances of this case.

### **Conclusion**

32. The development would conflict with the development plan, taken as a whole, and there are no other considerations, including the Framework, of sufficient weight to indicate that planning permission should be granted. Therefore, the appeal is dismissed.

*C Jack*

INSPECTOR