



Appeal Decision

Site visit made on 15 June 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 04 FEBRUARY 2022

Appeal Ref: APP/L5240/W/20/3264881
233 Hayes Lane, Kenley CR8 5HN

- 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 M Harding of MJH Hayes Lane Developments Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/02823/FUL, dated 29 June 2020, was refused by notice dated 23 September 2020.
 - The development proposed is demolition of existing dwelling; erection of a two-storey building with roof accommodation comprising 9 flats; modifications to existing access; provision of 9 parking spaces, refuse and recycling stores, secure cycle parking and communal landscaped amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would provide adequate living conditions for future occupiers;
 - The effect of the proposal on living conditions of neighbouring occupiers; and
 - The effect of the proposal on highway safety.

Reasons

Character and appearance

3. The appeal site is nestled between two existing bungalows, which whilst substantial in form are nevertheless of a reduced scale in respect of their height. There are larger properties in the wider area, however this part of Hayes Lane is characterised by bungalow style houses set within generous plots.
4. The proposal would utilise a significant portion of the site and is designed to provide a stepped development, which would accommodate the number of units. The building would stretch across almost the entire width of the site and sprawl across the staggered building line of the existing bungalows to either

side. Having regard to the proposed height of the building, which would effectively be three storeys in height with some elements set within the roof, the proposal would introduce a level of bulk and mass that would be entirely alien to this part of Hayes Lane. The sprawling nature of the scheme would take advantage of the staggered building lines of the properties to either side, however this would create a disproportionate sized development that would fail to respect the relationship of the existing built form. Accordingly, due to the scale and bulk of the building, it would appear incongruous and contrived in respect of its relationship with the site and surrounding buildings.

5. The gable elements and dormers would reflect design influences in the area, however, the overall palette would encompass a disjointed approach to design. By mixing red tiles, mock Tudor, orange brick, render and significant glazed elements the scheme would appear fussy and overly complicated. This would fail to respect the simpler designs found within the immediate area, which would exasperate the discordant nature of the proposal.
6. In order to accommodate a suitable level of onsite parking with adequate turning provision a significant level of the front of the site would be hard surfaced. This would be entirely at odds with the softer landscaping used in the area which serves single dwellings. The insertion of a medium sized car park to the front of the site would have a harmfully urbanising effect on the site, which would in turn be harmful to the softer and greener character of the area.
7. The height of the building would not conflict in principle with the Croydon Suburban Design Guide (2019), which encourages three storey development, and advises that where surrounding buildings are predominantly single storey, new development should accommodate a third storey within the roof.
8. However, Policy DM10 of the Croydon Local Plan (the Local Plan) acknowledges that, whilst proposal should seek to achieve a minimum height of 3 storeys, they should respect the development pattern, scale, height, massing, and appearance of the surrounding area. Whilst the principle of a taller building would be acceptable, the proposal before me would fail to respect and take account of the crucial factors set out in the policy regarding its relationship with the surrounding area.
9. I find that the proposal would introduce a building that would fail to sit comfortably within the site or the street scene. The scale and mass of the development would tower over its immediate neighbours, failing to have regard to the development around it, and thereby causing harm to the modest character of the area. The proposal would also conflict with Policy SP4 of the Local Plan which requires development to be of a high quality which respects Croydon's character and contributes positively.

Living conditions of future occupiers

10. Flat Two would have access to amenity space to the rear and side of the development, and Flat Three would have access to a patio to the side of the development. In order to ensure privacy for future occupiers and adjacent neighbours, Flats 5 and 6 located on the first floor include oriel windows. Whilst this would avoid loss of privacy issues the design would create an oppressive environment for users of the amenity space below. The location of the windows, along with the narrow style amenity space and proximity of the boundary fence, would result in an oppressive and cramped amenity space.

Having regard to the fact that this would be the only amenity space for Flat Three, I consider that the proposal would fail to provide adequate outdoor amenity space for future occupiers of these flats.

11. Flats one, two and three on the ground floor would each have an element of private outdoor amenity space. Flat One would have a terrace to the front, and access to a patio to the rear. Whilst the plans do not show clear delineation for the rear patio to ensure that it would be kept separately from the communal area, I am satisfied that were I to have found the scheme acceptable in all other respects this could be addressed by way of a landscaping scheme that could be secured through a planning condition.
12. The accommodation within Flats Seven, Eight and Nine would be on the second floor which would be set within the roof. As a result, a significant proportion of windows would be roof lights, serving the kitchen and bedroom 2 in Flat Seven, the sitting room in Flat 8, and the kitchen area of Flat Nine. Whilst there would be some larger windows and access to terraces, the layout of Flats Eight and Nine, which include a long narrow main living area, would be subject to a distinct lack of appropriate natural light. The environment would be rather tunnel like, which would create a somewhat oppressive and cramped environment. I note that the scheme would provide adequate levels of floorspace, however this is only one issue in determining whether the units would provide suitable living conditions.
13. The rear of the site would be used for communal play/child space which would be accessed via a communal core from the front of the building to this area, and I am satisfied that occupier of the units would have access to 'sufficient' communal amenity space. However, I do not consider that this provision overcome the inadequacy of the proposed private amenity space.
14. Overall, I find that the proposal would create spaces that would be cramped and oppressive and would not provide a satisfactory standard of accommodation for future occupiers. It would therefore conflict with Policies SP4 and DM10 of the Croydon Local Plan which collectively seek to ensure development enhances wellbeing and is of high-quality design.

Living conditions of neighbouring occupiers

15. The development would be sited at least 11 metres from the rear of the site, adjacent to the rear of the site is No 6 Lovelock Close. The appeal property would be at a right angle to No 6 Lovelock Close. The elevation closest to the closest to the rear boundary would not have any windows that would look directly towards the rear garden of No 6, and the terrace elements would be set further away from the boundary. Having regard to the design of the roof, and the distance of the bulk of the built form from No 6, I am satisfied that these details would ensure that the proposal would not result in harmful levels of overlooking, loss of light, or a detrimental loss of privacy to the occupiers of No 6.
16. Whilst the development would introduce a significant level of bulk and mass to the site, I am mindful that in respect of its immediate neighbours, the building would be located to site between the detached garages on the neighbouring sites. This would allow for some distance between the windows and the rear garden areas of the neighbouring properties. In a residential area it is common for there to be some level of mutual overlooking. The building would

incorporate design elements to ensure that the windows in the side elevation that served as main windows for habitable rooms would be directed to avoid significantly overlooking neighbouring properties.

17. Accordingly, I find that the proposal would not be harmful to the living conditions of neighbouring occupiers. It would therefore comply with Policies SP4 and DM10 of the Croydon Local Plan which collectively seek to ensure development enhances wellbeing and protects the amenity of occupiers of adjacent buildings.

Highway safety

18. The site is located on the eastern side of Hayes Lane. This stretch of Hayes Lane forms part of the main north-south route running through the local area, it is a local distributor road which runs between Kenley and Caterham. Immediately adjacent to the site there are no footways on either side of Hayes Lane, however there are footways at points along Hayes Lane. The road is relatively narrow, and whilst open to two-way traffic it is difficult for larger vehicles to pass comfortably. The road is restricted to a 20 miles per hour speed limit which assists in controlling the speed of traffic, in addition to vehicles being manoeuvred to reflect the physical road restrictions.
19. Data relating to accidents in the local area identifies that there is not a pattern of accidents within the vicinity of the appeal site, such to reflect an identified safety issue with vehicles turning onto and off Hayes Lane or a significant level of conflict with other users.
20. The proposal would provide nine off street parking spaces, and 18 bicycle spaces. The onsite parking would be to the front of the site, accessed via a single entrance some 3.7m wide. This would be sufficient to allow access, with a suitable turning area provided within the site itself to ensure that vehicles would exit in forward gear. Sight visibility splays would be slightly less than that typically commensurate with the 20mph speed limit. However, the access would reflect the design of entrances within the area generally, which function without causing an unacceptable impact on highway safety. Whilst the proposal would result in an increase in the use of the access, I am satisfied that the site would accommodate the increase without resulting in harm to the safe use of the highway.
21. The site is within an area characterised by the lowest level of PTAL accessibility, with the site at around 2km to the south of Kenley railway station and similarly of the bus routes running through the Kenley area. Whilst the lack of footpaths within the immediate area would be likely to dissuade occupants from walking to bus stops, or indeed the Kenley railway station, there would be some scope to use bicycles as the site is within a relatively comfortable distances of signed cycle routes. However, it is probable that occupants of the proposal would be largely reliant on private vehicles to access services and facilities.
22. The increased level of occupation on the site, with a reliance upon private vehicles, would result in an increase in vehicle movements. However, having regard to the possible level of movement associated with a large, detached dwelling, I am satisfied that the increase in movements would be nominal, and would not have an unacceptable impact on highway safety.

23. Refuse and recycling storage would be located within a dedicated inset area on the ground floor with direct access afforded to both collection operatives and building residents. It would be located at an appropriate distance from the site frontage to allow the collection vehicle to remain on-street and operatives to manoeuvre the refuse and recycling storage.
24. Accordingly, I find that the proposal would not result in a detrimental impact to the highway safety and pedestrian/occupier conditions of the area. It would comply with Policies SP8, DM29 and DM30 of the Local Plan, which amongst other things seek to ensure that development must not have a detrimental impact on highways safety for pedestrians, cyclists, public transport users and private vehicles.

Other matters

25. The proposed mix of 3x3 bed, 4x2 bed, 2x1 bed units would contribute towards the housing in the borough, especially in terms of family provision, furthermore the London Plan and the Local Plan identify that a substantial element of housing may be delivered by windfall sites. However, whilst these factors support the principle of the scheme, they do not overcome the specific harm that the proposal would cause.

Planning Balance and Conclusion

26. I have found that the proposal would result in significant harm to the character of the area and would fail to provide adequate living conditions for future occupiers. Accordingly, I find that it would conflict with the development plan when taken as a whole. Whilst the proposal would not result in harm to neighbouring living conditions or highway safety and would provide additional dwellings in accordance with the National Planning Policy Framework's guidance to boost the supply of housing, I do not consider that these considerations would outweigh the harm identified.
27. Accordingly, for the reasons above I conclude that the appeal is dismissed.

J Ayres

INSPECTOR