



Appeal Decision

Site visit made on 14 February 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2022

Appeal Ref: APP/L5240/W/21/3277114

1124-1126 London Road, Norbury, London SW16 4DT

- 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 Zafeer Jarree against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/03983/FUL, dated 4 September 2020, was refused by notice dated 17 December 2020.
 - The development proposed is for the demolition of buildings to rear, alterations to building fronting London Road and the erection of a three-storey building with basement accommodating 6 flats, 2 x Class E units and associated car parking, cycle parking and refuse storage
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There were changes to the Town and Country Planning (Use Classes) Order 1987 from 1st September 2020, which included a new Class E that incorporates, amongst other classes, both retail (use Class A1) and assembly and leisure uses (use Class D2). As such, in this case all non-residential floorspace within the building is proposed to fall under Class E.
3. A new London Plan was adopted in March 2021. However, the application in this case was submitted in September 2020. As such, the Council have relied upon Policies contained within the Croydon Local Plan 2018 (CLP). Nonetheless, the Council has brought to my attention that policies within the London Plan now forms part of any relevant determination. In addition, the Government published a revised *National Planning Policy Framework* (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document. I have proceeded accordingly.
4. For clarity and brevity, I have used the description of development given on the appellants' appeal form.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of future occupiers,
 - whether there would be adequate refuse storage, and;
 - highway safety and cycle storage.

Reasons

Character and appearance

6. The appeal site is a corner plot that is located in a shopping area at the junction with London Road (A23) and Kilmartin Avenue. Other than a small number of apartment blocks, the built form on this section of London Road is predominantly typified by two/three-storey retail and commercial units facing the A23 across a footway, some which have residential dwellings above, including 1124-1126 London Road. The A23 is a well-used road with regular bus services that provide access to the wider area.
7. The host building is an 'L'-shaped two/three storey, pitched roofed dwelling with dormers atop that has been occupied at some point as a glazed car-showroom to the front. The building, which is characterised at its' corner by a decorative gable and chimney stack, has a range of windows and doors on the side elevation before it steps down to a pair of single-storey garages and the residential dwellings that line either side of Kilmartin Avenue, where a range of parking spaces can be found.
8. The proposal is to demolish the garages facing Kilmartin Avenue and to construct a new 3-storey section that would have three cantilevered balconies. The new section would have a brick finish at street level with two, tile-hung and overhanging storeys above. A new dormer would be constructed to the roof pane on Kilmartin Avenue, while at street-level a new doorway would provide access to a residential refuse store. There would also be a bulk refuse storage area to the front of the host building on London Road. A roof light would be added to the front elevation facing London Road. In addition there would be one car parking space and cycle storage that would be accessed via an archway on Kilmartin Avenue. The decorative corner gable would be retained with a first-floor balcony. The proposed development would include two Class D2/E spaces in a newly excavated basement that would also have storage for the A1 floorspace to the front of the dwelling. In addition there would be a mix of 6, one, two, and three-bedroomed apartments.
9. The proposal would be located in a commercial area and directly adjacent to established residential dwellings. As such, the principle of development on the appeal site has been accepted. It has also been brought to my attention that a number of changes to a similar proposal¹ for the appeal site that was refused by the Council have been made to the proposal before me. These are noted. However, while the footprint of the proposed development would broadly replicate that of the existing building, the proposal would nevertheless be of some substantial scale and mass. Indeed, while I noticed at my site visit that the existing garages provide a 'step-down' to the more modest residential dwellings on Kilmartin Avenue, the proposal in contrast would be a bulky three-storey building that would include a pronounced over-hanging section and a prominent arched parking entrance. Furthermore, notwithstanding the limitations of the public realm to the rear of the site, or the aspirations of the appellant to drive regeneration locally, the contrived roof-scape, that includes a sharp pitched section to the right-hand side when viewed from Kilmartin Avenue, would not only be at odds with the simple roof panes and lower sections of the appeal building, but also the immediate surrounding area, which is typified by shop-type frontages and unassuming residential dwellings.

¹ 20/01415/FUL

10. Moreover, while I acknowledge that the appellant has endeavoured to provide as much private amenity space for the future occupiers of the six dwellings as possible, the protruding cantilevered balconies would be a highly incongruous feature in this specific location where balconies of this type are mostly absent. The proposed ground-floor balcony would be particularly alien as a consequence of its conspicuous and raised position to the front and centre of the new extension.
11. Overall, although the proposal would make use of an underused corner plot, I conclude that the scale, mass and contrived design of the proposal would be highly prominent in this location and markedly discordant with the immediate built environment. As such, the proposed development would harm the character and appearance of the area.
12. Accordingly, in respect of the character and appearance of the area, the proposal is contrary to Policies SP4.1 and DM10 of the CLP, as supported by the Croydon Council Suburban Design Guide 2019, (SDG) and the London Plan which make clear, that the Council will require development of a high quality, which respects and enhances Croydon's varied local character.
13. For similar reasons, the proposal does not meet the aims of Paragraph 130 (c) of the Framework which says, amongst other things, that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions of future occupiers

14. In the absence of a practical solution for a communal play space, the proposed development would include private balconies and a garden area for occupiers of the residential dwellings. However, even if I were to accept that the amenity space for the basement flat would be acceptable as it meets the tests set out in the Council's Suburban Design Guide (2019), and notwithstanding that the outlook of the basement flat would be less than ideal due to the proximity of fencing and a retaining wall, the fact remains that Unit E on the first-floor does not meet the Council's required external amenity space standards. I acknowledge that the appellant argues that this is as a consequence of retaining the attractive front gable feature, and that the space is in excess of that previously provided. Nevertheless, although there is a regular bus service along London Road to nearby parks such as Norbury Hall Park, this is likely to be less than convenient for families with small children living in the proposed development. Indeed, residents of all ages and abilities are likely to need immediate access to a larger recreational space than the proposed garden for, but not limited to; outings, games, fresh air and exercise generally on a regular basis.
15. Consequently, and in the planning balance, I conclude that the proposal would harm the living conditions of the future occupiers.
16. As such, in respect of the living conditions of future occupiers, the proposal is contrary to Policies SP2.8, SP4.1 and DM10 of the CLP, as supported by the SDG, the London Plan, and Paragraph 130 (f) of the Framework, which requires that development should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Refuse storage

17. The submitted drawings show that the proposed development would have adequate general residential refuse facilities that would be accessed from Kilmartin Avenue. However, in addition to this storage there would be an area to the front of the building on London Road for bulky household waste that would be used to dispose of items such as; sofas, sinks, toilets, baths, mattresses and carpets etc. As such, given that the scheme is likely to accommodate at least some families without access or need for a motor vehicle to dispose of such items, the accumulation of this type of waste could be substantial and ongoing. Moreover, whether the Council would collect the bulky refuse from time to time or not, the refuse area would be an unwelcome and unappealing sight to passers-by and other local residents on the well-used footway and road.
18. I find therefore, when considered as a whole, that the development does not provide adequate refuse storage facilities.
19. Therefore, in respect of refuse storage, the proposal is contrary to Policies DM10 and DM13 of the CLP, which say that the Council requires developments to sensitively integrate refuse and recycling facilities, and is similarly at odds with the Framework when read as a whole.

Highway safety and cycle storage

20. I note the appellants' submitted drawing that shows the 'swept path' for the proposed parking space. However, I noticed at my site visit that Kilmartin Avenue not only provides access to a business on the opposite side of the road to the proposed development, but also that there is a range of on-street parking options. Therefore, at busier times of the week it is likely that an emerging vehicle would come into conflict with the movements associated with people parking vehicles or making use of the nearby business. Indeed, although the movements related to one vehicle are likely to be limited, the impact on highway safety in this busy shopping and residential area would not be without risk as vehicles emerge from the arched parking area.
21. Moreover, the submitted drawings show that a parked vehicle, for which the size and type cannot be predicted, in combination with the proposed bollards or any other future obstruction such as an electric charging point, would block ready access to the cycle storage behind. Furthermore, the Council has brought to my attention that there can be no certainty for future residents that there would be an access to the cycle store via an alternative route. Indeed, I have no convincing evidence to persuade me that residents would be able to access the cycle store across the private road to the rear of the appeal site, either now or in the future.
22. For this reason, in this respect, I find that the proposal would be contrary to Policies 6.3, DM29, and DM30 of the CLP, which require that developments should have a positive impact and must not have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles, and moreover, that the movement of pedestrians, cycles, public transport and emergency services should not be impeded by the provision of car-parking.

Other Matters

23. I acknowledge that the proposal would provide a number of family homes that would be constructed in contemporary and quality materials on a brownfield site. However, even in combination, these benefits do not outweigh the harm I have found above.

Conclusions

24. Having considered all matters raised in support of the development I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the development is in conflict with the adopted development plan when considered as a whole, and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies as a whole, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR