



Appeal Decision

Site visit made on 7 March 2022

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10/03/2022

Appeal Ref: APP/L5240/W/21/3278501

86 Foxley Lane, Purley CR8 3EE

- 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 Shanda Kumar against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/05698/FUL, dated 18 August 2020, was refused by notice dated 6 May 2021.
 - The development proposed is a 2 storey side extension to existing converted semi-detached building to provide 1 no. 1 bedroom flat and 1 no. 2 bedroom split level apartment with private amenity space, off street parking, cycle storage and refuse collection facilities.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of future occupants, with regard to floor space, light, outlook and private amenity space;
 - the living conditions of neighbouring occupants, with regard to light and outlook, and access to refuse and cycle storage;
 - housing mix;
 - highway safety; and
 - flood risk.

Reasons

Character and appearance

3. 86 Foxley Lane occupies a prominent corner location in a residential area consisting of large, detached and semi-detached buildings fronting onto the roads with a preponderance of trees, hedging and other greenery. Buildings are traditional in form with brick or rendered elevations under hipped or gabled roofs. Architectural details such as two storey bay windows and first floor tile hanging provide visual interest and many buildings have dormer windows and/or gable end windows making use of space in the roof voids.

4. The design of the proposed side extension with a flat roof would be at odds with the pitched and half hipped design of the main building's roof. Although it would have a shallow tiled surround, this would not adequately screen the flat roofed nature of the extension and would be of different proportions to the main building. The difference between the extension and existing building would be further exacerbated by the design and proportions of the windows, which fail to follow the size or design of those in the original building, and the use of smooth rather than rough render.
5. Although the type of render could be controlled through a condition, the other aspects of design are inherent to the proposal. I consider that the extension would appear incongruent and awkward when seen in combination with the existing building. Notwithstanding the trees in the side garden, the extension would be clearly visible from the surrounding roads and would detract from the appearance and proportions of the original building.
6. I conclude that because of the poor design of the side extension, the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies SP4 and DM10 of the Croydon Local Plan 2018 (the 'Local Plan') and Policies D1, D3 and D4 of the London Plan 2021 (the 'London Plan'), which require new development to be well designed and contribute positively to the public realm. For the same reasons, it would also fail to meet the design objectives set out in the Croydon Suburban Design Guide Supplementary Planning Document 2019.

Living conditions of future occupants

7. Policy D6 of the London Plan sets out minimum space standards for new dwellings. The proposed 2-bed flat at 65.5m² would fail the minimum size standard for a 2-bed/3-person unit over 2 floors of 70m²; and its larger bedroom at 10.2m² would fail the minimum standard of 11.5m².
8. In addition to these shortcomings, the main living space of lounge/diner would have a restricted outlook. Although the unit has been provided with private amenity space, this space is sunken below ground level. The sole outlook from the lounge/diner into this space would be of retaining walls and therefore gloomy and limited. Because of its sunken nature the use and enjoyment of the amenity space would also be curtailed.
9. The appellant has argued that the variations from adopted standards are marginal and not of consequence. However, the standards are minimum requirements and have been adopted, after proper consideration through examination of the London Plan, to ensure that new residential units provide adequate living conditions for future occupants. I consider the adopted standards carry weight and I have been given no good reason why an exception should be made in this case.
10. I conclude that the accommodation proposed in the 2-bed flat would fail to provide adequate internal space. That, together with the limited light and outlook to the main living area, and sunken amenity space, would lead to poor living conditions for future occupants. The proposal would as a result conflict with Policies SP4 and DM10 of the Local Plan and Policies D1, D4 and D6 of the London Plan, which require new residential development to be of good quality and provide an acceptable standard of accommodation.

Living conditions of neighbouring occupants

11. The proposed side extension would be in close proximity to a window in the neighbouring single storey rear flat. The 2 storey extension would be within 45° of this window resulting in loss of light and outlook. It would be further impacted by the position of the proposed parking area. This would result in an unacceptable impact on neighbouring living conditions.
12. The proposed alterations would also necessitate relocation of the cycle and refuse stores to the front garden facing Foxley Lane. This would be inconvenient for the occupants of the single storey rear flat, who would have to walk around the external boundaries of the site to access them. However, as suggested by the appellant this could be overcome by including a cycle and refuse store adjacent to the rear flat accessed from The Bridle Road. The proposed cycle and refuse stores are inadequate in size to meet the need for them, but again revised details could be secured by condition.
13. I conclude that the Council's concerns in relation to the cycle and refuse stores could potentially be overcome via condition. However, the impact on the neighbouring flat's window would remain and would lead to a reduction in light and outlook for neighbouring occupants in the existing flat thereby harming their living conditions. Consequently, the development would conflict with Policies DM10 and DM13 of the Local Plan, which require new development to protect the amenities of occupiers of adjoining buildings.

Flood risk

14. The Council says that the site is located in an area identified as being at high risk from surface water flooding, and in the absence of further drainage details is concerned that the development would be at risk from flooding. The appellant is willing to undertake a flood risk assessment, although one has not been included with the appeal.
15. Protection of development from surface water flood risk, including disposal of rainwater, is a matter that is normally amenable to a technical solution. However, in this case the proposed development includes residential accommodation that is sunken below ground level. It would in part replace an existing garage but there remains the risk that it could be vulnerable to surface water flooding unless it can be demonstrated that such a risk can be mitigated. Without such a demonstration, there is insufficient certainty for me to conclude that this issue could be satisfactorily addressed through a condition.
16. I conclude that in the absence of any evidence to the contrary, I cannot be sure that the development would not be at risk from surface water flooding. Consequently, the development would conflict with Policies SP6 and DM25 of the Local Plan, and Policy SI 13 of the London Plan, which seek to minimise flood risk to new development.

Housing mix

17. Policy DM1 of the Local Plan resists the net loss of 3 bedroom homes (as originally built) or the loss of homes smaller than 130m². The policy is intended to ensure that the conversion of single family houses into flats does not further reduce provision of 3 bedroom homes.

18. While the proposed development would give rise to the reduction in size of one of the existing flats at the property from 3 to 2 bedrooms, this flat was itself formed from the conversion of the original building. It was therefore not originally built as a 3 bedroom home, and although it would be reduced in size would not be lost. It also appears to lack its own private amenity space, making it less amenable to family living. For these reasons, I conclude that the proposed development would not give rise to the loss of the type of residential unit that Policies SP2 and DM1 of the Local Plan seek to retain.

Highway safety

19. No sightlines or swept paths were submitted with the application, but the drawings are to scale and show the parking spaces and manoeuvring space between them to conform to normal standards¹. They would be accessed either via an existing access on to Foxley Lane or a resited access onto The Bridle Road. In both cases, there is adequate visibility in both directions to ensure safe entry and egress. A vehicle parking in the space accessed from Foxley Lane would not be able to turn within the site, but that is no different from the existing situation.
20. Five spaces would be provided for a total of 6 flats on the site. Residential parking standards in Policy T6 of the London Plan are set as maxima, so the proposed provision would not conflict with that policy. Parking on The Bridle Road is unrestricted and at the time of my visit there was ample space available to parking on-street. I acknowledge that in the evenings and at weekends there may be greater demand for on-street parking but given the length and width of the road, I have no reason to believe that capacity would be wholly taken up. In any event, the net additional on-street parking demand arising from the proposed development would be small.
21. I conclude that the proposed parking provision would not worsen highway safety either through use of the existing or proposed access points, or through any modest additional demand placed on on-street parking in the area. Consequently, the development would not conflict with Policies DM29 or DM30 of the Local Plan, which oppose any detrimental impact on highway safety and promote sustainable travel.

Conclusion

22. Although matters relating to dwelling mix, highway safety, and cycle and refuse storage are acceptable or could be made acceptable through the use of conditions, the development would nevertheless cause harm to the character and appearance of the area, the living conditions of future and neighbouring occupants, and potentially be at risk of surface water flooding. Because of the harm so caused, I conclude that the development would conflict with the development plan when taken as a whole.
23. The proposal would be of benefit in providing an additional 2 units of accommodation that would help meet housing demand, and there would be modest economic benefits arising from the construction period in the short term and increased spending power of occupants to the local economy in the longer term. However, these benefits do not outweigh the conflict with the development plan that I have identified above.

¹ Department for Transport, Manual for Streets

24. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR