



Appeal Decision

Site visit made on 1 March 2022

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/L5240/W/21/3276055

55 Woodcote Grove Road, Coulsdon CR5 2AH

- 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 David Tyrrell against the decision of London Borough of Croydon Council.
 - The application Ref 20/05057/FUL, dated 30 September 2020, was refused by notice dated 15 March 2021.
 - The development proposed is erection of a 3 bedroom detached bungalow with accommodation within the roof space and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2021 version of the Framework.
3. As part of the appeal, the appellant has included an amended site plan showing the repositioning of the access from Howard Road and a revised parking layout. As I find this to be a minor change to the development overall, I do not consider that the parties would be prejudiced by my consideration of this amended plan and I shall therefore determine the appeal on the basis of that amended plan.

Main Issues

4. The main issues are:
 - i. the effect of the development on highway safety, and;
 - ii. the effect of the development on the living conditions of the occupants of 55 Woodcote Grove Road, with particular regard to outlook and quality of outdoor space.

Reasons

Highway Safety

5. The proposal entails the provision of off street parking for both the new house and 55 Woodcote Grove Road, served by an access point on Howard Road.

6. The supporting site plan includes datum levels which show a notable change in ground levels from the street level outside the access to the hard surfacing and front of the new property. The proposal does not demonstrate how this change in ground levels would be dealt with in order that the parking area can provide a safe, functional and attractive space for use by future occupiers of the properties. Failure to provide an appropriate parking area could increase pressure for on street parking and give rise to conditions prejudicial to highway safety, and in the absence of these details I find that the development would cause harm to highway safety.
7. The appellant has suggested this detail could be dealt with by condition. However, given the constrained nature of the parking area, the changes in ground levels involved and the ability of these works to impact on the character and appearance of the development, I do not consider that such a condition would be reasonable in this case. As such it would not meet the tests for conditions set out in the Framework and Planning Practice Guidance.
8. Notwithstanding the above concerns, the proposed parking area appears to comprise appropriate dimensions for parked vehicles to manoeuvre and exit the site in a forward gear. As the point of access is proposed in a similar location to the existing, based on the information available, I find that the access is an appropriate distance away from the street tree to prevent pressure for removal or excessive pruning of that tree.
9. I have had regard to the development at 61 Woodcote Grove Road which is referred to by the appellant and which includes areas of off street parking. However, due to the differences in the gradients of the site and the difference in the parking layouts, this nearby example does not alter my assessment.
10. Overall, due to concerns relating to the gradients of the parking area, I find that the development would cause harm to highway safety. As such the development would conflict with Policies DM29 and DM30 of the Croydon Local Plan 2018 (the LP) which require, among other things, that highway safety is not compromised.

Living Conditions

11. The proposals would result in the reduction in the rear garden area of 55 Woodcote Grove Road and the resulting garden length would be below the 10 metre length required by Policy DM10.4 of the LP. While this is the case, by reason of its corner plot and raised position, No 55 benefits from private amenity space to the side which is both private and easily accessible, as well as south facing. The front garden of the property, by reason of its screening and height above the street level, also provides additional outdoor space that is not significantly overlooked.
12. I am therefore of the view that while there is conflict with Policy DM10.4, there are material considerations in the specific circumstances of the site which would mean that No 55 would continue to benefit from good quality outdoor spaces and would maintain a sense of openness within those spaces.
13. The Council in their officer's report have found that despite the reduced length of the garden there would not be a harmful impact on the outlook from No 55. Based on my assessment and site visit, due to the low eaves level of the proposed development and the change in ground levels, I agree with its

assessment. I do not find conflict with Policy DM10.6 insofar as it seeks to protect living conditions.

14. In turn the proposals would comply with the primary aim of Policy DM10.4 of the LP, which the Suburban Design Guide Supplementary Planning Document (SPD) 2019 states is to provide sufficient outlook and amenity to the existing dwelling and to maintain a sense of openness within the gardens. I do not find that the proposals conflict with the SPD insofar as it requires development in rear gardens to minimise its impact on the amenities of neighbouring properties.

Other Matters

15. I have had regard to the additional issues raised by third parties, which include issues of character and appearance, traffic, biodiversity and impacts on the living conditions of occupants of other neighbouring properties, including impacts from the construction process. These matters were considered by the Council in their officer's report and overall the Council found the development to be acceptable in respect of these issues. Having carried out my own assessment, in light of the scale and nature of the development, the varying ground levels and the relationship to the surrounding dwellings, I agree with the Council's conclusions. Issues relating to structural stability, boundary disputes and the existence of covenants are matters dealt with by separate legislation.

Planning Balance and Conclusion

16. I have found that the proposal would cause harm to highway safety, and to this harm I attach substantial weight. I have not found that the proposal would cause harm to the living conditions of No 55. However, this is a neutral matter and is afforded no weight.
17. The proposal would provide a 3 bedroom home, which would contribute to an identified local need. However, as this contribution is only one unit it would make a small contribution and I afford this benefit limited weight.
18. Overall, this limited benefit of the development would not outweigh the harm identified and it would be contrary to the development plan as a whole. This conflict is not outweighed by other material considerations in this instance and the appeal should therefore be dismissed.

C Shearing

INSPECTOR