



Appeal Decision

Site visit made on 25 February 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 21st March 2022

Appeal Ref: APP/L5240/W/21/3280469
122 Windmill Road, Croydon CR0 2XQ

- 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 Ostovar (London Used Car Spares) against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 21/01498/FUL dated 18 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is demolition of existing overhanging structures and erection of two storey L shaped warehouse building involving mezzanine floor level over existing yard to provide car workshop, scrappage and repairs.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development included on the application forms stated 'vehicle salvage yard' but did not describe the proposed works. I have therefore used the description of development as set out on the Council's decision notice which was also used by the Appellant at the appeal stage.
3. At the appeal stage, the Appellant submitted a Transport Statement to address one of the reasons for refusal which I have taken into account under my third main issue. The Council has not made any comments on this statement.

Main Issues

4. The main issues in this appeal are:
 - a) The effect of the proposal on the character and appearance of the local area, and
 - b) The effect of the proposal on the amenities of neighbours, with particular regard to loss of outlook, levels of light and overshadowing;
 - c) Whether the proposal would be acceptable in traffic terms, including the safety and efficiency of the local highways network; and
 - d) Whether the proposal would meet BREEAM excellent standards.

Reasons

Issue a) Character and appearance

5. The appeal premises is a largely open L – shaped yard with a raised platform around part of the side and rear together with outbuildings; the application forms describe the current use as a vehicle salvage yard and the hoarding at the front of the yard refers to a scrap yard and used car spares. Vehicular access is taken from Windmill Road, the A213. The surrounding area is very mixed in nature with a range of industrial and commercial as well as retail uses and community uses, together with residential uses. Reflecting the mix of uses, there is also a wide variety of building scales, styles and materials.
6. I understand that the site forms part of a designated integrated industrial location as defined in the Croydon Local Plan 2018 (Local Plan) where employment uses are sought to be retained.
7. The proposal would build over the entire site with a part single and part two storey building, with a raised mezzanine platform. It would read as two storeys at the front, with the upper floor projecting over the ground floor. The vehicular access would remain broadly in the existing position.
8. Given its open form and frontage treatment, the site does not make a positive contribution to the street scene as existing and I consider the principle of introducing a building onto the site would be acceptable and indeed would be welcomed. The building would infill within a varied pattern of neighbouring development; it would sit comfortably alongside the adjoining business units (Square Root Business Centre), in terms of scale and height and front building line.
9. However, there would be a very awkward junction with No 118 Windmill Road which is an older two storey brick building with pitched tiled roof. The first floor overhang of the proposed building would project forward of this adjoining building. The visual discord would be exacerbated with the parapet surrounding the roof form of the new building being higher than the eaves of the adjoining building and it would appear very uncomfortable in visual terms with the roof profile of No 118. Whilst I have taken into account the wide variety of building styles and massing in the local area, and that the current frontage hoarding projects forward, I consider that scale, massing and design of the proposed building, in relation to No 118 would be visually obtrusive and detract from the street scene.
10. In terms of materials, I consider that there is a much greater variety of materials in the street scene than suggested by the Council. Given the range of materials in the immediate vicinity of the site and that the frontage elevation would include a number of openings to moderate the extent of the cladding, I do not consider that the proposed materials would, by themselves, harm the street scene. Furthermore, details of materials could be addressed by condition. However, this does not outweigh the harm I have found in relation to the character and appearance of the local area.
11. The Council has also raised a concern that signage and lighting were not included in the submission, but these matters could be addressed by condition were planning permission to be granted, or in so far as consent may be required, these would be the subject of separate applications. A number of

other matters raised by the Council could also be addressed by condition were planning permission to be granted or under other legislation. The absence of this information does not therefore add to the harm I have found.

12. I conclude that the proposal would result in material harm to the character and appearance of the local area. This would conflict with Policies D4, D5, D12 of the London Plan 2021 and Policies SP4 and DM10 of the Local Plan as well as Section 12 of the National Planning Policy Framework (Framework) all of which seek a high standard of design which respects the local context. The Council has also referred to Policy SP2 of the Local Plan in its decision notice but as this refers to residential development, it would not be applicable to this case.
13. The Appellant has also referred to Policy DM36.5 of the Local Plan which sets out criteria for new development around the junction of Windmill Road and Whitehorse Road. However, and for the reasons set out above, I do not agree with the Appellant that the proposal would conform with the criteria and in particular criterion a.

Issue b) Neighbouring amenities

14. The site is surrounded by other buildings and the proposed building would enclose the site. I agree with the Council that the information provided demonstrates that the proposals would satisfactorily address a number of environmental concerns, with particular reference to noise levels, operations to be undertaken and hours of working and these are to be welcomed.
15. I do not consider that concerns relating to restricting the development potential of adjoining sites would justify withholding permission. However, in such a tight knit area with buildings surrounding the site, I agree with the Council that further information would be necessary to demonstrate that there would be no unacceptable impacts on the amenities of surrounding neighbours, in terms of window openings and the impact from the increased height of the proposed building. Some of these concerns, for example on ventilation extracts, may be a private matter. I have taken into account the further information provided by the Appellant, but this does not provide any additional detailed or technical assessments to enable me to be satisfied on this matter.
16. There is therefore insufficient information before me to enable me to conclude that the proposal would not have an unacceptable impact on the amenities of neighbours and would not be in conflict with Policy DM10 of the Local Plan in this regard.

Issue c) Traffic

17. The vehicular access to the site would remain, as existing, from Windmill Road. The proposal would introduce a number of access improvements, including a separate pedestrian entrance, the ability for vehicles to enter and leave the site in forward gear with adequate visibility splays at the entrance and a proposal to introduce bollards along the frontage to prevent inappropriate parking.
18. The site is in a generally accessible location for staff to arrive by means other than the private car and provision would be made for cycle parking within the building.
19. The Appellant has confirmed its agreement to the imposition of a condition in relation to a detailed delivery and service management plan in the event that

planning permission were to be granted. I consider that such an approach would be appropriate to address the traffic implications arising from servicing and deliveries to ensure highway safety for all users.

20. I am satisfied, particularly as a result of the further information that has been presented at the appeal stage in terms of a Transport Assessment and subject to the imposition of appropriate conditions, that there would be no material harm to the safety and efficiency of the surrounding highways network. There would be no conflict with Policies SP8, DM29 and DM30 of the Local Plan, Policies T4 and T6 of the London Plan and Section 9 of the Framework, all of which seek to secure sustainable growth, as well as highway safety for all users.

Issue d) BREEAM

21. There is no dispute between the Appellant and the Council that the proposal should achieve a minimum of BREEAM Excellent standard or equivalent to accord with Policy SP6.3 of the Local Plan. The Appellant has indicated some measures to be introduced to meet sustainability standards and has invited the imposition of a condition to secure this requirement. I consider that it would be possible to impose conditions to ensure that the development should achieve a minimum of BREEAM Excellent standard or equivalent to accord with the sustainability objectives under Policy SP6.3 of the Local Plan.

Conclusion

22. I have found that the proposal would be satisfactory in highway terms, and that achieving the BREEAM Excellent standard or equivalent could be secured by condition. However, these findings do not outweigh the harm I have found in respect of the other main issues, namely the character and appearance of the local area and in respect of protecting neighbouring amenities.
23. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed

L J Evans

INSPECTOR