



Appeal Decision

Site visit made on 31 January 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2022

Appeal Ref: APP/L5240/W/21/3276713

15 Kingslyn Crescent, Upper Norwood, London SE19 3DG

- 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 E Toskaj against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01250/FUL dated 9 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is the demolition of existing detached house and erection of a four storey building with basement parking comprising two three-bed flats, one two-bed flat and two one-bed flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on (a) the character and appearance of the street scene including impact on trees on and adjoining the site, (b) the living conditions of the occupiers of the proposed and adjoining properties, and (c) on street parking and highway safety.

Reasons

3. The appeal site lies within a residential area on a steeply sloping site. The existing two storey dwelling is at a higher level than the adjoining road and pavement which is marked along the site frontage by a retaining wall. An existing driveway is located to the north of the dwelling with gated access directly on the pavement edge. Raised garden areas are located to the side and mainly to the rear of the dwelling. Trees are located in the south-east corner of the site and along the boundary of the adjoining property to the east.
4. Properties along Kingslyn Crescent are on higher land to the north and lower land to the south and west. To the east, dwellings on Spa Close are set on much higher land with the nearest dwelling having a common rear boundary with the appeal site. A public footpath runs along the northern boundary of the site the first part of which, accessed from Kingslyn Crescent, comprises a number of steps with steeply sloping path beyond linking to Spa Close.
5. The proposed building would comprise four stories, the lowest level of which would be accessed directly from and level with the pavement of Kingslyn Crescent involving the excavation of the site. The building would extend across the whole of the width of the site at this lower ground floor level with vehicular access to a covered parking area for 3 cars. A single flat would be

accommodated at this level, with separate main entrance giving access to the upper three floors via stairs and a lift. Two flats would be provided on the upper ground floor with a single flat on each of the second and third floors.

Character and appearance

6. The immediate street scene which provides the context for the appeal site consists predominantly of relatively modest two storey terraced residential properties. Whilst they provide a relatively continuous built frontage, particularly to the north of the appeal site, they are set back from the road behind low front walls, those on the eastern side of the road generally at a higher level. In the immediate vicinity of the appeal site, the character is noticeably more open, the site being adjoined by garden areas on both sides. The existing dwelling, set relatively centrally within the site and back from the street frontage, whilst clearly visible, does not appear particularly prominently within this context.
7. In contrast, the proposed building, by virtue of its siting, height and overall massing, would appear completely at odds with this established street scene character. It would be of substantially greater scale than those within its immediate context, and by virtue of its siting right up to the pavement edge, albeit with a small set back at lower ground floor level, would introduce a building that would appear incongruous and unsympathetic within its surroundings. The reduced width of the building at first and second floor levels would do little to reduce these impacts, not only when viewed in the street scene of Kingslyn Crescent but also from the adjoining public footpath.
8. Furthermore, the overall scale and incongruity of the building would be exaggerated by the design approach which includes the use of flat roofs as opposed to pitched roofs, different window designs and detailing, albeit incorporating bay window shapes at the upper levels. The use of contrasting brick finishes to the elevations within an area that is predominantly render would further emphasise this inappropriate design.
9. In terms of landscape, there would be little 'relief' provided within the street scene itself, the majority of the landscape treatment being within the small private and communal garden areas to the rear and side of the building. The design includes the use of 'living walls' but these are sited towards the rear and would not assist in softening the appearance of the building in the street scene.
10. In terms of individual trees, those located within the rear south-east corner are shown to be retained and would thereby continue to contribute to the wider street scene within which they would remain visible. The proposed building would be sited closer than the existing building but the Appellant's Arboricultural Impact Assessment (AIA) notes that the proposed building itself would be outside the root protection areas (RPAs) of the retained trees. Some limited works would be undertaken within a couple of nearby trees but these would be using hand tools only.
11. The Council has expressed concern regarding the proposed pruning of the street tree located to the front of the site and that excavation could damage the roots of trees. However, these comments do not appear to be supported by any expert advice and are contradicted by the Appellant's AIA. The Appellant's AIA concludes that there would be no adverse impact on the trees within or adjoining the site and I find no reason to doubt those conclusions.

12. Notwithstanding my findings in respect of the impact on trees, I conclude that, for the above reasons, the proposal would harmfully detract from the character and appearance of the street scene. I therefore find that the proposal would conflict with policies DM10 and SP4.1 of the Croydon Local Plan (2018) (CLP) and policy D3 of the London Plan (2021) (LP) which seek to ensure that development, whilst optimising the capacity of sites, provides a high quality built environment which ensures, amongst other things, that the design positively contributes to the character of the local area and is sympathetic to local context.
13. It would also fail to meet the objectives of the Council's Suburban Design Guide (2019) (SPD) which, amongst other things, seek to improve or positively contribute to local character by responding positively to the identified characteristics of an area.
14. The appellant has referred to a number of large apartment blocks which form part of the established street scenes in nearby roads. However, these roads are quite distinct from Kingslyn Crescent which has a very different character and appearance, with a more intimate and small scale street scene.

Living conditions

15. The proposed building would be much closer to the site boundaries and of greater height than the existing dwelling and thus has the potential to adversely impact on the neighbouring properties. However, in respect of privacy, the building has been carefully designed to avoid windows that might overlook the private areas of adjoining properties with obscure windows only to the east and north-east elevations facing directly towards the adjoining properties in Spa Close. Obscured side screens would ensure no overlooking from the proposed terraces.
16. Windows in the south-east elevation would serve habitable rooms and therefore could not be obscurely glazed; however, these do not face directly towards the dwellings themselves but towards the end of the rear gardens, views of which would be screened to an extent by the retained trees in the rear corner of the site. A similar relationship with the properties in Glyn Close would be provided.
17. The Appellant has demonstrated, through additional information, that the proposal would not result in unacceptable overshadowing. However, the proposed building would be noticeably closer to the nearest adjoining property in Spa Close and, with effectively at least an additional storey height, I consider that this would result in an overbearing relationship bearing in mind the proximity of this adjoining dwelling to the common boundary and the limited depth of garden area.
18. In terms of the standard of living conditions provided, I note that the internal floor areas of the proposed flats meet the relevant standards. The Council's SPD suggests that basement accommodation can be acceptable but that it should be dual aspect; it also provides guidance on the depth and width of lightwells to provide natural light. The lower ground floor flat would be served by a small rear lightwell; however, not only would it be at the lower level, but the boundaries adjoining other private garden areas would be marked by 1.8m timber fences, greatly increasing the height of enclosure around it. The combined kitchen / living area would be dual aspect, but the windows would be

set back from the front elevation under a recessed area. Overall, I consider that this would not provide a suitable environment for the proposed occupants in respect of light and outlook.

19. The Council also suggests that the proposed communal play area would be of poor quality and I note that it would be on the eastern side of the building where the Appellants shadow diagrams indicate that it would be in shade for much of the day. There does not appear to be a section diagram directly related to this part of the site but it would seem that it would be a confined space taking into account the proximity of the proposed building and boundaries. Whilst full details of the area remain to be provided, I am not convinced that it would be a suitable location.
20. Overall therefore, for the reasons set out above, I find that the proposal would not provide acceptable living conditions for either the existing or proposed residents. It would therefore fail to comply with CLP policy DM10 which seeks to ensure that a high quality environment is provided for occupants and that the amenity of the occupants of adjoining buildings is protected. For the above reasons it would also fail to satisfy the requirements of the Council's SPD.

Parking and highway safety

21. As indicated above the proposal would provide three parking spaces within the lower ground floor level. The Council suggests that there should be one space per flat and that any provision significantly below that would only be acceptable where demonstrated through a parking survey that there is capacity within surrounding roads. The Appellant appears to accept this approach, but argues that the parking would not be 'significantly' below the standard and thus a parking survey is not required.
22. The Council confirms that the site has a Public Transport Accessibility Level (PTAL) of 2 defined as poor. I also noted that, at the time of my site visit during the day, there was a relatively high level of on street parking which I would expect to be greater in the evenings. Furthermore, Kingslyn Crescent is relatively narrow and, as noted above, drops down steeply in the vicinity of the appeal site which is also located close to a bend in the road. On street parking is therefore limited and whilst the 'shortfall' would be only two spaces, I consider that this could be significant in the circumstances.
23. I am therefore not convinced that the provision of three parking spaces would be sufficient to serve the proposed development and not lead to conditions which could impinge on the safety and convenience of other highway users. The proposal would therefore be contrary to CLP Policies SP8, DM29 and DM30 which seek to ensure that development is adequately served by parking and does not have a detrimental impact on highway safety.

Conclusions

24. Other policies of the CLP and LP, and the SPD, seek to ensure that development proposals make efficient use of sites; this may include the provision of higher density housing of greater height than those nearby. The delivery of family sized units is also encouraged. The development would provide such accommodation and would assist in meeting the identified need for housing in the borough, thereby contributing towards boosting the supply of housing generally. The Appellant has also identified a number of other

economic benefits such as the contribution towards the local economy through jobs creation. In addition, the design would incorporate sustainable, energy efficient features such as solar panels and a green roof. However, I do not find these benefits or any other considerations to be anywhere near sufficient to outweigh the adverse effects identified above.

25. Overall, therefore, for the reasons set out above, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR