



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: 30 MARCH 2022

Appeal Ref: APP/L5240/W/21/3279128

54 Welcomes Road, Kenley CR8 5HD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by Brian Madge Ltd against the Council of the London Borough of Croydon.
 - The application Ref 21/02084/OUT, is dated 21 April 2021.
 - The development proposed is erection of 8 no. 2 storey semi-detached houses arranged in 4 buildings – comprising of semi-detached units.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with appearance reserved for later approval. Matters relating to access, landscaping, layout, and scale are for consideration as part of the appeal.
3. In addition to this appeal, I have also considered appeals on 3 other sites in Welcomes Road¹ that seek to introduce more intensive forms of development, although in different ways. While interested parties will recognise a degree of repetition in the appeal decisions because of the similarities in character analysis and policy framework, I have considered each proposal on its own merits. I have also had regard to a recent appeal decision at 52 Welcomes Road².

Main Issues

4. The main issues are the effect of the development upon:
 - the character and appearance of the area;
 - sustainable transport;
 - living conditions of future residents, with regard to refuse storage;
 - parking provision; and
 - fire safety.

¹ APP/L5240/W/21/3276882, 3279654, 3282853

² APP/L5240/W/21/3267900

Reasons

Character and appearance

5. Welcomes Road runs along the bottom of a shallow valley with land rising on either side. Fronting the road but set back from it are large, mainly 1 and 2 storey dwellings set in spacious gardens. The gardens contain a preponderance of mature trees, shrubs, and other greenery. The combination of domestic scale dwellings, spacious gardens and greenery gives the area a verdant and low density character.
6. The spatial strategies in the London Plan 2021 (the 'London Plan') and the Croydon Local Plan 2018 (the 'Local Plan') set out ambitious housing growth targets. Policy H2 of the London Plan requires boroughs to recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. Policy SP2 of the Local Plan, while concentrating development in the places with the most capacity to accommodate new homes, recognises that places change and in particular suburbs will need to sustainably grow. In all cases, support for residential development needs to be balanced against other objectives of the development plan, including respecting existing residential character and local distinctiveness.
7. As a result of these policies, the character and appearance of Welcomes Road has started to change. Although still predominantly detached dwellings set in spacious grounds, some plots have recently been redeveloped, for example with a block of flats or a tandem form of development. These largely accord with the guidance in the Croydon Council Suburban Design Guide Supplementary Planning Document 2019 (the 'Suburban Design Guide'), albeit with varying degrees of success. Other similar schemes have been permitted³.
8. While recognising the need to accommodate more intensive development on small sites in suburban locations, it is also important to retain the features that make those locations distinctive places in which to live. The general character of Kenley and Old Coulsdon is summarised in the Local Plan⁴. Welcomes Road displays many of the distinctive features that characterise that place and which I consider should be retained in any new development. These include that the buildings are set back from the road frontage with a generous degree of spacing around them, garden land is maintained along the road frontage, side, and rear boundaries to accommodate planting to soften views and screen parking, and mature trees are retained wherever possible.
9. It is also important that while almost inevitably there will be more building bulk in an intensified development, its size and height should have regard to the more domestic scale of surrounding buildings. Policy DM10 of the Local Plan seeks to achieve a minimum height of 3 storeys, subject to amongst other criteria the appearance, materials, and built and natural features of the surrounding area. The Suburban Design Guide advises that where surrounding buildings are predominantly single storey, new development should accommodate the third storey within the roof space.
10. The proposed development would consist of 4 pairs of semi-detached houses, 2 pairs fronting the road with 2 behind. The pairs of houses would be set close

³ Summarised in Appendix A of the Council's Statement of Case.

⁴ Croydon Local Plan 2018, Chapter 11: The Places of Croydon - Kenley and Old Coulsdon, pp 238-240.

together with little space between them when compared with the more generous spacing of buildings in the neighbourhood. While it may be possible to design each pair of houses to read as if they were one larger dwelling, as indeed is the case in the indicative drawings submitted with the appeal (appearance being a reserved matter), it remains the case that the close proximity of the buildings would appear cramped and out of character with the wider spaces between buildings in Welcomes Road.

11. All the houses would have considerably smaller plots than others in the road, including almost all those sites which have recently been redeveloped or have permission to do so. The smaller plots would not have the ability to accommodate mature planting of the size and quantity that is prevalent in the area, and which forms one of its distinctive features. While soft boundaries would be retained around the perimeter of the site that would not be the case internally, with all boundaries being hard fenced, which would be at odds with other plots in the vicinity. The layout has also been planned with two large areas of hardstanding for parking and turning. As well as increasing the proportion of hard to soft landscaping on the site as a whole, the front area would intrude into the existing hedge planting adjacent to the road, which it is important to retain so as to maintain a green frontage to the site.
12. The Council permitted a development of semi-detached and terraced houses at 10 Welcomes Road⁵, which is currently under construction. While I note that permission, I consider such a form of development does not retain the distinctive features that I consider characterise Welcomes Road and have therefore given it little weight.
13. I conclude that the layout and scale of the proposed development, and the inability to include a level of landscaping commensurate with its surroundings, would fail to strike an appropriate balance between intensifying development on the site while retaining the features that characterise the area. Consequently, it would conflict with Policy D4 of the London Plan and Policies SP4 and DM10 of the Local Plan, which seek a high standard of design that respects and enhances local character and contributes positively to the public realm.

Sustainable transport

14. The Council considers insufficient information has been submitted to demonstrate how the development would affect the issues raised in the Kenley Intensification Zone Transport Study (the 'Transport Study')⁶.
15. The purpose of the Transport Study is to identify what additional transport infrastructure or improvements may be required to accommodate growth in the Kenley Area of Focused Intensification, which is centred around Kenley Railway Station. It does not however explain how those improvements should be funded or, if by financial contributions from new development, over what area that requirement should apply. The Council has not drawn my attention to any resolution or written guidance that provides such an explanation or sets out any requirement.
16. The appeal site lies outside the Kenley Area of Focused Intensification and outside the wider study area identified in the Transport Study. The site would

⁵ 19/04441/OUT.

⁶ WSP, Kenley Intensification Zone Transport Study, February 2020.

appear to lie within an 800m (10-minute walk) of Kenley Station, although I do not consider that to be determinative. While development on the appeal site may well contribute to increased movements to and from Kenley Station and the local shopping centre, that would apply to a greater or lesser extent to every other site in Kenley. I consider the Transport Study by itself provides insufficient justification to demonstrate that the appeal site should contribute towards such transport improvements, which are mainly intended to support the Kenley Area of Focused Intensification.

17. I therefore conclude that the development would not conflict with Policies SP8, DM29 and DM30 of the Local Plan, in so far as they relate to sustainable transport initiatives.

Living conditions

18. The proposed refuse store is too small for the number of dwellings proposed. However, this is a matter of detail that could be corrected through enlarging the refuse store, and possibly relocating it on land currently occupied by one or more parking spaces. This amendment would be relatively minor and could be secured by a condition.
19. I conclude that, subject to a condition, adequate refuse storage space could be provided on site. The living conditions of future residents need not therefore be harmed by this issue, and the development would not conflict with Policy DM13 of the Local Plan, which requires new development to meet certain minimum standards for refuse and recycling provision.

Parking provision

20. The development proposes 16 parking spaces, which exceeds the maximum standard as set out in Policy T6 and Table 10.3 of the London Plan, which allows up to 12 spaces in this location. The maximum standard in Policy T6 applies notwithstanding the low Public Transport Accessibility Level of the area. Policy DM30 of the Local Plan requires compliance with the London Plan standards and with no provision for higher levels of car parking in areas with a low Public Transport Accessibility Level rating. The development would therefore conflict with these policies.
21. In accordance with the advice in paragraph 55 of the National Planning Policy Framework, I have considered whether otherwise unacceptable development could be made acceptable through the use of conditions. In this case, the parking for 6 of the 8 houses is set out communally, and therefore is amenable to reduction without necessarily disadvantaging the occupiers of one dwelling against another.
22. I conclude that the policy conflict could be overcome subject to a revised parking layout being submitted to and approved by the local planning authority. Subject to such a condition, the development need not conflict with Policy T6 of the London Plan and DM30 of the Local Plan, that restrict the number of parking spaces in new development in order to encourage more sustainable forms of transport.

Fire safety

23. Policy D12 of the London Plan requires all development proposals to achieve the highest standards of fire safety, although not being major development the appellant is not required to submit a Fire Statement.
24. I see no reason why a development of the type sought would not be able to meet the appropriate Building Regulations relating to fire safety, and there is also adequate outside space to enable fire appliances to reach the buildings and for evacuation assembly. These and any other matters relating to fire safety not covered by other regimes could be the subject of conditional approval prior to occupation.
25. For these reasons I conclude that the proposal would not conflict with Policy D12 of the London Plan.

Conclusion

26. I have found that matters relating to the living conditions of future occupants, fire safety, parking and sustainable transport are all acceptable or could be made so through the use of conditions.
27. However, as regards the balance that needs to be struck between accommodating housing growth and respecting the character and appearance of the area, I consider that the layout and scale of the development would cause harm to those characteristics that are important in defining the distinctiveness of the area. I consider this harm would outweigh the benefit to be gained from providing additional residential units to meet housing demand, and that as a result the proposal would conflict with the development plan when taken as a whole.
28. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR