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# 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: 1 April 2022**

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**Appeal Ref: APP/L5240/W/21/3276882**

**88 Welcomes Road, Kenley CR8 5HE**

- 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 Mr S Baker of Havensilver Investments (Sevenoaks) Limited against the Council of the London Borough of Croydon.
  - The application, Ref 20/05414/OUT, is dated 18 October 2020.
  - The development proposed is demolition of existing bungalow and redevelopment to provide a single 3 storey block containing 9 apartments (6 x 2 bed and 3 x 3 bed) including parking, landscape and amenity areas (outline).
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application is made in outline with matters relating to appearance and landscaping reserved for later approval. Matters relating to access, layout and scale are for consideration as part of the appeal.
3. A unilateral undertaking has been submitted with the appeal which secures financial contributions towards the provision of sustainable transport initiatives as identified in the Kenley Intensification Transport Study. I comment further on this undertaking in my reasoning.
4. The appellant has submitted additional information relating to access, car parking, servicing, cycle provision and refuse storage<sup>1</sup>. The additional information does not materially alter the proposal and therefore would not prejudice the interests of other parties. I have taken it into account in reaching my decision.
5. In addition to this appeal, I have also considered appeals on 3 other sites in Welcomes Road<sup>2</sup> 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 Road<sup>3</sup>.

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<sup>1</sup> RGP Transport Planning and Infrastructure Design Consultants, letter dated 21 December 2021.

<sup>2</sup> APP/L5240/W/21/3279128, 3279654, 3282853

<sup>3</sup> APP/L5240/W/21/3267900

## **Main Issues**

6. The main issues are the effect of the development on:

- the character and appearance of the area, including trees;
- the living conditions of future occupants with regard to accessibility, amenity space, waste and cycle storage, and parking;
- highway safety;
- fire safety; and
- sustainable transport.

## **Reasons**

### *Character and appearance*

7. 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.
8. 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.
9. 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 permitted<sup>4</sup>.
10. 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 Plan<sup>5</sup>. 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

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<sup>4</sup> Summarised in Appendix A of the Council's Statement of Case.

<sup>5</sup> Croydon Local Plan 2018, Chapter 11: The Places of Croydon - Kenley and Old Coulsdon, pp 238-240.

and rear boundaries to accommodate sizeable planting to soften views and screen parking, and mature trees are retained wherever possible.

11. It is also important that while almost inevitably there will be more building bulk in an intensified scheme, 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 among 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.
12. Assessing the proposed development against these policies and locally distinctive characteristics, I consider that it meets them in certain respects but not others. There is no objection to the principle of redevelopment with a block of flats as a more intensive form of development to achieve housing growth. The building would be set back from the road frontage, and sufficient garden land has been retained at the front to provide space for soft landscaping and to enable the parking area to be screened.
13. Furthermore, all important trees would be retained on the site. A no dig construction method would be used for the parking and turning area, and ground protection provided closest to the row of trees along the front. Further landscaping of the front area is a matter that is reserved for later approval. Having regard to the details submitted, I am satisfied that the trees to be retained would be adequately protected. Accordingly, the development would not conflict with Policy G7 of the London Plan or Policy DM28 of the Local Plan, which seek to retain trees of value.
14. However, I consider the development fails to respect the character and appearance of the area in two respects.
15. Firstly, the width of the building across the site would appear cramped and leave little space for boundary planting. Although the northern flank would retain a gap because of the adjacent drive to the neighbouring dwelling at the rear, the southern flank would be closer to the boundary than the existing building.
16. Secondly, the bulk and height of the building at a full 3 storeys would appear overly dominant when compared to the much lower neighbouring buildings. Although there is a mix of 1 and 2 storey dwellings in the vicinity, they are either bungalows or low pitched two storey houses with comparatively low profiles. The scale and layout of the development, with the third floor extending across the whole of the floorplate would prevent it being accommodated within the roof space in the manner envisaged in the Suburban Design Guide. The partial dropped eaves and tiled surround indicated on the plans would not reduce the scale of the building sufficiently such that it would respect its setting.
17. I conclude that while the principle of intensification of development on the site is acceptable for the reasons set out above, aspects of the layout and scale of the proposed building would conflict with distinctive characteristics that are important in defining the character and appearance of Welcomes Road. The development would as a result conflict with Policies D3 and D4 of the London Plan and Policies SP4 and DM10 of the Local Plan, which seek good design that

respects and enhances local character and contributes positively to the public realm.

*Living conditions*

18. The Council has criticised the size of the balconies shown on the submitted plans as not meeting the minimum private amenity space standards set out in Policy DM10 of the Local Plan. However, given the outline nature of the proposal I consider this is a matter that could be reserved for later approval as part of the reserved matters. The potential for overlooking from balconies could be addressed through design as suggested in the Suburban Design Guide. Ensuring the units are designed internally to meet the needs of disabled occupants is a matter that can be secured through a condition.
19. The development would retain ample communal garden space at the rear. While this slopes upwards, it functions satisfactorily as garden space at present and there is no reason why it could not be enjoyed in a similar fashion by future occupants of the development. Improving accessibility to this space, for example by paths with an appropriate gradient, and the provision of children's play equipment, are matters of hard and soft landscaping that are reserved for later approval.
20. Refuse storage and cycle storage are shown to be provided in separate structures adjacent to the parking area. Given the prevalence of small domestic outbuildings in other residential plots, I consider this to be a reasonable alternative approach to them being incorporated within the residential building itself. The appellant has shown a willingness to relocate and resize these facilities to meet the required standards. Further details to ensure adequate capacity and appearance could be reserved for approval by condition or as part of the reserved matters.
21. The 10 parking spaces proposed would comply with Policy T1 of the London Plan and Policy SP8 of the Local Plan which seek to limit the number of parking spaces in new development<sup>6</sup>. Notwithstanding the Public Transport Accessibility Level rating of 0 for the appeal site, there is no policy justification for treating the maximum parking standards as minima. Even in areas with a low transport accessibility rating, Policy T6 of the London Plan requires developments to be designed with the minimum necessary parking. Policy DM30 of the Local Plan requires compliance with the London Plan standards, with no provision for higher levels of car parking in areas with a low transport accessibility rating. With an average of 1 space per unit, and 1 additional space available for visitor parking, I consider the proposed parking provision to be sufficient to meet the likely needs of future occupiers and would be acceptable in this location.
22. Concern has been raised in the Council's appeal statement that the disabled parking spaces do not meet the required standard with regards to accessibility. An alternative parking layout for the disabled spaces is shown in the additional information submitted by the appellant which provides extra circulation space. I am satisfied that this matter could be addressed through a condition or as part of the reserved matters.
23. I conclude that issues relating to accessibility, private and communal amenity space, refuse and cycle storage and disabled parking could be satisfactorily

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<sup>6</sup> Table 10.3 of the London Plan – maximum residential parking standards.

addressed through conditions or as part of the reserved matters. Subject to approval of these details, the development would achieve satisfactory living conditions for future occupants and would not therefore conflict with Policies D3, D4, D5 of the London Plan or Policies DM10 and DM13 of the Local Plan, or the standards contained within them.

24. I further conclude that the proposed parking provision is adequate to serve future occupants' needs. It would therefore comply with Policies T4, T5 and T6 of the London Plan and Policies SP8, DM29 and DM30 of the Local Plan, which limit parking provision and encourage the use of alternative means of transport.

#### *Highway safety*

25. In response to the Council's concerns about highway safety, the appellant has submitted further information demonstrating that pedestrian inter-visibility splays can be achieved at the entrance to the site, and that a fire appliance can enter and turn on site. Pedestrian access to the building from the road would be via the shared drive. Given the small amount of traffic within the site, and the slow speeds that would be involved, I consider this would be acceptable. I reach that view notwithstanding the preference of the Council for a segregated access, or the comment made in the appeal at 52 Welcomes Road<sup>7</sup>.
26. Vehicular visibility splays of 2m x 25m are shown to be achievable to Welcomes Road. Although the Council would prefer 2.4m x 25m splays, given the 20mph speed limit with speed humps on Welcomes Road, and the lightly trafficked nature of the road, a 2m minor road distance is supported by advice in Manual for Streets 2. Having regard to those matters and my own observations of the site, I am satisfied that the lesser minor road distance would be acceptable in this case.
27. I conclude that the development would not result in harm to highway safety, and therefore would not conflict with Policy T4 of the London Plan or Policies DM29 and DM30 of the Local Plan, which require that development proposals should not increase road danger.

#### *Fire safety*

28. 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.
29. In this case, 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 building 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.
30. For these reasons I conclude that the proposal would not conflict with Policy D12 of the London Plan.

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<sup>7</sup> APP/L5240/W/21/3267900, paragraph 32.

### *Sustainable transport*

31. The Council has sought a financial contribution towards transport and highway improvements aimed at encouraging walking, cycling and the use of public transport and electric vehicles. The justification for such a contribution is given as the requirements of Policy SP8 of the Local Plan and the recommendations of the Kenley Intensification Zone Transport Study (the 'Transport Study')<sup>8</sup>.
32. Policy SP8.12 says that the Council and its partners will enable the delivery of electric vehicle charging infrastructure throughout the borough, and SP8.13 requires new development to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes. However, there is no explicit reference that off-site infrastructure of this type is to be funded through financial contributions over and above those already made through the Community Infrastructure Levy. On-site electric vehicle charging points and car club provision, where appropriate, could be secured through the use of conditions.
33. 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.
34. The appeal site lies outside the Kenley Area of Focused Intensification and outside the wider study area identified in the Transport Study. Contrary to what the Council states, it also lies outside the 800m (10-minute walk) catchment area around 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.
35. Notwithstanding the appellant's willingness to make a contribution towards transport improvements, I conclude that the obligation in the legal undertaking is not necessary to make the development acceptable in planning terms, nor is it directly related to the development or fairly and reasonably related in scale and kind. I have therefore not taken it into account in reaching my decision. For the same reason, the development would not conflict with Policies T4, T5, T6 and T9 of the London Plan or Policies SP8, DM29 and DM30 of the Local Plan, in so far as they relate to sustainable transport initiatives.

### **Conclusion**

36. I have found that matters relating to the living conditions of future occupants, highway and fire safety, and sustainable transport are all acceptable or could be made so through the use of conditions or approval of reserved matters.

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<sup>8</sup> WSP, Kenley Intensification Zone Transport Study, February 2020.

37. 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 is too large and cramped and 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.

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

*Guy Davies*

INSPECTOR