



Appeal Decision

Site visit made on 18 May 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 JUNE 2022

Appeal Ref: APP/L5240/W/21/3283652

1-3 South Drive, Coulsdon CR5 2BJ

- 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 Macar Developments Ltd against the decision of London Borough of Croydon.
 - The application Ref 20/01397/FUL, dated 22 March 2020, was refused by notice dated 30 July 2021.
 - The development proposed is Demolition of existing buildings; erection of a 5/6 storey residential apartment building; provision of associated car parking at lower ground and surface level, cycle parking, refuse storage and amenity / play space.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. Amendments were made during the application process. Therefore, the description of development is taken from the appeal form and decision notice. This accurately describes the development proposed.
3. A completed and signed Section 106 Agreement (S106) has been submitted which includes a mechanism to contribute towards affordable housing amongst other things. I will return to this matter later in this decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring occupiers with particular regard to outlook and privacy.

Reasons

Character and Appearance

5. South Drive is a residential no through road mainly comprised of two storey semi-detached houses with pitched roofs set back behind landscaped front gardens with obvious gaps between pairs. The appeal site comprises two detached bungalows, and there are other bungalows on the street. The road has a spacious, traditional residential character. There are also flats at no 13 in a 3 storey building with a pitched roof. Its overall height and roof type are similar to the rest of the road resulting in an appearance appropriate to the modest, domestic character. The adjoining part of The Avenue is a busier through route, but the built development generally reflects the open, two storey, traditional residential character.

6. There are also flatted developments at 38 and 40 Woodcote Grove Road. These appear to be developments on individual plots which are somewhat distant from the appeal site. As such they do not form part of its immediate context.
7. Coulsdon District Centre is located close to the appeal site. In this area, commercial frontages open directly onto the street and it has a busy, vibrant character. This area also includes the flats at Coulsdon Town Railway Station Car Park, 127 Brighton Road and those under construction at Lion Green Road Car Park. Although nearby, the character and appearance of this area is notably separate to that of the appeal site and its immediate surroundings.
8. Further afield are the flats at the former Leaden Hill Industrial Estate. These are bounded by railway lines on both sides, separate to the nearby residential areas. They do not form part of the setting of the appeal site.
9. The topography of the area is also important with land sloping upwards from the junction with the Avenue. Properties on the east side of the road are at a lower level than those opposite.
10. The proposed scheme would develop two adjoining plots with a 6 storey block of flats, incorporating four storey high development to the side boundaries and set backs to the front. However, even with these features, the scale and width of the building would be significantly bulkier than other development in the surroundings. The proposed height would also be noticeably taller than others in the streetscene, exacerbated by its contrast with the neighbouring ridge line and relative to the properties on the opposite side of the road. This excessive height and bulk would harmfully disrupt the modest spacious character of this area and the proposed development would be unacceptably dominant and visually jarring in the streetscene.
11. Planning permission has been granted for a four storey development at 1 South Drive. However, this is of much smaller scale and height than the development before me now. As such, it does not justify the appeal scheme which is more harmful for the reasons described above. Other than this, I am not provided with details as to how the character of this street is anticipated to evolve. In any case, as the development permitted at 1 and 13 South Drive demonstrates, alternative forms of development which are more in keeping with the surroundings that also provide additional residential units are possible.
12. Consequently, the proposed development would be significantly harmful to the character and appearance of the area. This would be contrary to Policies SP4 and DM10 of the Croydon Local Plan (2018) (CLP) and Policies D1 and D3 of the London Plan (2021). Together these seek high quality, design led development and provide criteria as to how this should be achieved including with regard to local character.

Living Conditions

13. The front windows at 8-14 South Drive face across the road towards two single storey bungalows set at a notably higher level. Nevertheless, due to their low height and the gaps between the opposite buildings, the outlook from nos 8-14 appears to be relatively open.
14. The proposed development would be significantly larger than existing including in terms of its height and width. Whilst the separation distances would remain, this significantly increased scale would be likely to harmfully impede views of

the sky, remove the gaps between buildings and consequently unacceptably enclose the outlook from the windows opposite.

15. The front elevations of 8-14 South Drive face towards the public highway and are somewhat overlooked by the two bungalows opposite. However, the front elevation of the proposed development introduces numerous flats with balconies. This would multiply the extent and apparency of overlooking which would be unacceptably harmful to the living conditions of the nearby occupiers.
16. I do not have detailed evidence that leads me to dispute the findings of the professional advisors with regard to light. Nevertheless, the lack of harm in that regard does not overcome the harmful effect on outlook and privacy described above.
17. Consequently, the proposed development would have a significantly harmful effect on the living conditions of neighbouring occupiers with particular regard to outlook and privacy. Therefore, in this respect, the proposed development would be contrary to policy DM10.6 of the CLP. This seeks to protect the amenity of the occupiers of adjoining buildings including with particular regard to overlooking.

Other Matters

Housing

18. The proposed development would provide 39 flats, including 5 units of family housing. Although outside the Focussed Intensification Zone it is nevertheless in a highly accessible location very close to the District Centre on previously developed land. It would also provide suitable living conditions for future occupiers.
19. The S106 secures that 20 affordable homes would be provided at London Affordable Rent. This exceeds the minimum 30% affordable housing required by SP2.4 and SP2.5 of the CLP, and although the tenure split differs from the 60:40 split between affordable rented home and intermediate homes, this has been requested by the registered provider, meets housing need in the Borough and as such is acceptable. This is an important benefit of the proposed development.
20. The S106 does not secure 100% affordable housing and I have no mechanism before me that secures the development would be occupied on this basis.

Highways

21. The S106 includes a number of measures to reduce the use of the private car including a Travel Plan, which would promote the use of sustainable transport modes. It also proposes a Sustainable Transport contribution towards measures including new and improved sustainable transport modes and infrastructure. However, I am not provided with detail as to how this figure has been reached and consequently, I am not satisfied that the contribution is fairly and reasonably related in scale to the proposed development. As such I cannot take this into account in this decision. Furthermore, I am not provided with any mechanism to secure membership of a car club for future occupiers.
22. The proposed development includes 16 car parking spaces, which is in line with development plan standards for this development in PTAL 4. Nevertheless,

considering the limited mechanisms to encourage the use of suitable alternatives it is likely that some vehicles which would require overspill, on street, parking.

23. I understand that the area is being considered for future CPZ expansion and I am provided with a mechanism that would prevent occupiers applying for on street parking permits. However, I have no evidence as to the likelihood or timescale for implementation of such a zone. As such I am not satisfied that overspill parking could be controlled in this way.
24. Nevertheless, the evidence shows there would be space for more than 8 vehicles to park on street overnight, although this would take overnight parking street levels to an unacceptable level. However, given the accessibility of the site and the travel plan it is likely that the number of cars requiring on street parking would be less than this. Therefore, I am satisfied that any overspill parking could be accommodated without significant harm to highway safety or neighbouring amenity.
25. The S278 works proposed are reasonable and necessary to mitigate the adverse effects of the development. Nevertheless, the lack of harm in these regards is neutral in the planning balance.

Air Quality and Carbon

26. The site is in an Air Quality Management Area. The Air Quality Assessment states that the proposed development would be air quality neutral and that no specific action is required in terms of on-site mitigation or offsetting. Furthermore, I am not provided with details as to how the figure for the £3,900 air quality contribution has been reached. As such I am not satisfied that this is necessary to make the development acceptable in planning terms nor is fairly and reasonably related in scale to the proposed development.
27. The appeal scheme would achieve at least a 35% reduction in regulated carbon emissions. However, it is not zero carbon. It should therefore compensate for this shortfall with a contribution to the borough's carbon offset fund. The energy statement calculates this to be £72,903 based on £95 per tonne of CO₂ charged over a 30 year period. However, the S106 states that this should be £60 per tonne. Therefore, the contribution is not fairly and reasonably related in scale to the proposed development.
28. Consequently, these obligations do not meet the tests and therefore I have not taken them into account in my decision.

Local Economy

29. To ensure that residents in local communities as well as their companies and businesses benefit from business opportunities and employment presented by the development, a Local Employment and Training Strategy is required. Along with a £17,500 employment and training contribution and I am provided with evidence as to how this is calculated. I therefore consider that this obligation would meet the tests and this would be a benefit of the proposed development.

Other Matters

30. Monitoring fees are also proposed and these are stated to reasonably relate to the obligations monitoring. However, I am not provided with any details which

satisfy me that this is the case. In any event, these would recover the cost of monitoring only and consequently do not represent a benefit of the development.

31. I understand that the proposals are the result of an extensive pre application process. However, this does not alter my assessment of the planning merits of the scheme.

Planning Balance

32. I have taken into account the benefits of the provision of 39 dwellings, 20 of which would be affordable which would make a moderate positive contribution to the borough's housing supply. Although the fact that the Borough can demonstrate an acceptable housing land supply is not in dispute. This is alongside the social and economic benefits of the Local Employment and Training Strategy and contribution. Therefore, together these are important but moderate benefits of the scheme.
33. However, they do not outweigh the significant harm to the well established planning aims of the protection of the character and appearance of the area, and the living conditions of neighbouring occupiers, contrary to the development plan.

Conclusion

34. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR