



Appeal Decision

Site visit made on 21 February 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal Ref: APP/L5240/W/21/3277309 97 Wentworth Way, South Croydon CR2 9EZ

- 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 P Philips against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/04287/FUL, dated 16 September 2020, was refused by notice dated 19 January 2021.
 - The development proposed is the erection of a two-storey building to provide a semi-detached pair of 2 bed houses, together with associated amenity space, landscaping, bin and cycle stores and one parking space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice referred to policies of the London Plan 2016, which was superseded when the London Plan 2021 was published and became part of the development plan on 2 March 2021. The Council's officer report had also addressed the then-emerging policies of the London Plan 2021, while both main parties' appeal submissions were prepared in the light of the 2021 plan. It has not therefore been necessary for me to seek additional representations on this matter.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. The parts of the Framework most relevant to this appeal have not been significantly amended, and as a result I consider that there is no requirement for me to seek further submissions on the revised Framework. I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.
4. The appeal statement addressed matters relating to an earlier planning application (LPA Ref: 19/05103/FUL) which had been refused and was also the subject of an appeal. Although the appellant anticipated that the two appeals would be linked and determined together, this did not happen. The appeal in respect of the other application was dismissed in a decision issued on 26 October 2021 (PINS Ref: APP/L5240/W/21/3266990) ("the 2021 appeal decision"). Although the two schemes are not identical there are nevertheless considerable similarities; while I have of course reached my decision on the basis of the details of the specific proposal before me, I have also had regard to the relevant parts of the 2021 appeal decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the massing, form and design of the proposed dwellings, and the amount of private amenity space which would be retained for the host dwelling.

Reasons

6. The appeal site consists of a two-storey end-terrace dwelling, No 97 Wentworth Way, and its front and rear gardens. An area of land at the rear of the plot is fenced off from the host property's gardens, and has separate access from Wentworth Way at the side of No 97. The rear part of the site contains some areas of hardstanding, though this was rather overgrown at the time of my site visit; there was also a shipping container storage unit and a demountable building.
7. The surrounding area is residential; Wentworth Way principally comprises two-storey terraces and pairs of semi-detached dwellings, while Princes Close and Princes Avenue to the east and southeast of the site are dominated by detached bungalows. Rear gardens are mostly long and generous, giving the area a pleasant and spacious suburban character.
8. The proposed development is the erection of a pair of semi-detached dwellings, each with two bedrooms. These would be sited at the rear of the site, with private rear gardens and shared access using the separate approach from Wentworth Way. The proposal also includes the provision of secure cycle storage for each property, a shared bin store, a single off-street parking space, and landscaping (including the removal of existing hard surfaces at the front of No 97 and their replacement with soft landscaping).
9. Policy DM10.1 of the 2018 Croydon Local Plan ("the CLP") requires that development in the grounds of an existing building should be subservient. The Council's 2019 Suburban Design Guide Supplementary Planning Document ("the SPD") advises that this can be achieved either by lower height, or by the use of "articulated massing". Where proposed development is at least 18m from the rear wall of the host property (as is the case here), the SPD advises that it may be the same height as the host property, as long as its footprint and form ensure that it appears subservient.
10. The proposed building in this appeal would have a ridge height of around 7.14m, which would be similar to (although slightly lower than) that of No 97. The elevations on submitted drawing 4222/1 show that the building would have a hipped roof, with lower eaves to the side elevations. The same elevations also imply that the roof would be of the flat-topped "crown" type; however, the roof plan on the same sheet shows appears to show a gabled pitched roof (and also omits rooflights shown on the two side elevations). Drawing 4222/3, meanwhile, also shows a gable roof, though as this is titled "erection of semi-detached 3 bedroom units" it appears to relate to an earlier iteration of the scheme.
11. The proposed building would be deeper and wider than the existing dwelling on the site, with a larger footprint. It would have broad and largely unbroken front and rear elevations (save for a small canopy porch on the front) extending across much of the width of the site. Even if I accept that the building would be

intended to have a hipped roof which would have less bulk than the gabled alternatives (and that the drawings suggesting otherwise were submitted in error), the combined effect of the large footprint, substantial massing, and wide or deep elevations with relatively little articulation or other visual interest would make the proposed development a substantial, bulky and dominant building in its surroundings.

12. While its location at the rear of No 97 would mean that it would not be prominent in the streetscene, the proposed building would still be seen from Wentworth Way along the access passage at the side of the host property. It would also be prominent when seen from the rear gardens of the surrounding dwellings. This would be harmful to the existing spacious character and appearance of the area.
13. Policy DM10.4 of the CLP requires that where development is proposed in the grounds of an existing building, a retained host property should have a garden which after subdivision has a minimum length of 10m, and an area of no less than 200m² or half of the existing garden (whichever is the smaller). In this case, the proposed retained rear garden would have a length of more than 17m, but an area of around 190m²; it would therefore comply with the first part of this requirement of DM10.4 but not the second.
14. In respect of the provision of garden space for No 97, the appellants have stated that the proposed development site is separate from the host property, and that the area to be developed is not, and has not been, garden land for No 97. The Planning Statement submitted with the application included aerial photos showing the rear part of the site being put to different apparently non-residential uses between 1991 and 2013. However, the Council noted that although it had received representations on an earlier planning application that part of the site had been used unlawfully for vehicle repairs, there was no such use at present, nor has any planning permission or lawful development certificate been granted for a separate use of that part of the site. The Council also noted that the site was marketed in 2017 as a single dwelling and garden. Taking all of the evidence before me into account, I conclude that the provisions of Policy DM10.4 in respect of retained garden space for host properties should apply. This view is also consistent with that of the Appeal Planning Officer in the 2021 appeal decision.
15. However, I also note the finding in the 2021 appeal decision that "the retained private garden area would be sufficient in size for a two-bedroom dwelling, providing sufficient outlook and amenity to the existing dwelling and maintaining openness within the garden". I agree; the shortfall against the space required by Policy DM10.4 would be relatively small, and the amount of retained garden space for No 97 would not be significantly at odds with the character of gardens in the wider area. I find that the proposed development would be acceptable in this respect; however, this does not mitigate the other harm I have found.
16. I conclude that the massing, form and design of the proposed dwellings would be harmful to the character and appearance of the area. The proposal therefore conflicts with Policies SP4, DM10 and DM10.4 of the CLP, and with Policies D3 and D4 of the 2021 London Plan. Among other things, these policies together seek to ensure that development is well-designed, and respects and enhances local character, including in its scale, height, massing and appearance. For the

same reasons, the proposal also conflicts with the provisions set out in Chapter 12 of the Framework in respect of achieving well-designed places, and in particular the requirements of Paragraph 130.

Other Matters

17. The Council's decision notice included an additional reason for refusal; that the submitted plans were "inaccurate and ambiguous". I agree that there appear to be several inaccuracies in the drawings, and have described in paragraphs 10 and 11 above some of the most relevant ones. However, even applying a "generous" interpretation of the submitted drawings I have found harm to the character and appearance of the area as I have described above. It has not therefore been necessary for me to consider this reason for refusal as a main issue in its own right.
18. The appellant drew my attention to several other examples in the surrounding areas where permission was granted for backland or side garden development. However, none appears to be comparable to the current proposal, either because they are different types of development (converting or replacing an existing property) or on sites with different settings and characteristics. None therefore sets any form of precedent for this scheme.
19. The Council did not advance any "in principle" objections to the redevelopment of the site for a residential scheme. Its appeal statement advised that:

"Since the submission of this appeal, application 21/01110/FUL has been granted planning permission for the erection of a one and two storey building to provide a semi-detached pair of 2 bed houses, together with associated amenity space, landscaping, bin and cycle stores, and 1 no. parking space."
20. The appellant did not submit a "final comments" response, nor was I provided with the full details of the proposal which was granted planning permission. I therefore have very limited information about this alternative scheme. However, I note that the Council considered that it had adequately overcome the previous reasons for refusal. While the existence of that planning permission is therefore a legitimate fallback position for the appellant, on the basis of the very limited evidence before me it seems that it would be unlikely to cause the same harm to the character and appearance of the area which would result from the appeal proposal. It does not therefore carry significant weight in favour of the scheme before me.

Conclusion

21. The development would be harmful to the character and appearance of the area, and so would conflict with the development plan taken as a whole.
22. There are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector