The Planning Inspectorate

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/21/3281899
Land to rear of 18 Chelsham Road, South Croydon CR2 6HY

- 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 D Trivedi of Newark Road Ltd against the decision of the Council of the London Borough of Croydon.
- The application Ref 21/03151/FUL, dated 12 June 2021, was refused by notice dated 9 August 2021.
- The development proposed is the demolition of garage and erection of a pair of two storey, semi-detached, two-bedroom, 3 person dwellings, with cycle storage and reinstatement of raised kerb to replace existing dropped kerb.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and erection of a pair of two storey, semi-detached, two-bedroom, 3 person dwellings, with cycle storage and reinstatement of raised kerb to replace existing dropped kerb at land to rear of 18 Chelsham Road, South Croydon CR2 6HY in accordance with the terms of the application, Ref 21/03151/FUL, dated 12 June 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on:

   - The character and appearance of the area;
   - Living conditions for occupiers of the neighbouring properties on Chelsham Road and Newark Road, with particular regard to whether or not it would be overbearing; and
   - Highway safety, with particular regard to on-street car parking.

Reasons

3. The appeal site is an area of hardstanding containing a single garage, accessed from Newark Road. It is in a predominantly residential area, characterised by relatively dense terraces of housing. The appeal site sits to the side of the end terrace property at 61 Newark Road (to the west) and to the rear of 18 and 20/20A Chelsham Road (to the east).

4. The proposed development is the demolition of the existing garage, and the erection of a pair of semi-detached, two-bedroom houses. These would face

onto and be accessed from Newark Road, with cycle lockers and bin storage on the front forecourts. Each of the dwellings would also have a small rear garden area. A raised kerb would be reinstated to the street footway across the width of the site, replacing an existing dropped kerb.

Character and appearance

5. The proposed dwellings would be gable ended, and the submitted drawings indicate that they would be slightly deeper and wider than No 61 and other neighbouring properties on Newark Road. The roof ridge would, at a height of around 8m, be slightly lower than the neighbouring buildings, in part reflecting the fact that Nos 51 to 61 Newark Road have raised ground floors to accommodate basement rooms. However, the overall scale, form and detailing of the building would reflect its surroundings, and the front elevation would follow the building line of its neighbours. The use of pebbledash render for the external walls would also be in keeping with the appearance of the neighbouring dwellings. In all these respects, the proposed development would align with the character of the locality, and would comply with guidance in the Council's 2019 Suburban Design Guide Supplementary Planning Document ("the SPD").

6. While the existing housing in the area is generally modest in scale, many of the properties have relatively long (if narrow) back gardens, which creates some sense of spaciousness between residential blocks. The two properties proposed for the appeal site would be on shallower plots than much of the rest of the housing nearby, and by the standards of the area would have very small back gardens. Although I note that the Council considered that the amount of outdoor amenity space for each dwelling would be acceptable, the plots would be considerably less spacious than most of the others in the area. However, the proposed development is small in scale, would fill an unattractive gap in the street frontage, and would bring what appears to be an otherwise underutilised site into productive use. In these circumstances, I do not consider that the proposed small plot size would cause unacceptable harm to the area.

7. I therefore conclude that the proposed development would have an acceptable effect on the character and appearance of the area. It would therefore comply with Policies SP4 and DM10 of the 2018 Croydon Local Plan ("the CLP"), and Policies D3, D4 and D5 of the 2021 London Plan, which among other things require development to respect local character.

Living conditions

8. The eastern side elevation of the proposed pair of dwellings would be around 6.8m from the back wall of the ground floor of No 18 Chelsham Road. The Council has referred to a Lawful Development Certificate which has been granted for a single storey rear extension at No 18[1], although the evidence before me indicates that this would be an infill at the side of an existing ground floor extension, and would not bring the rear elevation of No 18 closer to the appeal site.

9. The SPD does not appear to recommend "ideal" minimum separation distances for rear-to-side relationships such as would result in this case, but advises that development in rear garden, garage or backland sites should be designed to

[1] LPA Ref: 20/06674/LP

ensure that there is no unreasonable sense of being overbearing to neighbouring properties.

10. The submitted drawings show that the side wall would extend across more than half of the width of No 18's rear garden. However, it would be stepped back at first floor level. This would reduce the dwellings' visual impact, and would prevent its side wall being unacceptably intrusive or overbearing feature when seen from within the rear rooms or garden of No 18. The slight fall in the level of the land from the rear of No 18 towards the appeal site would also reduce the impact of the proposed development.

11. The eastern flank wall would be around 3.4m from the side wall of Nos 20 and 20A Chelsham Road which turn the corner into Newark Road. The windows on the side elevation of Nos 20 and 20A appear to serve non-habitable rooms. On the other side, the western flank wall would be around 0.7m from the side wall of No 61 Newark Road. No 61 has no side windows. The Council did not appear to find any harm in respect of living conditions for the occupiers of these properties, and I do not disagree. I note also that the Council considered that there would be no significant harm to neighbours arising from overlooking or other loss of privacy; none of the evidence before me leads me to a different view on this matter.

12. I conclude that the proposed development would not be unacceptably overbearing, and would not be harmful to living conditions for occupiers of the neighbouring properties on Chelsham Road and Newark Road. It would therefore comply with Policy DM10 of the CLP, and with Policy D3 of the 2021 London Plan; among other things these policies seek to ensure that development protects the amenity of occupiers of adjoining buildings.

Highway safety

13. The appeal site was formerly associated with Nos 18 and 20 Chelsham Road, and the garage and hardstanding were used for car parking by the occupiers of those properties. The Council's evidence indicates that the site was used for car parking as recently as October 2020. The appellant has stated that the site is not being used for parking at present, and indeed that such a use "will never be reinstated". At the time of my site visit (which was carried out unaccompanied, and for which the appellant did not therefore have prior notice), there were no vehicles parked on the site.

14. The proposed development does not include any off-street parking provision. The submitted drawings *do* show a car parking space between the appeal site and the rear of No 20 Chelsham Road, although that is not within the appeal site and simply reflects the existing use of that piece of land. At present there are "keep clear" markings on Newark Road in front of the appeal site, which serve to discourage parking on that part of the road. The proposal to reinstate a raised kerb along this frontage, secured by a "Grampian condition", would provide two additional on-street parking spaces in front of the appeal site.

15. A parking survey was not submitted in respect of this proposal, although the Council referred to one submitted with an earlier planning application on the appeal site[2]. That found that there was parking stress of 98% in the wider area, and 96% on Newark Road. I visited the appeal site on a weekday

[2] LPA Ref: 20/05104/FUL

afternoon and, while some parking spaces were available on Newark Road, Chelsham Road and elsewhere nearby, it was apparent to me that demand for on-street parking in the area is high. While the appellant contends that the previous survey "is wholly irrelevant" to the current appeal, there is no substantive evidence to suggest that the parking situation has changed significantly since that previous planning application. However, based on all the evidence before me (including my observations on site), it does not seem appropriate to treat the appeal site as making a reliable contribution to providing parking space in the area.

16. The appeal site has a Public Transport Accessibility Level ("PTAL") of 3, indicating a "moderate" level of accessibility to public transport. However, there are some shops and services close by on Brighton Road, buses serving Croydon town centre and other destinations stop a short walk away on Brighton Road and Selsdon Road, and South Croydon railway station is between 10- and 15-minutes' walk to the north. Although it is likely that at least some future occupiers of the proposed dwellings would wish to own a private car, there are also reasonable connections to a range of services by other modes of transport.

17. Taking all of these points together, in view of the reinstatement of two spaces I consider that the proposed development would be likely to have a neutral impact on demand for and provision of on-street car parking. I therefore conclude that the proposal would be acceptable in terms of its effects on highway safety. It would comply with Policies SP8, DM29 and DM30 of the CLP, and Policies T4 and T6 of the 2021 London Plan, which among other things seek to ensure that new development does not have an unacceptable impact on car parking in areas of high parking stress, and that it does not have a detrimental impact on highway safety.

Conditions

18. I have considered the conditions suggested by the Council having regard to the tests in the Framework and the advice in the Planning Practice Guidance ("the PPG"), as well as the appellant's comments in response. I have made some minor changes to the ordering and proposed wording, in the interests of clarity and effectiveness.

19. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2).

20. A Construction Logistics Plan (3) is necessary to protect living conditions for neighbouring residents, and to ensure that the development does not have unacceptable adverse impacts on the transport network. This is a pre-commencement condition, as it must necessarily apply to all phases of development work including demolition and other site preparation.

21. A condition in respect of the reinstatement of the kerb on Newark Road (4) is necessary both to protect the character and appearance of the area and to ensure the safe operation of the highway network.

22. Conditions in respect of details of materials (5) and hard and soft landscaping (6) are necessary to ensure that the development is of a high standard and the character and appearance of the area is protected. A condition in respect of the details of the proposed cycle storage (7) is also necessary to protect the

character and appearance of the area, and to ensure that the use of sustainable means of transport is supported. A condition requiring windows on side elevations to be obscure glazed, and preventing the creation of additional windows on these elevations (8), is necessary to protect neighbours' living conditions.

23. Conditions in respect of carbon dioxide emissions (9) and water use (10) are necessary in the interests of the efficient use of resources and protection of the environment.

Conclusion

24. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed

M Cryan

Inspector

Schedule of Conditions

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
63NR/P3 1, 63NR/P3 2, 63NR/P3 3, 63NR/P3 4, 63NR/P3 5, 63NR/P3 6, 63NR/P3 7, 63NR/P3 8, 63NR/P3 9, Planning Statement

3) Prior to the commencement of development (including demolition) a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority.

   The CLP shall include the following information for all construction phases of the development:

   a) Hours of construction;

   b) Hours of deliveries;

   c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;

   d) Facilities for the loading and unloading of plant and materials;

   e) Details of any site hoardings;

   f) Details of the precautions to guard against the deposit of mud and substances on the public highway;

   g) Dust control methods;

   h) Delivery routes for site traffic.

   All construction phases of the development shall be carried out strictly in accordance with the details so approved.

4) Prior to above ground works a scheme of highway improvement works necessary to serve this development shall be submitted to and approved in writing by the Council (as both the Local Planning and Highway Authority). The works shall include the following:

   a) The re-instatement of the dropped kerb

   b) All other highway works necessary to serve the development.

   The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development.

5) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

   a) External facing materials including samples of all facing materials and finishes;

   b) Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings in external walls.

   The development shall be carried out strictly in accordance with the details thus approved.

6) Prior to first occupation, details of hard and soft landscaping shall be submitted to and approved by the Local Planning Authority in writing. Such details shall include existing planting to be retained, species and size of proposed new planting, hard landscaping materials (to incorporate SuDS where appropriate), and all boundary treatment within and around the development. The approved details shall be provided before any part of the development is occupied or within such longer period or periods as the local planning authority may previously agree in writing. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased or is removed within that period shall be replaced by planting of similar size and species to that originally provided.

7) Prior to first occupation of the development details of an enclosed refuse store and bicycle stores (including dimensions, elevations and materials) shall be submitted to and approved by the local planning authority in writing. The development shall only be implemented in accordance with the approved details and thereafter retained for so long as the development remains in existence.

8) The window proposed in the eastern and western elevation shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor taken from a point immediately below the centre of the window upwards to the opening part of the window. Such measures shall be provided and completed prior to the first occupation of the development, and retained for the lifetime of the development. No other windows shall be provided in these elevations.

9) The development shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations. Prior to occupation of the development details confirming the carbon dioxide emissions reductions shall be submitted to and approved in writing by the Local Planning Authority.

10) The development shall achieve a water use target of 110 litres per head per day.