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# Appeal Decision

Site visit made on 10 May 2022

**by Lesley Coffey BA(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> June 2022**

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**Appeal Ref: APP/L5240/W/21/3289758**

**103 - 107 Purley Downs Road, South Croydon, CR2 0RH**

- 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 Leo Croydon Ltd & Deansgate M3 Ltd against the decision of London Borough of Croydon.
  - The application Ref 21/03452/FUL, dated 15 June 2021, was refused by notice dated 26 November 2021.
  - The development proposed is Demolition of three detached dwellings and erection of 15 houses plus a 3 storey block comprising 19 flats (34 units total) with 2 vehicular access points, car parking, private gardens and landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Although the appeal form refers to the date of the application as 4 August 2021, the application is dated 15 June 2021. The application was not validated until 4 August due to the Local Planning Authority's request for additional information.
3. Three different site plans, all numbered 1399\_Vis01 but showing different arrangements were submitted with the appeal. Documents submitted by the appellant suggests they are numbered 3261049, 3228654 and 3228655. The appellant was provided with an opportunity to clarify the relevant site plan, and in the absence of any response I have determined the appeal on the basis of 3261049, since this seems to be the most consistent with other submitted plans. For the avoidance of doubt this plan includes a coloured site plan with two groups of terraced housing parallel to the boundary with Maywater Close.
4. The description of the development above is taken from the appeal form which refers to 15 houses and 19 flats. Although this description differs from that on the application it was agreed by the Council and used for consultation purposes by the Council.<sup>1</sup> However, the submitted plans show 15 houses and 21 flats giving a total of 36 dwellings, two more than in the description of the development above. The submitted schedule lists 9 flats on the ground floor, whereas only 7 are shown on the submitted plans, and 5 on each of the first floor and second floors, whereas 7 are proposed. Therefore, the accommodation schedule is incorrect. It would seem from the Officer's report that the application was considered on the basis of the number and mix of

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<sup>1</sup> Notice of application dated 12.08.2021

dwellings shown on the submitted plans rather than the description on the application form. I have determined the appeal on the same basis.

5. There is no access shown to one of the flats on each of the first and second floors. I have assessed the appeal on the basis that this is a drafting error and that the access to these flats would reflect that for the ground floor flat in the same position. I am satisfied that this minor error would not be prejudicial to any party.
6. The fifth reason for refusal repeats reason for refusal 4. The Council's Statement explains that this was an administrative error and that reason for refusal 5 should state:  
  
*"The development would result in a sub-standard quality of accommodation internally and externally and fails to provide any children's play space, contrary to Policies DM10.4 and DM10.5 of the Croydon Local Plan (2018) and policy D6 of the London Plan (2021)."*
7. Although this matter is referenced at paragraph 5.26 of the Officer's report, the appellant would have been unaware of this reason for refusal until after the Council submitted its statement some considerable time after the original decision. I have therefore not taken this reason for refusal into account in reaching my decision.

### **Main Issues**

8. I consider the main issues to be:
  - Whether the proposal would make adequate provision for affordable housing.
  - Whether the proposal would make adequate provision for family dwellings.
  - The effect of the proposal on the character and appearance of the site and the surrounding area with particular reference to the trees and hedges on the site.
  - The effect of the proposed development on the living conditions of the occupants of 1, 3 and 5 Hill Barn and 43 Maywater Close, with particular reference to visual prominence, overlooking, and loss of sunlight and daylight.
  - Whether the proposed development would make adequate provision for inclusive and accessible accommodation.
  - Whether in the absence of a Fire Statement the proposal is acceptable.
  - The effect of the proposal on protected species on the site.
  - Whether the proposal would make adequate provision for car parking.

### **Reasons**

9. The site measures about 0.37ha and is located on the north side of Purley Downs Road at the junction with Hillbarn. It is currently occupied by 3 detached dwellings. A number of trees within the curtilage of these dwellings are subject to a Tree Preservation Order (TPO). Purley Downs Golf Course is

located opposite the site. The surrounding area is predominantly residential and is suburban in character.

10. It is proposed to demolish the existing dwellings and replace them with a block of 21 flats to the rear of the site and 15 houses served by two accesses from Purley Downs Road.
11. There is an extensive planning history in relation to the appeal properties, the majority of which relates to householder applications. The most relevant of the other decisions include the demolition of 103 Purley Downs Road and its replacement with a two-storey building with accommodation in the roof space for 16 dwellings.<sup>2</sup> Under Ref 15/05465/P planning permission was sought for the demolition of the existing houses and erection of 2 two storey buildings to provide 18 residential dwellings. The appellant states that there was a recommendation to grant planning permission subject to a legal agreement. The application was refused on the basis that a legal agreement had not been provided to mitigate the impacts of development in relation to affordable housing, car club, carbon offsetting and air quality.
12. There was also a previous application in relation to 105 Purley Downs Road for the demolition of the existing building and the erection of a two storey building, with accommodation in the roof space, comprising 9 two bedroom flats. Planning permission was refused, and an appeal subsequently dismissed.<sup>3</sup>
13. The development plan for the area includes the Croydon Local Plan 2018 and the London Plan 2021.

*Whether the proposal would make adequate provision for affordable housing*

14. Where 10 or more dwellings are proposed Policy SP2.4 of the Croydon Local Plan seeks to negotiate up to 50% affordable dwellings, subject to viability. Policy SP2.5 requires a minimum 30% affordable housing provision in locations such as this. The more recent London Plan Policy H4 requires major developments of 10 or more dwellings to provide affordable housing through the threshold approach set out in Policy H5, this requires a minimum of 35% affordable housing, unless evidence is submitted to show that this is not viable.
15. The submitted Affordable Housing Statement undertakes to provide a minimum of 30% affordable dwellings. This falls short of the 35% minimum required by Policy H5 of the London Plan. Whilst 30% was the relevant threshold at the time at which the Affordable Housing Statement was drafted, Policies H4 and H5 of the London Plan were adopted prior to the determination of the application and therefore the appellant would be aware of the relevant threshold in relation to this appeal.
16. The appellant states that he is willing to provide a policy compliant level of affordable housing on the appeal site. However, a planning obligation to secure the delivery of such housing has not been submitted. The appellant states that he will proceed with a legal agreement should the appeal be allowed. However, a planning obligation needs to be secured before the appeal is allowed and planning permission is granted.

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<sup>2</sup> LPA Ref: 17/04972/OUT

<sup>3</sup> LPA Ref: 14/05075/P

17. Therefore, whilst I accept that the appellant is willing to provide a policy compliant level of affordable housing, there is no mechanism through which it could be delivered. I conclude that the proposal would fail to deliver affordable housing in accordance with Policy H2.5 of the Croydon Local Plan and Policy H5 of the London Plan.

*Whether the proposal would make adequate provision for family dwellings.*

18. As set out above, I intend to rely on the layout shown on the submitted plans. On this basis, the proposal would deliver 15 x 1 bedroom flats, 6 x 3 bedroom flats, 11 x 3 bedroom houses and 4 x 4 bedroom houses.
19. Policy SP2.7 of the Croydon Plan states that the Council will seek to ensure that a choice of homes is available to address the need for homes of different sizes. It sets a strategic target for 30% of all new homes to have 3 or more bedrooms. Policy DM1 sets out the proportion of 3-bedroom dwellings required in different localities. Within suburban areas, with a low Public Transport Accessibility Level (PTAL), such as the area where the appeal site is located, the requirement is for a minimum of 70% of dwellings to be 3 bedroom or larger.
20. The appellant states that 68% of the proposed dwellings would be 3 bedroom or larger, and that the limited shortfall is off-set by the provision of four larger 4 bedroom dwellings. However, the appellant's figure is based on the assumption that there are 11 x 1 bedroom dwellings and 23 x 3 bedroom dwellings, whilst the submitted plans show that only 21 (58.5%) of the dwellings would be 3 bedroom or larger. This would be a significant shortfall and would undermine the Council's intention to provide a choice of dwellings. I therefore conclude that the proposal would fail to make adequate provision for family housing and would fail to comply with Policy DM1 of the Croydon Local Plan.

*Character and Appearance*

21. Purley Downs is a predominantly residential area, with a suburban character. It has a spacious and verdant appearance and is dominated by detached and semi-detached houses. The appeal properties are located opposite Purley Oaks Golf Club, the boundary to which is marked by a line of mature deciduous trees.
22. The appeal properties are located to the north and west of Hill Barn and form part of a group of larger detached properties that appear to date from about 1930's. The dwellings within the wider area vary in architectural style, with many of the properties to the northwest being more recent in date. These more recent dwellings generally back onto Purley Downs Road and form small residential enclaves such as Maywater Close and Tindale Close. As a consequence of this arrangement the boundary to Purley Downs Road is marked by 2 metre high boundaries, whilst the rear gardens maintain the separation between the dwellings and road that characterise the older, larger properties in this part of Purley Downs Road. As a consequence of so few properties fronting onto Purley Downs Road there are few parked cars. This contributes to the spacious character of the area as well as providing a sense of tranquillity.

23. The appeal site comprises three large detached properties with deep front gardens that follow the alignment of 109 Purley Downs Road and the other dwellings to the east. The rear boundary to 105 and 107 adjoins the boundary with 1,3 and 5 Hill Barn, whilst 103 benefits from a deeper rear garden that adjoins the properties in Maywater Close.
24. Seven of the houses would face onto Purley Downs Road. The position of these dwellings would fail to reflect either the generous separation from the front boundary that characterises the original development within this part of Purley Downs Road or the subservient nature of the more recent development.
25. Due to their height and width the dwellings would have a strong vertical emphasis and the removal of the boundary vegetation would add to the visual prominence of these dwellings and would be at odds with the suburban character of the locality.
26. The proposal includes two terraces of 4 dwellings located at a right angle to the road. Although the upper floor of accommodation would be contained within the roof area, they would be comparable in height to the 3 storey dwellings to the frontage of the site. The blank gable end, almost 8 metres in height, situated very close to the front boundary of the site would be in stark contrast to the prevailing pattern of development and suburban character of the locality.
27. The proposed flats would be located to the rear of the frontage dwellings and would be visually prominent within the street scene due to the proposed access roads. The elevations and roofline have been varied to provide some visual interest. Nevertheless, due to the width and height of the proposed building it would be out of character with the predominantly 2 storey detached dwellings that characterise the surrounding area.
28. Overall, the layout of the site appears confused, with the majority of the car parking spaces served by the access located adjacent to the terraced housing, whilst the access to most dwellings, including the pedestrian access to the flats would be from the eastern access.
29. Purley Downs Road slopes downhill towards the northwest, as well as from the frontage towards the rear of the site. Within the existing properties there are raised terraces and beds in order to accommodate these changes in level. The position of the proposed houses broadly relates to the existing plot boundaries, and it is reasonable to assume that they would reflect the existing levels on the site. However, it is unclear as to how the proposed flats would relate to the existing levels. Due to the length of the block, this has implications in terms of the impact on the street scene and character of the area as well as for the amenities of surrounding residents.
30. It is proposed to remove all but 3 of the existing trees on the site together with the hedging. Whilst individually the trees and hedges on the site are not particularly high quality, they contribute to the verdant character of the locality and screen views of the dwellings at Hill Barn and Maywater Close from Purley Downs Road, thereby contributing to the spacious suburban character of the locality. The landscape proposals indicate replacement planting to some of these boundaries, however there is minimal detail as to what is proposed. Furthermore, there is no planting proposed to the car park boundary with 43 Maywater Close or 5 Hill Barn.

31. The existing planting forms a screen between the appeal properties and the developments at Hill Barn and Maywater Close, allowing these areas to have their own sense of place. The removal of the trees and hedges on the appeal site would increase the visual prominence of the proposed development, as well as alter the character of these areas.
32. The retained trees include T22, a black locust tree close to the front elevation of the flats, and T26 a beech tree close to the rear elevation of one of the terraced houses. The existing swimming pool at 103 currently encroaches on the adjusted root protection area (RPA) of T22. The swimming pool would be removed, filled with topsoil and returned to soft landscaping. Together with the removal of garden paths these works would be beneficial to T22. However, Plots 16 -24 would encroach on the RPA to a much greater extent than the existing swimming pool. The appellant proposes the use of beam and pile foundations to limit the extent of any damage. On the basis of the limited information that has been submitted I am not convinced that this would be sufficient to limit damage to T22.
33. The front elevation of the proposed building would extend very close to T22. These elevations include the windows to the kitchen/lounge area of the flats and the balconies, and in the case of the central flat on each floor this is the only outlook and serves all of the habitable rooms. The close proximity of the tree to the flats is likely to give rise to demands for its removal, that may be difficult for the Local Planning Authority to resist.
34. T26 is a copper beech tree that occupies a prominent position within the site and the street scene. The AIA states that the canopy would need to be reduced by 1.5 – 2 m to clear Plot 9. The tree is currently located between 2 dwellings but is contained within a raised bed. The removal of the existing dwelling and creation of a more open setting around the trees has the potential to be beneficial to the health of this tree. This would be dependent upon the retention of the existing levels within the RPA and any services routed so as to avoid the RPA of the tree.
35. The RPA aligns closely with the canopy of T26, which in turn extends close to the corner of the proposed dwelling at Plot 9. Construction of the building would require the erection of scaffolding, and sufficient working space for equipment and materials. The submitted Tree Protection Plan shows the protective fencing extending up to the footprint of the proposed building. Therefore in the absence of further details I am doubtful that Plot 9 could be constructed without harm to T26 particularly since the canopy and RPA are closely aligned.
36. Also as acknowledged by the AIA the garden to Plot 9 would be partially overshadowed by T26. Whilst the garden would still receive direct sunlight this would largely be confined to the early part of the day. Beech trees drop a considerable amount of litter and given that this tree would overhang a significant proportion of the small rear garden of Plot 9, together with the shading, I consider that there would be considerable pressure on the Council to agree to its removal. The AIA suggests that if Plots 9-11 were relocated to the east the impact on the future occupants of Plot 9 would be reduced. However, the proposal has not been amended in this manner.

37. The loss of the trees and hedges, together with the height and proximity of the proposed buildings to the frontage of the site, would harm the spacious and verdant character of the surrounding area.
38. I conclude that the proposal, including the loss of the trees and hedges on the site would harm the character and appearance of the surrounding area and the setting of the appeal site. It would fail to comply with policies SP4.1 and 4.2, DM10.8, DM28 and DM30 of the Croydon Local Plan and Policy D3 of the London Plan which together seek high quality design to protect and enhance local character and the Borough's trees and hedgerows.

*Living conditions of the occupants of 1, 3 and 5 Hill Barn and 43 Maywater Close*

39. The proposed flats would be located about 2.5 metres from the boundary with 5 Hill Barn and 9 metres from the boundary with 1 and 3 Hill Barn. The appeal site occupies higher land and at present there is a substantial conifer hedge adjacent to the boundary. It is proposed that this hedge would be removed. Although the landscape plan indicates that alternative planting would be provided it is unclear from the submitted information as to the form and scale of the planting proposed.
40. Due to the height and proximity of the proposed flats there would be an overbearing impact on the occupants of 3 Hill Barn, and to a lesser extent 1 Hill Barn, including within the rear gardens of these dwellings. There would also be a loss of privacy to both properties due to the number of windows proposed and the balconies to Flats 31 -36 that would overlook the rear gardens.
41. The proposed flats would face towards the side boundary of 5 Hill Barn and would extend a number of metres beyond the rear elevation of this property. The proximity and height of the proposed flats that would be situated on higher ground would dominate the outlook from 5 Hill Barn, including from the rear garden. The number of windows in the rear elevation of the flats overlooking 5 Hill Barn would give rise to a significant and wholly unacceptable loss of privacy to the occupants of this property.
42. The proposed dwellings would be separated from the boundary with 43 Maywater Close by the proposed car parking area. There would be sufficient separation between the proposed dwellings and 43 Maywater Close to avoid any significant overlooking or loss of privacy. There is potential for some disturbance due to the use of the parking area, but any noise could be mitigated by a suitable boundary treatment. The boundary treatment could be secured by condition.
43. The Council state that there would be a loss of sunlight and daylight to the neighbouring dwellings at Hill Barn. The submitted Solar Study appears to be incomplete and it is lacking in detail. Nevertheless, due to the distance between the proposed flats and 1 and 3 Hill Barn I am satisfied that there would be no significant loss of daylight. Whilst there would be a reduction in daylight to 5 Hill Barn due to the proximity and height of the proposed building, due to its orientation it would still receive adequate daylight. For this reason the reduction in daylight does not justify the dismissal of the appeal.
44. The submitted Solar Study indicates that there would be some overshadowing to 5 Hill Barn during the afternoon, as well as some more limited

overshadowing to 1 and 3 Hill Barn in the area closest to the boundary. However, there is limited information within the Solar Study and it is unclear what assumptions it relies upon or the time of year assessed, consequently the extent of any loss of sunlight or overshadowing is unclear. I am therefore unable to conclude that the proposed development would not have an adverse effect on the properties at Hill Barn due to loss of sunlight or overshadowing.

45. My overall conclusion on this matter is that the proposal would significantly harm the living conditions of the occupants of 1,3 and 5 Hill Barn due to the visual prominence of the proposed development, together with the loss of privacy and the potential loss of sunlight and overshadowing to these properties contrary to Policy DM10.6 of the Croydon Local Plan which seeks to protect the living conditions of existing residents.

#### *Protected Species*

46. The Ecological Appraisal found that the existing dwellings at 103 and 105 had moderate potential for roosting bats, whilst 107 had low potential. The roof voids were inspected and it was found that the buildings would only be suitable for crevice dwelling bats such as the common pipistrelle bat. The survey did not find any evidence of roosting bats but was unable to confirm the presence or absence of bats and recommended a dusk to dawn activity survey.
47. Although a dusk to dawn survey is necessary prior to any demolition, in the event that bats are found to be present they would need to be removed under licence and suitable mitigation provided. The Ecological Appraisal suggests that bat roosting boxes could be provided on the new dwellings as mitigation. T22 was the only tree found to have roosting potential for bats and was assessed as having low roosting suitability. It is intended that this tree is retained.
48. The Ecological Appraisal notes that the trees on the site provide suitable foraging and commuting habitat for the common species of bat, as well as providing a stepping stone habitat for mobile species. It is proposed to remove the majority of the existing vegetation. The impact of this upon bats and other protected species has not been assessed. In the absence of evidence as to how bats currently use the site, it is not possible to assess the need for, or effectiveness of, any mitigation. I am therefore unable to conclude that the proposed development would not have an adverse effect upon bats and their habitats.
49. There are two ornamental ponds at 107 Purley Downs Road. Both are ornamental in nature and due to their design, they would be unsuited to wildlife. There is a small pond in the rear garden of 103. It is overgrown with grass and covered with chicken mesh to keep domestic pets out of it. The Ecological Appraisal considered that it had low potential to support any notable species, including great crested newts. Given the size and condition of the pond I share this view. Whilst I note the Council's position that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, should be established before planning permission is granted, Circular 06/2005 also advise that due to the cost and delay that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Therefore a survey in respect of great crested newts is not necessary.



50. Overall, I conclude that although the proposed development would not be likely to have an adverse effect on great crested newts, there is insufficient information for me to conclude that any harm to bats present on the site, including foraging and commuting bats, could be adequately mitigated. Therefore the proposal would be contrary to Policies SP7.4 and DM27 of the Croydon Local Plan and Policy G6 of the London Plan which seek to manage the impact of development on biodiversity and enhance biodiversity.

*Whether the proposed development would make adequate provision for inclusive and accessible accommodation*

51. London Plan Policy D7 requires that at least 10% of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. All other dwellings should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings.' To comply with requirements for M4(2) or M4(3) dwellings, step-free access into the dwelling must be provided.
52. The submitted plans do not indicate which dwellings are to be wheelchair user dwellings, nor do they show any provision for a lift to the upper floors. The appellant considers that these matters could be addressed by way of a condition necessitating compliance with Policy D7. However, M4(3) dwellings must have sufficient space within the layout to ensure that all rooms are wheelchair accessible. On the basis of the information on the submitted plans I am not convinced that this is the case. Moreover, any changes to the arrangement or layout of the proposed dwellings in order to comply with such a condition may result in a development that is materially different from that shown on the submitted plans.
53. In the absence of any lift within the proposed block of flats, they would not comply with the requirement for M4(2) dwellings. On the basis of the available information, it is unclear as to how a lift could be accommodated within the proposed footprint of the building, or whether it would have any implications for the external appearance of the building, which currently proposes flat roofed sections to the communal areas. I am therefore unconvinced that a lift to these communal areas could be provided without materially altering the appearance of the proposed development. I therefore conclude that the proposal would fail to make adequate provision for accessible housing in accordance with London Plan Policy D7.

*Fire Statement*

54. London Plan Policy D12 seeks the highest standards of fire safety in all new buildings. Amongst other matters it requires a Fire Safety Statement to be submitted with all proposals for major development. The supporting text states that fire safety should be considered from the outset, including how fire, emergency evacuation, and the safety of all users should be considered to ensure the most successful outcomes are achieved and creating developments that are safe and that Londoners can have confidence living in and using.
55. The appellant explains that the requirement for Fire Statements did not come into force until 1 August 2021, after the application was submitted, and the Council did not request the submission of a statement. No additional information in relation to fire safety has been submitted with this appeal. Policy D12 seeks to ensure that fire safety is considered at the earliest possible

stage . In the absence of any further information, including information in relation to the positioning of fire appliances and the evacuation of persons with mobility issues from the flats, there is insufficient information for me to conclude that the proposal would make adequate provision for fire safety.

56. Whilst I note the appellant's view that this matter could be the subject of a suitably worded condition, given the policy requirement to consider this matter at the outset, and the possible need for changes to the layout of the proposed development, I disagree.

#### *Car Parking*

57. Croydon Local Plan Policy DM29 promotes sustainable travel and to reduce the impact of development on traffic congestion and reduce the impact of car parking within areas of existing on-street parking stress. Amongst other matters Policy DM30 aims to ensure that highway safety is not compromised by the provision of car parking. It also requires car parking and cycle parking provision as set out in table 10.1 which in turn requires compliance with the standards within the London Plan.<sup>4</sup>
58. London Plan Policy T6.1 states that new residential development should not exceed the maximum parking standards set out in Table 10.3. In areas with a low PTAL, such as the appeal site, the maximum parking provision is up to 1.5 spaces per dwelling. The PTAL is based on how close a location is to public transport and how frequent services are in the area. To encourage the use of public transport, the general principle is to provide less parking in places with good public transport.
59. The proposed development would provide 34 spaces, which would be less than one space per dwelling. The submitted Travel Plan includes a range of measures to reduce reliance on private cars, such as the provision of a car club parking space, information packs and covered secure cycle parking. Since the standards within the London Plan are maximum rather than minimum the number of parking spaces proposed does not represent a shortfall.
60. Although the site is located within an area with a PTAL rating of 0, the Transport Statement explains that it is under 300 metres from two different bus stops located on Purley Downs Road . The buses run between Purley Cross and Addington Village (from where there is a tram service) at 30 minute intervals.
61. The closest railway stations are Purley Oaks approximately 1.4 kilometres away and Sanderstead approximately 1.5 kilometres to the north and northwest of the site. Together these provide services to East Croydon, London Bridge and London Victoria and would be within cycling distance of the appeal site. There is also a range of services and facilities at Limpsfield Road which is about 1.2 km from the appeal site. Therefore, occupants of the proposed dwellings would have a choice of transport modes and would not necessarily be dependant on the use of a car.
62. I consider that the number of parking spaces proposed would be adequate. Should the proposed development give rise to on-street parking there is no

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<sup>4</sup> Although the reference is to table 6.2, this was a reference to standards within the previous London Plan. Parking standards for residential development are set out in Table 10.3 of the current London Plan.

evidence to indicate that it would be detrimental to highway safety or give rise to parking stress.

63. Overall, I conclude that whilst the proposal would not deliver the maximum number of parking spaces permitted for this location, it would make adequate provision for parking and would not conflict with Croydon Local Plan Policy DM30 or London Plan Policy T6.1.

### **Other Matters**

64. London Plan Policy T5 requires the provision of 64 cycle parking spaces for the proposed development. The submitted plans do not show any cycle parking, although it is evident from the Transport Statement and Travel Plan that provision is intended. In the case of the houses, it would be possible to make provision within the curtilage of the individual dwellings. There would appear to be sufficient space within the layout of the site to accommodate the necessary cycle parking spaces for the proposed flats. Were the proposed development acceptable in other respects the provision and location of cycle parking could be secured by way of a condition. Similarly, refuse storage facilities for the proposed houses could be secured by way of a condition were the proposal acceptable in other respects.
65. Local Plan policy DM25 requires Sustainable Drainage Systems to be incorporated on all sites. The site is at low risk of surface water flooding. The submitted Flood Risk Assessment and Surface Water Drainage Strategy proposes a SuDS system using soakaways. Other proposed mitigation includes bioretention systems (planters) and permeable paving. Although the Council and the Lead Local Flood Authority require further information in relation to this matter there is no evidence to indicate that a SuDS system cannot be accommodated within the site. Notwithstanding this, I note that the site comes within a Source Protection Zone 1 and due to the potential for the development to adversely impact on groundwater the views of the Environment Agency should be sought and it would seem that this has not been done.
66. The appellant sets out a number of benefits of the proposed development. These include the provision of market and affordable housing, and the provision of family dwellings. In addition, due to the increase in density the proposed development would make more efficient use of previously developed land. The appellant also suggests that the CIL receipts arising from the proposal would be a further benefit.
67. The delivery of additional housing is a benefit of the proposal to which I accord significant weight. Whilst I note the appellant's intention to provide a policy compliant number of affordable dwellings, I have found above that in the absence of a suitable mechanism to secure it the proposal would not make adequate provision for affordable housing. Although the proposal would make a contribution towards the need for family dwellings, for the reasons given above, this would fall short of a policy compliant number of family dwellings. Nonetheless, the provision of 21 family dwellings would be a benefit of the proposal and I afford it moderate weight. The CIL receipts are to mitigate the impact of the proposal on infrastructure and are not a benefit of the proposal.
68. The appellant comments on the manner in which the application was handled by the Local Planning Authority. I note that the feedback received during the

pre-application process informed the preparation and submission of the formal planning application. The appellant also raises concerns, regarding the absence of feedback during the course of the application, and I also acknowledge that a significant number of objections were from a limited number of addresses.

69. These are all matters outside of the jurisdiction of this appeal, moreover they do not overcome my concerns with the proposed development as set out above.

### **Planning Balance**

70. Whilst the principle of residential development is acceptable, I have found above that the proposal would fail to deliver a policy compliant level of affordable housing or an adequate proportion of family sized dwellings. Notwithstanding this, the provision of market housing and family sized dwellings would provide some benefits.
71. For the reasons given above, there would be considerable harm to the character and appearance of the surrounding area and the setting of the appeal site. The proposal would also unacceptably harm the living conditions of residents in Hill Barn due to loss of privacy, the overbearing impact of the proposal and loss of sunlight and overshadowing of the neighbouring properties. On the basis of the submitted evidence, I am unable to conclude that the proposal would not give rise to harm to protected species that may be present on the site. The proposed development would not provide inclusive and accessible accommodation and failed to provide a Fire Safety Statement.
72. Whilst the proposal would fail to comply with the maximum car parking standards, for the reasons given above, I do not consider that this justifies dismissal of the appeal. Although the proposals do not include provision for cycle parking or refuse storage, I am satisfied that these matters could be addressed by way of an appropriate condition.
73. Overall I conclude that the proposal would fail to comply with the Croydon Local Plan and the London Plan as a whole and there are no material considerations to justify a decision other than in accordance with the development plan.

### **Conclusion**

74. For the reasons given above I conclude that the appeal should be dismissed.

*Lesley Coffey*

INSPECTOR