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## 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: 17 JUNE 2022**

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**Appeal Ref: APP/L5240/W/21/3282902**

**56 Smitham Downs Road, Purley CR8 4NE**

- 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 Richard White of Claremont Gardens Ltd against London Borough of Croydon.
  - The application Ref 21/03264/OUT, is dated 16 June 2021.
  - The development proposed is erection of a 3 storey building with accommodation within the roof space containing 3 x 3 bedroom and 6 x 2 bedroom apartments with associated parking.
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### Decision

1. The appeal is dismissed and planning permission for erection of a 3 storey building with accommodation within the roof space containing 3 x 3 bedroom and 6 x 2 bedroom apartments with associated parking is refused.

### Preliminary Matters

2. Outline planning permission is sought but with access, appearance and layout to be considered at this stage. I have determined the appeal on this basis.

### Main Issues

3. The main issues are:
  - The effect on the character and appearance of the area,
  - The effect on the living conditions of neighbouring occupiers with particular regard to 54 Smitham Downs Road,
  - The effect on highway safety
  - The quality of accommodation for future occupiers.

### Reasons

#### *Character and Appearance*

4. This part of Smitham Downs Road is characterised by mainly detached houses with gardens to the rear. Some properties nearby extend to the edge of their plots<sup>1</sup>. Houses are generally two storey, many with accommodation at roof level, although some properties in the wider area are single storey while others

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<sup>1</sup> including Nos. 49, 51, 52, 53 & 54 Smitham Downs Road

- are flats<sup>2</sup>. Front balconies are found at 33A Smitham Bottom Road, glazed balustrades were approved at 37 Smitham Downs Road and there are other examples in the wider surroundings<sup>3</sup>, however these are uncommon features in the immediate area. Overall, this results in a pleasant modest residential character.
5. Woodside Road is similarly characterised by detached family houses with their own rear gardens, including the two storey dwelling adjoining the appeal site<sup>4</sup>. Houses have landscaped front gardens and are set back behind large grass verges with vehicle accesses.
  6. The appeal site is a corner plot fronting Smitham Downs Road. The side elevation faces Woodside Road and its secondary character is evident along with the extent of the garden. Smitham Downs Road inclines from the junction with Woodcote Grove Road towards the site, with no 56 being at one of the highest points, and then declines towards Brighton Road.
  7. The layout and footprint of the proposed development would result in a building that extends further to the rear of the site than others in Smitham Downs Road, and extends closer to the boundary with Woodside Road than those nearby. Although other properties on Smitham Downs Road are wide, this is a corner plot and therefore the relationship with Woodside Road must be considered. The proposed appearance includes multiple large gable features to both the front and side elevations and a projecting front balcony. Indicatively, the height would reduce towards the rear and adjoining no 54.
  8. I have considered the guidance in the Suburban Design Guide Supplementary Planning Document (2019) (SPD). In particular relating to developments on corner plots. It seeks to accommodate additional height and depth in these locations and advises that development may extend beyond the neighbouring rear elevations where it would contribute positively to the townscape.
  9. Nevertheless, the proposed layout and appearance would result in a building with a notably larger bulk and massing than others nearby. This would be emphasised by the substantial gables which would add significant bulk to the wide elevations and create a dominant appearance to the side elevation. The forward projection of the balcony would further emphasise the proposed building's dominant features. Additionally, the location of a parking area to the rear adjacent to the building, would undermine the pattern of development with gardens to the rear.
  10. Consequently, the proposed development would result in an excessively bulky and overly dominant building in this context. It would harmfully erode the prevailing pattern of development and the area's modest residential character and would detract from the townscape in these respects.
  11. The proposed vehicle access would result in the loss of part of the grass verge on Woodside Road. However, given the size of the loss, along with the fact that such accesses form part of the appearance of this area, this would not be harmful to the appearance of this road. Whilst I do not find harm in this regard, this is a neutral factor that does not outweigh the harm identified above.

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<sup>2</sup> 37 Smitham Downs Road (LPA ref 19/00235/FUL) 57 Woodcrest Road, 118A Woodcote Valley Road, 105 Woodcote Grove Road, 33A Smitham Bottom Lane and 16 Smitham Downs Road

<sup>3</sup> South Park Hill Road, Foxley Lane and 176 Pampisford Road (17/03118/FUL)

<sup>4</sup> LPA ref 20/05079/FUL)

12. Therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this respect, it would be contrary to Policy D3 of the London Plan (2021) (LP) and Policy DM10 of the Croydon Local Plan (2018) (CLP). Together, these policies require high quality development, using a design led approach, and provide criteria that should be met to achieve this. It would also be contrary to the advice in the SPD which provides guidance as to how this can be achieved for suburban residential developments.
13. Policy D4 of the LP provides detail as to how high quality design can be demonstrated and scrutinised. Therefore, the policies set out above are more relevant to this main issue.

#### *Living Conditions of Neighbouring Occupiers*

14. 54 Smitham Downs Road has first floor and ground floor windows to the rear elevation of the main part of this property. These have their main aspect across the rear garden. In plan, the proposed development would encroach a 45 degree line from the closest ground floor window at no 54.
15. However, the windows are set back from the proposed side elevation and, whilst scale is a reserved matter, the indicative plans show a reduction in height towards this boundary could be incorporated. Therefore, considering these features, the proposed development would not result in an unacceptable loss of light, outlook or sense of enclosure to this property and it would not be overbearing for the same reasons.
16. Due to the proposed separation of the development from other nearby windows, the appeal scheme would not result in harm to the living conditions of other neighbouring occupiers.
17. Consequently, there would be an acceptable effect on the living conditions of neighbouring occupiers with particular regard to 54 Smitham Downs Road. As such, the proposed development would be in accordance with Policy D6 of the LP and Policy DM10 of the CLP. Together these seek to protect the amenity of the occupiers of adjoining buildings, with regard to daylight and sunlight amongst other things. As well as to the advice in the SPD which, in part, seeks to minimise impact on neighbouring amenity.

#### *Quality of Accommodation*

18. The application is in outline and scale is a reserved matter, Therefore, I have no reason to find that suitable floor to ceiling heights could not be achieved at third floor. The proposed building is relatively open on three sides. Taking into account that the floorplans indicate that units would be dual aspect I am satisfied that it would be possible to provide appropriate daylight and sunlight and outlook to proposed rooms.
19. Each property would have access to a balcony which would provide suitable private amenity space for occupiers. A communal area and children's play space is also provided which would supplement this. The rear garden space is close to the parking area and windows to rooms. Sensitive landscaping would be required to ensure that this space was of suitably high quality, and this could be secured at the reserved matters stage. As such, and notwithstanding the assessment of the effect on character and appearance of these features, occupiers would have access to acceptable outdoor space.

20. I have been provided with evidence that fire safety has been considered, and the proposed development would appear to provide appropriate design and features to ensure the safety of all building users. In this case I am satisfied that the detail of such information could be secured by condition.
21. Therefore, the proposed development would provide an acceptable quality of accommodation for future occupiers. As such, in this respect, it would be in accordance with Policy D12 of the LP and Policies SP4 and DM10 of the CLP. Together these require new development to provide high quality amenity space, adequate daylight and sunlight for future occupiers, achieve the highest standards of fire safety, and enhance wellbeing amongst other things. As well as the advice in the Technical Housing Standards -Nationally Described Space Standards (2015) which provides guidance for policies relating to internal space standards and to the SPD which advises the consideration of the amenity of future residents including with regard to outdoor space.
22. Policy D2 of the LP mainly relates to infrastructure requirements and Policy D4 focuses on design analysis, scrutiny and maintaining design quality. Therefore, the policies set out above are more relevant to this main issue.

#### *Highway Safety*

23. For this development the LP requires a maximum of 1.5 car parking spaces per dwelling. Given that there is low accessibility to public transport, and I am not provided with any mechanism to secure the promotion of sustainable transport initiatives such as car club membership it is likely that car parking at or close to these maximum levels would be required.
24. Therefore, the proposed development is likely to lead to overspill parking of 4-5 vehicles. However, there are roads nearby that appear to have space for safe on-street car parking that are not at high levels of parking stress. Consequently, based on the evidence before me, I am satisfied that there would not be harm to highway safety in this regard.
25. A pedestrian visibility splay would be provided at the access point and it is put to me that vehicle sightlines would also be achievable in accordance with the Manual for Streets and that the removal of the street tree would not be required. Given the nature of Woodside Road and the location and size of the tree I agree that this is likely to be the case.
26. The Council's concern with crossovers in place of grass verges in this case appears to mainly relate to the effect on character and appearance. This is addressed above.
27. Consequently, the proposed development would not be harmful to highway safety. Therefore, in this respect, it would be in accordance with Policies T4, and T6 of the LP and Policies SP8, DM29 and DM30 of the CLP. These require that development should not increase road danger or compromise highway safety and sets maximum parking standards. As well as the SPD which provides details as to how connectivity should be considered including having regard to LP car parking standards.
28. Policy T5 of the LP relates to cycling, and therefore the policies set out above are more relevant to this main issue

### **Other Matters**

29. The proposed development would make effective use of land and would provide family homes in an accessible location. However, taking into account the size of the proposed development these benefits are modest in their scale. This would not outweigh the considerable public and permanent harm to the character and appearance of the area identified above.

### **Conclusion**

30. 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