



## Appeal Decision

Site visit made on 24 May 2022

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20/06/2022

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**Appeal Ref: APP/L5240/W/21/3279454**

**211 Wickham Road, Croydon CR0 8TG**

- 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 A Soora against the decision of the London Borough of Croydon Council.
  - The application Ref 21/00222/FUL, dated 18 January 2021, was refused by notice dated 14 April 2021.
  - The development proposed is described as demolishing of ancillary storage outbuilding area attached to the shop situated at the rear garden of 211 Wickham Road CR0 8TG and the erection of a detached building consisting of 1 No, three bedroom 4 person self-contained unit and 3 Nos, 1 bedroom, 1 person self-contained unit.
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### Decision

1. The appeal is dismissed.

### Applications for Costs

2. An application for costs was made by Mr A Soora against the London Borough of Croydon Council. This application is the subject of a separate decision.

### Main Issues

3. The main issues are:
  - i) The effect of the development proposed on the character and appearance of the area;
  - ii) Whether the development proposed would provide adequate living conditions for future occupants, with particular regard to outlook and outdoor garden spaces;
  - iii) The effect of the development proposed on the living conditions of occupiers of 211 and 213 Wickham Road with specific regard to outlook; and
  - iv) The effect of the proposed parking arrangements on highway and pedestrian safety.

### Reasons

#### *Character and Appearance*

4. Number 211 Wickham Road is a three storey building which includes rooms within its roofspace served by front and rear dormers and windows within its flank wall. Its scale and design are typical of others in this terrace which

address Wickham Road and which include commercial uses at the ground floor level. The character of Wickham Road contrasts with Ridgemount Avenue, which extends to the north and is characterised by two storey semi detached properties. While several of those properties have experienced extensions and small scale alterations, they generally share the same form, design and building lines, which give a prevailing regularity and uniformity to the street. These, and the two storey projecting bay features in particular, contribute positively to the character and appearance of the area.

5. While otherwise respecting the character of properties on Ridgemount Avenue on the whole, the proposed balconies would project significantly beyond the line of the aforementioned projecting bays and would extend a considerable width of the front elevations. They would also include 2m high glass screens to their outer edges. In combination, those factors would result in the balconies appearing visually prominent on the front elevation and accordingly disrupting the pleasant uniformity of the street scene, being at odds with the established character of Ridgemount Avenue.
6. There are other developments which include front balconies in the wider area, including on Wickham Road. However, the context and character surrounding those sites differs significantly from the appeal site.
7. For the above reasons, the appeal scheme would harm the character and appearance of the area. It would thus conflict with Policy DM10.1 of the Croydon Local Plan 2018 (the CLP) insofar as it requires development to respect the development pattern and appearance. As the site is located in a designated area of focussed intensification in the Local Plan, the proposal would be contrary to Policy DM10.11 which states that developments in these areas should enhance and sensitively respond to existing character.
8. There would also be conflict with the Suburban Design Guide Supplementary Planning Document 2019 (SPD) insofar as it requires balcony design to be integrated into the design of the proposal and Policy D3 of the London Plan 2021 (the LP) which requires development to respond to a site's context and local distinctiveness.
9. The Council have referred to Policies D1 and D4 of the LP. They appear, however, to relate to the Council's consideration and assessment of an area's character, rather than being specific to how they might assess development proposals in relation thereto. I do not therefore find any conflict with them in regard to this main issue.

#### *Living Conditions - Future Occupants*

10. The outdoor garden space proposed for Flat 3 would wrap around a proposed parking space and, as a result, be an awkward shape and narrow, around just 1.2m in depth from the rear doors. This is likely to be a poor quality space for future occupiers, with its cramped and enclosed nature exacerbated by the surrounding boundary treatments.
11. Flat 1, which would have three bedrooms and could provide family accommodation, would also have some private garden space provided to the rear. While this is likely to be heavily enclosed by the boundary treatments, it would nonetheless provide an area of outdoor space directly accessible from the flat and which is of ample size to accommodate paraphernalia as may be

required by future occupants. In light of the adjoining structures and boundaries it would not be significantly overlooked, and the fencing shown to divide the playspace and patio could be removed by condition if the appeal scheme were otherwise acceptable, to improve the openness of the space.

12. The proposed flats on the first floor would have windows and a door to their front elevations, while the rear windows would be obscure glazed and openable only above 1.7m from the floor level. While those windows at the back would not provide outlook, together with the proposed rooflights, they would provide some natural light and ventilation into those flats. As the main habitable rooms of those flats would benefit from uninterrupted outlook over the street to the front, the outlook of those units would be acceptable.
13. Despite this, the outdoor space for Flat 3 would be of an unacceptably poor quality. As such, the development would fail to provide an adequate standard of accommodation for the future occupiers of that unit. Consequently, the proposed development would fail to comply with Policy DM10.4 of the CLP and the Suburban Design Guide SPD insofar as they require private garden space to be functional.

#### *Living Conditions – Neighbours*

14. The proposal would introduce a two storey flank wall plus hipped roof immediately to the rear of 211 Wickham Road, which includes residential accommodation on its upper floors. There are two large windows in its rear elevation at the first and second floor level which, from the evidence, appear to serve habitable rooms.
15. Policy DM10.4e) of the CLP requires, among other things, a minimum length of 10m of the garden area to be retained for the host property where a new development is proposed in the grounds. The Suburban Design Guide SPD states this distance is primarily to ensure sufficient outlook and amenity to the existing dwelling.
16. The main parties agree that the distance between the first floor window of No 211 and the flank wall of the development would be 10.5m, thereby just exceeding the requirement of Policy DM10.4e). A lesser distance would exist between the buildings at the ground floor level. However, based on the evidence, no habitable accommodation exists within No 211 at this level. The existing rear window at the second floor level would look predominantly onto the roof of the proposed development, which would slope away from that window.
17. In light of these factors, the impact of the proposed development on the living conditions of occupants of No 211 would not be harmful, particularly with regard to outlook and a sense of enclosure.
18. The neighbouring building, 213 Wickham Road, similarly has residential accommodation on its upper floors. As the development would be at an oblique angle from its rear windows and as the distances involved are similar to those for No 211, I do not consider the development would cause unacceptable harm to the living conditions of those occupants.
19. The proposed development would not therefore cause harm to the living conditions of the occupants of No 211 or No 21. In this respect the appeal scheme would comply with Policy DM10 of the CLP insofar as it seeks to protect

the amenity of occupiers of adjoining buildings. I do not find conflict with the objectives of the Suburban Design Guide SPD that relate to living conditions.

20. The Council's officer report refers to a distance of 15m required between buildings, which contrasts with the requirement in Policy DM10.4. Despite the absence of substantive evidence regarding why a greater distance of 15m would be required in this instance, I find the development would not be harmful to the living conditions of the neighbouring occupants for the reasons I have given.

#### *Highway and Pedestrian Safety*

21. The proposal would provide four off street parking spaces that would be accessed via the unmade track which in turn provides access to the back of other buildings on Wickham Road. Vehicles parked on the site would need to reverse onto the track to exit the site. The supporting plans suggest that there is space behind the proposed parking areas for vehicles to turn and to join Ridgemount Avenue in a forward gear. I accept that, given the width of the track multiple manoeuvres may be required, however I do not have convincing evidence to suggest that this would cause harm to highway safety should it occur.
22. The track and its associated point of access onto Ridgemount Avenue already serve multiple existing parking areas to the rear of other buildings on Wickham Road. From what I saw on site, there are unlikely to be significant pedestrian movements along the track and vehicle speeds would be low. I do not therefore find that there would be unacceptable risk to either highway or pedestrian safety from the proposed parking arrangements. In addition, there is no indication that the proposal would necessitate the removal or amendment of the existing parking bays in front of the site on Ridgemount Avenue. Therefore, there would be no resulting increase in on-street parking pressure.
23. On this main issue therefore, there would not be any harm to highway or pedestrian safety. As such, the proposed development would comply with Policies SP8, DM29 and DM30 of the CLP which together relate to parking infrastructure and highway and pedestrian safety.

#### **Other Matters**

24. I have had regard to the other planning permissions referred to by the appellant and, based on the evidence before me, the harms arising from the appeal development would be specific to its own merits and location. My findings would not therefore change.

#### **Conclusion**

25. The appeal scheme would cause harm in regard to the first two main issues. This would result in conflict with the development plan. I attach substantial weight to these matters. My findings in regard to the other main issues would be a lack of harm and whilst according with the development plan, could not be definition be used to weigh against my other conclusions. The proposal would deliver housing and have other associated benefits but, given the scale of the proposed development, this matter would attract limited weight.

26. With this in mind, there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

*C Shearing*

INSPECTOR