

Appeal Decision

Site visit made on 25 July 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 18 August 2022

Appeal Reference: APP/L5240/W/21/3285651

2 Coniston Road, Coulsdon CR5 3BS

- 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 Ms L Byles against the decision of the Council of the London Borough of Croydon.
 - The application reference 21/02583/FUL, dated 17 May 2021, was refused by notice dated 27 August 2021.
 - the development proposed is described in the application form as follows: "demolition of existing garage, construction of new 3 bed attached dwelling with accommodation in roof and raising hip to gable of donor dwelling to facilitate".
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Decision

1. The appeal is allowed and planning permission is granted for "proposed hip-to-gable roof alteration to the existing dwelling; proposed demolition of the existing garage and erection of an attached two storey end of terrace three-bedroom dwelling with rear dormer", at 2 Coniston Road, Coulsdon CR5 3BS, in accordance with the terms of the application (reference 21/02583/FUL, dated 17 May 2021), subject to the conditions set out in the attached Schedule of Conditions.

Preliminary points

2. Notwithstanding the description of the proposed development that was given in the application form, the nature of the proposal can more clearly be expressed as set out in the decision notice and the appeal form, as "proposed hip-to-gable roof alteration to the existing dwelling; proposed demolition of the existing garage and erection of an attached two storey end of terrace three-bedroom dwelling with rear dormer".

Main issues

3. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the host building and its surroundings, including by its effect on a tree in the street outside the front boundary of the site.
4. The second main issue is whether the proposed access to the site would be satisfactory for vehicles and pedestrians.

Reasons

5. The appeal site is located in a residential area to the west of the centre of Coulsdon, with good access to the town centre and to the transport network. Houses are mainly laid out in closely built up terraces in a relatively dense urban townscape. Coniston Road links two busier roads, Chipstead Valley Road (the B2032) and Portnalls Road, and is straight for the most part, with a shallow bend part way along the road.
6. Number 2 Coniston Road lies near to the north end of the road, on the outside of the bend. The house is an end of terrace property, where the houses step down along the road frontage, to accommodate the natural contours of the land. The house has a hipped tiled roof and the walls are rendered, with a pebbledash finish on the front elevation. It has a relatively large back garden, which widens towards the rear boundary. It is attached to the adjoining terraced house, to the south, but there is an additional garden area to the side of the house, to its north. Here, there is also a garage and workshop belonging to the house. A crossover provides access to the garage (and much of the existing frontage is hard surfaced) and a small tree is growing in the footpath, close to the highway and adjacent to the crossover.
7. Beyond the northern side boundary of the property, a driveway gives access to garages and gardens at the rear of properties that have their front elevations in Chipstead Valley Road.
8. It is now proposed to demolish the existing garage and workshop on the appeal site, to adapt the hipped roof of number 2 Coniston Road and to extend the existing terrace by constructing a new house at its northern end.
9. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation.
10. Under the broad heading "Promoting sustainable transport", Section 9 of the revised 'National Planning Policy Framework' (2021) deals with a number of transport related issues. Among other things, it points out the need to prevent significant impacts on highway safety. It is intended that congestion ought to be reduced (and hence that new development should not inhibit the free flow of traffic, in principle), but it is of particular importance to ensure that "safe and suitable access to the site can be achieved for all users" (paragraph 110).
11. Policies in the Development Plan reflect these basic considerations.
12. In particular, Policy D4 of 'The London Plan' (dated March 2021) is concerned with "Delivering Good Design", while Policy D7 specifically emphasises the need to provide accessible housing for London's diverse population.

13. Similarly, Policies SP4 and DM10 of the 'Croydon Local Plan 2018' focus on "urban design and local character" and "design and character", respectively, while trees that make a particular contribution to the character of the area are to be especially valued, as noted in Policy DM28. Policy DM29 states that new development "must not have a detrimental impact on highway safety".
14. The Council's 'Suburban Design Guide Supplementary Planning Document' (dated 2018) also has some relevance but does not have the force of the statutory Development Plan.
15. The proposed alterations to the roof of the existing house would reflect the construction of the existing terrace, as it steps down the hill and introduces breaks in the roofline, with an effect that is not unattractive. The proposed new two-storey dwelling would, again, break the ridge line and would be set back from the front elevation of the host building, taking advantage of the increasing width of the plot towards the rear. Although the relationship between the new house and its side boundary would be a little awkward, leaving spare triangles of land, the design would not be so unsatisfactory that the scheme ought not to be allowed.
16. The new house would replace the existing garage and would add to the bulk of buildings in this part of Coniston Road. Even so, there would be a significant gap between the end of the extended terrace and the rear of the two-storey buildings in Chipstead Valley Road. The existing garages at the rear of those properties have only a very limited impact on the streetscene and the loss of the garage at the front of the appeal site need not be regretted. Both the new house and the existing house would benefit from gardens of a reasonable size by comparison with nearby plots (even though less than half the existing garden would be retained with the existing house).
17. The design of the front elevation of the new house would reflect that of nearby houses, making use of similar materials. The proposed rear elevation would, it is true, be marked by the introduction of a large "box dormer", projecting from the rear roof slope, but such dormers are now commonplace on residential properties and the proposed dormer can hardly be said to be out of keeping, in principle. Indeed, there are other examples to be seen in the vicinity of the appeal site.
18. Hence, I have formed the opinion that the proposed new house would not be incongruous or out of keeping in its context, either in terms of its bulk and massing or its detailed design.
19. The scheme would include alterations to the existing crossover and the front garden that could, potentially, be more intrusive, however. The application drawing does not show much detail of proposed landscaping but does indicate that there would be space for a single car to be parked outside both the existing house and the proposed new house. I have formed the view that a better proposal for a landscaping scheme would be necessary, to cover the entire site. This could be made the subject of suitable conditions, however.
20. In the context of the landscaping scheme, it may be that a new crossover could be created for the existing house, and the existing crossover retained for the new house, without harming the tree that is currently growing in the footpath, especially bearing in mind its small size. Even if the existing tree could not be

- preserved, however, I accept that the landscaping scheme could provide for a replacement tree in due course, either within the public street (subject to the necessary agreements) or on the appeal site itself.
21. In short, I have formed the view that the scheme would not have an unduly harmful effect on the character and appearance of the host building or its surroundings, subject to the imposition of suitable landscaping conditions.
 22. Turning to the issue of highway safety, I note that the proposal would require the introduction of a new access to the highway, at a bend in the road where various accesses already exist. Evidently, cars would not be able to enter and leave the properties in forward gear but nor would it be realistic to expect that. Such a situation is not uncommon in built up residential streets. Coniston Road is a relatively quiet residential street and the proposed arrangement would not be unduly difficult for drivers, nor would it interfere unacceptably with passing vehicles or pedestrians. I am persuaded that the access arrangements would not give rise to a highway hazard, nor would the project give rise to congestion or undue inconvenience.
 23. It is also pointed out, however, that the access to the new house would be rather steep, as it is at present. This reflects the natural slope of the land, which also affects other homes in the vicinity and more widely in the local area. I am conscious that a landscaping scheme would need to show the pedestrian accesses to the two houses, which could mitigate the problem, but I am not persuaded that this issue (relating to Building Regulations) is sufficient to justify a refusal of planning permission.
 24. In short, I have concluded that, in all the circumstances, the proposed access to the site would be satisfactory for both vehicles and pedestrians, in planning terms.
 25. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the contribution that the appeal scheme would make to the provision of new residential accommodation in the locality, even though it would be limited, weighs in favour of the appeal (notwithstanding the fact that the Council is meeting its housing targets, in any case). I have concluded that the project would not be in conflict with national or local planning policies (including the Development Plan when read as a whole) and I am persuaded that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
 26. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), noting that the appellant has agreed to them, including pre-commencement conditions.
 27. In particular, I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained, both in respect of the new building itself and the landscaping of the site. Therefore, I have included wide ranging landscaping conditions, covering various matters dealt with in the Council's suggested conditions.

28. I have, moreover, imposed conditions to deal with most of the matters which have been identified in the submissions, subject to modifications necessary, in my opinion, in the interests of clarity and simplicity. For the most part, I accept the reasons that have been given for the suggested conditions, although I am not persuaded that it would be necessary or reasonable to impose accessibility provisions that would be covered by the Building Regulations (and which may be optional), in the circumstances of this appeal and in the light of the specific topography of the site and the extensive landscaping conditions imposed. Nor am I persuaded that it is necessary, in this case, to impose additional controls on carbon dioxide emissions, beyond the requirements of the Building Regulations.
29. I note that there is no requirement for the existing house to have the benefit of an electric vehicle charging point and I have not extended the condition to impose such an obligation on the existing house, although such a facility would be desirable, no doubt.

Roger C. Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 2 CR/21-01 (Plans and Elevations as Existing);
 - drawing number 2 CR/21-02 (Plans and Elevations as Proposed);
 - drawing number 2 CR/21-05 (Location / Site Plans).
3. No materials shall be incorporated into the external surfaces of the development hereby permitted until samples (or specifications) of those materials and drawings (at appropriate scales) of the construction details to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details, using the approved materials.
4. Prior to first occupation of the new dwelling hereby permitted, full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the implementation programme approved by the local planning authority. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
5. The details to be submitted as part of the landscaping scheme shall include proposed and existing finished levels, means of enclosure and functional services above and below ground. The details of the hard landscape works shall include details of provision for car parking, cycle parking, refuse storage boundary treatment and access design. The details of the soft landscape works shall include details of all existing trees in the vicinity of the proposed development, including the tree in the footpath outside the appeal site (and details of the method of protecting retained trees during the course of the work), planting plans and implementation programme.
6. Prior to first occupation of the dwelling hereby permitted, the areas and structures shown on the approved landscaping scheme as being dedicated to car parking and manoeuvring, cycle parking and refuse storage shall be laid out and brought into use as such, with a suitable crossover in the highway. They shall be retained and used for no other purposes thereafter. The landscaping scheme shall define the allocation of the various spaces to the existing dwelling and the new dwelling respectively and the spaces shall not be occupied other than in accordance with that approved scheme.
7. Prior to first occupation of the dwelling hereby permitted, one active Electric Vehicle Charging Point (EVCP) shall be provided and the dwelling shall not be occupied other than in association with the functioning Electric Vehicle Charging Point.

8. Prior to commencement of the development (save for demolition and site clearance), details shall be submitted to and approved in writing by the local planning authority to demonstrate how the development would achieve secure by design accreditation. The development shall be carried out in accordance with the approved details, using the approved materials.

9. Prior to commencement of development (save for demolition and site clearance), a Fire Strategy shall be submitted to and approved in writing by the local planning authority to demonstrate out how the development complies with London Plan (2021) policy D12 Part A. The development shall be carried out in accordance with the approved details, using the approved materials, and shall not be occupied other than in accordance with the approved Fire Strategy.

10. The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day.