
Appeal Decision

Site visit made on 25 July 2022

by Adrian Hunter BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2022

Appeal Ref: APP/L5240/W/21/3289506

32 Plough Lane, Purley CR8 3QA

- 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 Barry of Studio Casa Architects against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03680/FUL, dated 9 July 2021, was refused by notice dated 10 December 2021.
 - The development proposed is alterations, erection of 3 x three storey detached 4 bedroom houses to the rear of Larch Mead 32 Plough Lane with associated refuse and bike stores, formation of vehicular access and provision of associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal upon the character and appearance of the area;
 - Whether the proposal would provide adequate living standards for future occupiers;
 - The effect of the proposal upon protected trees;
 - Whether the proposal makes adequate provision for car parking and the storage of cycles;
 - Whether the proposal makes adequate provision for the disposal for refuse and bulky waste; and
 - Whether the proposal makes adequate provision for fire safety.

Reasons

Character and appearance

3. The appeal site comprises a large, detached dwelling set within a substantial plot. The land slopes upwards, away from Plough Lane, so as a result, both the host property and the rear garden are at a higher level. The surrounding area is predominately residential and comprises a mix of house designs, but are mainly detached and semi-detached dwellings, set within their own plots. Buildings are a mix of 2 and 3 storey, with the predominate materials being brick and render walls, with tiled roofs. Properties are set back from the road, often with landscaping to the front. There are a number of instances within the

surrounding area, where rear garden areas have been developed for new housing, including directly to the rear of the appeal site.

4. Due to the presence of the existing host property, along with surrounding development and existing landscaping, despite the topography of the appeal site, direct views of the proposed dwellings would be limited and restricted to only glimpsed views along the proposed access road. Limited views would also be possible above the host property. As a result, when viewed from Plough Lane, the overall change to the street scene as a result of the proposed development would be relatively minor.
5. Notwithstanding the above, this does not take away the requirement for the proposed development to be in keeping with the overall character and appearance of the surrounding area. The proposed development would be in contrast to the nature and character of surrounding dwellings through the use of alternative materials and the overall scale and appearance of the buildings. Whilst the use of alternative design approaches is not necessarily harmful, in this instance, given the predominate design of surrounding dwellings and the backland location of the appeal site, the proposed development would introduce a form of development, which due to its height, design and external appearance would be out of keeping with the general pattern of surrounding development. Furthermore, whilst I accept that the topography of the appeal site plays some role, the proposed development when viewed from within the site, due to its scale, would be out of context with both the host property and those around it.
6. As a result, despite being only partially visible, when it is seen, it would represent an unacceptable form of development that would harm the street scene.
7. In coming to this conclusion, I have also considered other developments within the vicinity of the appeal site, along with the design approach identified by the appellant. However, none are sufficiently comparable to the proposal or provide sufficient justification to overcome the harm that I have identified.
8. For the above reasons, I therefore conclude that the proposed development would harm the character and appearance of the area and, in this respect, would be contrary to Policies D3 and D4 of the London Plan (LP), Policies SP4 and DM10 of the Croydon Local Plan (CLP), the Croydon Suburban Design Guide SPD and the National Planning Policy Framework (the Framework). These policies, amongst other things, requires development to be compatible with the character and appearance of adjoining development and the locality in general.

Living conditions of future residents

9. The design and internal layout of the proposed development is such that House Nos 2 and 3 would have two bedrooms on the first floor with windows that would face towards the side elevation of the adjoining unit.
10. In relation to the bedrooms on the first floor, for Houses 2 and 3, the proposed windows would serve as the only means of light and outlook from these rooms, although the rear bedrooms of these units would be served by a narrow window in the rear elevation. Therefore, given the proximity of the adjoining building, the amount of daylight that would be able to enter these rooms would

be severely restricted. This, along with the limited outlook from these windows, would result in a poor level of living standards within these rooms.

11. With regards to the second floor of the houses, these bedrooms would be served by side facing windows in the form of rooflights. Whilst the outlook from these windows would be better than those on the first floor, the proposed windows would be high level, which would restrict the amount of daylight that would be available within these rooms. As a consequence, future residents would experience poor living conditions.
12. For the above reasons, I therefore conclude that the proposed development would harm the living conditions of future occupiers in terms of outlook and daylight and sunlight and, in this respect, would be contrary to Policies SP2.8, DM10.4 and DM10.5 of the CLP, Policies D3 and D4 of the LP, the National Described Space Standards, the Housing Supplementary Planning Guidance to the London Plan, the Suburban Design Guide and the Framework. These policies amongst other things seek to ensure that adequate living conditions are provided for future residents of all developments.

Trees

13. Within the appeal site, there are a number of trees, which are protected by a Tree Preservation Order. As well as the removal of a number of unprotected trees, the appeal proposal would result in the loss of a single protected tree to allow for the provision of access to the proposed dwellings.
14. A key characteristic of the surrounding area is the presence of landscaping, this creates a verdant and sylvan feel to the street scene. The existing trees on the site are clearly visible and as a result, they make a valuable and important contribution to the character and appearance of the area and the street scene in general. Whilst the proposal would retain a considerable number of the protected trees, the loss of a substantial tree would have a harmful effect upon the character and appearance of the area, thereby harming the street scene.
15. Policy DM10.8 of the CLP recognises that, in exceptional circumstances, there may be justification for the loss of mature trees where the benefits of the development outweigh their loss, and they are replaced by new semi-mature trees of a similar species, scale and form.
16. I acknowledge that the proposal would make provision for mitigation planting in the form of its replacement with two semi-mature trees. However, given the important and valuable contribution the protected tree makes, along with its identification as a category B tree, I consider that the proposed mitigation does not outweigh the harm caused through its loss. Furthermore, there are no exceptional circumstances before me or any evidence to demonstrate that an alternative design could not be brought forward that would retain the tree. Moreover, whilst I note that the proposal would deliver three new dwellings, I consider this to be only a minor benefit of the proposal and not sufficient to outweigh the identified harm caused by the loss of the protected tree.
17. For the above reasons, I therefore conclude that the proposed development would result in the loss of a protected tree, which would harm the character and appearance of the area, and, in this respect, would be contrary to Policies D3 and G7 of the LP, Policies DM10 and DM28 of the CLP and the Framework.

Parking

18. It is agreed between the parties that the appeal site is considered to have poor accessibility to public transport with a PTAL rating of 1a. In these instances, both the LP and CLP require that the maximum parking standards, within the outer London area, should be 1.5 spaces per dwelling. For the proposed development, this would equate to the provision of 5 spaces.
19. The proposed development would make provision for five spaces on site, with four located along the northern boundary of the appeal site, along with a turning area. A further space is provided to the front of house 3. On this basis, the proposed development appears to provide sufficient car parking to meet policy requirements. Whilst the four spaces would be laid out at an angle, evidence provided by the appellant demonstrates that these spaces are accessible and, with the use of the turning area, would allow vehicles to enter and exit the site in a forward gear. No evidence is before me to contradict this. Furthermore, evidence is provided to demonstrate sufficient space exists for delivery vehicles.
20. With regards to potential overspill car parking and the impact upon surrounding streets, there is no evidence before me to suggest that the proposed development would result in any adverse highway impacts. Even if there was evidence to suggest that the proposal would increase the pressure upon on-street parking provision, given that the proposal makes adequate provision for on-street parking to meet development standards, I consider it unlikely that this would be of such a level as to have an unacceptable impact upon the road network.
21. The Council have expressed a concern with regards to the suitability of both the disabled space and the parking space to the front of House 3. However to my mind, there appears to be sufficient space within the site for these spaces to be amended to ensure adequate provision is made. This can be achieved through a suitably worded planning condition.
22. In terms of the suitability of the access, I note that the appellant's submissions show both the footpath and access road to have a gradient of 1:12, which would appear to be adequate to serve the development.
23. With regards to cycle parking provision, the proposed development would provide both a covered cycle store, along with a separate visitors store adjacent to the refuse storage area. To my mind, this level of provision would appear to be satisfactory.
24. For the above reasons, I therefore conclude that the proposed development is not likely to have an unacceptable impact upon highway safety and, in this respect, accords with Policies T4 and T6 of the LP, Policies SP8, DM29 and DM30 of the CLP, the Suburban Design Guide and the Framework.

Waste

25. The appeal proposal makes provision for a bin store in close proximity to the entrance to the appeal site. In their submissions, the Council raise no issues in relation to its location, or its appearance. Having reviewed the details, I see no reason to disagree with this.

26. From a review of the information before me, the main issue appears to relate to discrepancies between the proposed site plan and the submitted detailed drawings of the proposed bin store. Whilst there may be some difference, given that the location and design of the bin store is acceptable, it seems to me that the exact size and internal configuration of the bin store is a matter that could adequately be dealt with through the provision of an appropriately worded condition.
27. For these reasons, the proposed development would make adequate provision for the disposal of waste and, in this respect accords with Policies D6, Table 3.2 and SI7 of the LP, Policy DM13 of the CLP, the Suburban Design Guide SPD and the Framework. Amongst other things, these policies seek to ensure development proposals make adequate provision for the storage and disposal of waste and recycling.

Fire Safety

28. Policy D12 of the LP requires all major developments to be submitted with a Fire Statement, which is an independent fire strategy, produced by a third party. Whilst no information was submitted with the appeal application, the appellant has provided an outline of the measures they would seek to implement within the scheme. I do not seek to bring these submissions into question, however to my mind, the wording of the policy is clear in what is required and the level of detail that needs to be submitted.
29. Therefore on the basis of the information before me, and taking a precautionary approach, I therefore conclude that the proposed development makes inadequate provision for fire safety. It has been suggested by the appellant that the matter could be adequately dealt with via a condition. However, in this instance, I do not consider that it would be appropriate for the matter to be addressed in such a way.
30. For these reasons, I therefore conclude that the proposed development fails to make adequate provision for fire safety and, in this respect, does not meet the requirements of Policy D12(b) of the LP and the Framework.

Planning balance and conclusion

31. I have concluded that the proposed development would not have an adverse effect upon highway safety, would ensure the adequate provision of cycle parking and would make sufficient provision for the storage of refuse and bulky waste. Given these are requirements of policy, the absence of harm is a neutral matter that weighs neither for nor against the proposal.
32. The appellant has drawn my attention to the benefits of the proposal in terms of the provision of three family homes, within an accessible location, which would make a direct contribution to the supply of local housing. Whilst I accept this to be a benefit, given the modest scale of the development, I have attributed this limited weight in the overall planning balance.
33. However, these are outweighed by the harm I have found to the character and appearance of the area, the provision of poor living conditions for future residents and the loss of a protected tree. I also consider that the proposal would fail to secure the safety of building users in relation to a fire.

34. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Adrian Hunter

INSPECTOR