



Appeal Decision

Site visit made on 9 August 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2022

Appeal Ref: APP/L5240/W/21/3287367

85 Coulsdon Road, Coulsdon CR5 2LD

- 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 Roger Purdom of RP London Developments Limited against the decision of the London Borough of Croydon.
 - The application Ref 21/00052/FUL, dated 5 January 2021, was refused by notice dated 17 August 2021.
 - The development proposed is the demolition of the existing, single-family bungalow and the erection of 6 mews-style cottages with private gardens, hardstanding for 6 parking spaces and associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted an amended scheme which would split the proposed L shaped mews into 2 linear blocks and alter the access into the appeal site, amongst other things. This would require changes to the description of development and supporting technical reports have not been updated to assess the impact of the amended scheme. As an appeal should not be used to evolve a proposal and having regard to the Wheatcroft principles, where I to take account of the amended plans there would be a risk of disadvantaging interested parties. I have, therefore, made my decision on the originally submitted plans.
3. The appellant has also submitted a bat survey report at appeal stage. Which seeks to specifically answer a defined issue. It does not alter the original scheme proposed, referring to the existing buildings on the site only. The Council has had it assessed by their specialist and no other interested parties have objected to this document. I am therefore satisfied that its inclusion would not prejudice interested parties and I have made my decision accordingly.
4. I am aware that a new application has been submitted to the Council (reference 21/04205/FUL), but this does not affect my decision in relation the scheme before me.

Main Issues

The main issues are whether the proposed development would a) preserve or enhance the character and appearance of the Bradmore Green Conservation Area (CA); b) provide adequate living conditions for future occupiers regarding

internal space; c) affect highway safety with specific regard to the vehicle access; d) provide adequate disabled parking provision; e) provide adequate refuse storage facilities; and f) effect protected species and habitats.

Reasons

Conservation area

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 189 of the National Planning Policy Framework (the Framework) requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and paragraph 199 confirms 'great weight' should be given to their conservation.
6. The Bradmore Green Conservation Area Statement (CAS) outlines the significance of the CA in terms of 3 key areas, that around St John's Church; the mock tudor shopping parade, public house, and surroundings; and Bradmore Farm and pond area in front, and their open and verdant setting. This spaciousness gives the CA a semi-rural feeling providing a rich landscape setting for the buildings forming an important part of its character.
7. The CA is surrounded by residential suburbia, which is more densely developed with less space between buildings and boundaries. The bowling greens and their car park, and the golf course around the appeal site create a defined edge to the CA reinforcing the open and semi-rural character and appearance of the area in comparison to its surroundings.
8. The generous spacing around the dwelling on the appeal site and its landscaped boundaries contribute positively to the spacious and semi-rural character and the character and appearance of the CA. A view similarly held by the Inspector who dealt with a previous appeal on the site¹.
9. Whilst appreciated that the existing dwelling has a neutral impact on the CA, the proposal would reduce the spaciousness of the site. It would intensify the density of development not only in quantum but in the physical bulk, height, and massing of the proposed building. It would also reduce the height of the hedging along the road boundary which would emphasise the mass of the proposal in relation to its surroundings. Those traveling into the CA down Coulsdon Road would be able to see the upper parts of the proposed development. This view would be altered from one currently dominated by the mature trees and hedging, to one dominated by built form, which would be detrimental to the verdant appearance of the CA and harming its rural character.
10. The form of the proposal would represent a main building with attached stable block, with flat roof dormers a key feature. However, I did not observe examples of this building form, nor obvious examples of flat roof dormers, within the CA or immediate area of the appeal site. I appreciate the roof and wall materials are reflective of the local palette but the proposed grey windows and doors, and UPVC soffits and fascias are not. Therefore, I find little correlation between the design of the proposal and its surroundings.

¹ Reference APP/L5240/W/19/3243892

11. Consequently, the form, design and materials of the proposal would not be sympathetic to the appearance and character of the CA. This in combination with the unacceptable impact of the proposed layout, bulk, height, and massing, would cause less than substantial harm to the significance of the CA.
12. Paragraph 202 of the Framework requires that when development will lead to less than substantial harm to the significance of a designated heritage asset, then it should be weighed against the public benefits of the proposal.
13. The proposal would have economic benefits during the construction phase, however due to the finite period of this benefit I can only give it limited weight. That the proposal would provide housing of a size in demand in Croydon in a sustainable location (and there was some public support for additional houses at application) is noted. There is no evidence supporting this assertion, so I can only give it limited weight.
14. The Framework seeks to boost the supply of homes and make more efficient use of land, but it also seeks to protect heritage assets and the Framework must be considered as a whole. A lack of harm, in relation to residential amenity, trees, parking, flood risk, and protected species (I will return to this later), do not constitute a benefit and therefore would be neutrally weighted. Consequently, the proposed public benefits would not overcome the less than significant harm to a heritage asset.
15. The proposal would, therefore, fail to preserve or enhance the character and appearance of the CA. This would be contrary to Croydon Local Plan (2018) (Local Plan) Policies SP4.1, SP4.2, DM10 and DM18, London Plan Policies D3, D4 and HC1, Framework paragraphs 198, 199 and 202, and would not be supported by the guidance in the CAS, the Conservation Area General Guidance Supplementary Planning Document, and Suburban Design Guide Supplementary Planning Document (SDG) insofar as they relate to heritage assets, and good design responding to local character.
16. London Plan Policy D5, is referred to in the reason for refusal, however I have not referred to it above as it relates to access and inclusivity in design. It is not related to heritage.

Internal space

17. Local Plan Policy SP2.8 and the Mayor of London's Housing Supplementary Planning Guidance (HSPG) require that the minimum internal floorspace standards set out in the National Technical Standard (NTS) are met. The same standards are also set out in table 3.1 of the London Plan Policy D6.
18. The NTS does not intend to prescribe uses to rooms over and above the sizes of bedrooms to calculate the minimum floor space requirements. However, paragraph 5 of the NTS states that the breakdown of the minimum Gross Internal Area (GIA) allows not only for different combinations of bedroom sizes, but also for varying amounts of additional living, dining, kitchen, and storage space. Although studies could constitute living space, the 5 proposed comply with the space standards for a single bedroom and the dwelling layouts would allow them to be easily used as such.
19. Therefore, taking a precautionary approach to this issue, especially as the NTS sets out minimum GIA standards, I find that the proposal would constitute 3 dwellings with 4 bedrooms and 3 dwellings with 3 bedrooms. Taking account

of the individual dwellings GIAs, as shown on the submitted plans and within the Design and Access Statement, 5 of the 6 proposed dwellings would not meet the minimum GIA with 4 falling below this standard by a substantial amount. This could lead to cramped living conditions for future residents.

20. Consequently, the proposed development would not provide adequate internal space for 5 of the 6 proposed dwellings so not provide adequate living conditions for future occupiers. This would be contrary to Local Plan Policy SP2.8, London Plan Policy D6, the HSPG, the NTS and the SDG insofar as they relate in internal space standards.
21. The reason for refusal also refers to Local Plan Policy DM10 and London Plan Policy D3, both relate to general design principles and not to internal floor areas. Therefore, I have not referred to them above.

Highway safety

22. Coulsdon Road is a reasonably wide and regularly used road, considered by the Council a local distributor road. Although the appeal site is located on the outside of a gentle bend there is reasonable visibility along the curve of the road with limited obstructions, such as street furniture. Whilst it would intensify its use, the proposed development would retain the vehicular access into the site in a similar position to the existing one but increase its width and reduce the height of the road frontage hedges.
23. The proposed parking spaces would be in a linear arrangement to one side of the vehicle access. The plans show that there is an aisle behind them which parked vehicles could back out into and use for turning, however due to the constraints of the site it is not clear from the evidence before me whether cars could manoeuvre easily out of every space, with specific regard to those at the ends, or turn on the site if all spaces were taken. It is not satisfactorily shown that all vehicles using the site can enter and exit in a forward gear. This could lead to manoeuvring in the road or reduced visibility of other road users, both of which would have a detrimental impact on highway safety.
24. According to the Manual for Streets (Department of Transport, published 2007) a minimum width of 4.1m would allow 2 cars to pass. The mouth of the proposed access is shown at 4.1m. However, as a minimum width this does not allow for larger vehicles accessing the site or allow for the afore mentioned manoeuvring which may occur due to the parking layout.
25. Although alterations to the width of the access and height of the frontage hedging could be conditioned to ensure the safe use of the vehicle access in a forward gear, I am not satisfied that the internal layout of the site would allow all vehicles to access and exit the site in said forward gear. This could mean vehicles backing out into oncoming traffic.
26. There is no objection to the proposed vehicle sightlines (set out in the Transport Statement) which are taken for vehicles exiting the site in a forward gear. It is within the appellants ability to reduce the height of the hedging further to ensure sightlines are maintained along with the Council's required 1.5m x 1.5m pedestrian sightlines on either side of the vehicle access. This would ensure good intervisibility between the proposed vehicle access and other road users.

27. The proposal could, therefore, have a detrimental impact on highway safety contrary to Local Plan Policies SP8, DM29 and DM30, insofar as they relate off-road residential parking access and highway safety, and the Framework paragraph 111. The proposal would also not comply with London Plan Policies T2 and T6, however these consider highway safety at a more strategic level.

Disabled parking provision

28. The proposal would provide 1 allocated vehicle parking space for disabled users, which would include a protected area to one side to assist with accessing the vehicle.
29. London Plan Policy T6.1 states disabled persons parking should be provided for new residential developments (only setting a minimum quantum of provision for developments of 10 or more units) and sets out at criteria H(5) that the spaces should comply with the design guidance in BS8300vol.1.
30. I am therefore satisfied that some provision for disabled persons parking would be required for the proposed scheme before me. The proposed disabled persons parking space would not meet the design guidance in BS8300vol.1, specifically in size and layout. However, on review of the site layout and considering the location of the proposed disabled parking space and surrounding landscaping, I am satisfied that the proposed development could provide adequate disabled parking provision in accordance with Local Plan Policy SP8 and London Plan Policies T6 and T6.1 H(5), in so far as they relate to disabled persons parking, and this could be secured by condition.
31. Although specified in the reason for refusal I have not referred to Local Plan Policy DM30, as it is not relevant to the scheme before me. The proposed development and appeal site size would fall under that policy's threshold requiring the provision of disabled car parking.

Refuse storage facilities

32. It is proposed that a communal refuse store area would provide for the individual refuse and recycling receptacles required for the 6 dwellings. This would be close to the site access and would be screened on 3 sides by hedging.
33. The proposed storage area would be conveniently located for future users and collection services, close to the pedestrian access into and out of the site and would be screened. It would not, however, provide bulky waste storage nor be enclosed. Nevertheless, due to the proposed site layout there is potential the proposed facilities could be extended to incorporate bulky waste storage and enclosed without detriment to the development overall. These matters could therefore be dealt with by condition.
34. Consequently, the proposed development could provide adequate refuse storage facilities in compliance with Local Plan Policy DM13, the SDG, and London Plan Policies SI7 and D6 (including table 3.2), which support the provision of appropriate refuse storage facilities integrated within the design of new developments.

Protected species and habitats

35. The appellant's Preliminary Ecological Appraisal (PEA) confirmed that there was high and moderate potential of bat roosting within 2 existing buildings on site.

The additional Bat Emergence and Re-entry Surveys submitted at appeal conclude that roosting bats are unlikely in those buildings. I am satisfied, therefore, that the proposal would not have a harmful impact on bats, a protected species, and the implementation of the enhancement measures set out in the PEA, secured by condition.

36. I therefore find that adequate information has been provided to demonstrate that the proposed development would not result in unacceptable harm to protected species and habitats. The proposal would comply with Local Plan Policies SP7.4 and DM27, and London Plan Policy G6, insofar as they relate to the management of impact on biodiversity and development being informed by the best available ecological information.
37. I have not referred to Local Plan Policy DM28, which is in the reason for refusal, as it relates to the protection of trees so is not relevant.

Other Matters

38. A Council is not bound to accept the recommendations of its officer given within pre-application advice. The appellant also considers that the Council have not acted positively and proactively in dealing with the application by not accepting amended plans. This is an administrative matter and would not impact the planning merits of the case before me.
39. The proposal would provide additional housing on a site with reasonable access and potentially support the local economy during construction would provide some benefit, however these matters do not outweigh the harm identified.

Conclusion

40. Whilst I have found for the appellant in relation to disabled parking provision, refuse storage and protected species and habitats, this would be a lack of harm. Thus, by definition, is capable of weighing against the harm that I have found regarding the conservation area, internal space, and highway safety. Consequently, the appeal scheme would conflict with the development plan as a whole. There are no material considerations worthy of sufficient weight, that would indicate a decision otherwise. The appeal should, therefore, be dismissed.

RJ Redford

INSPECTOR