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# 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: 2<sup>nd</sup> September 2022

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## **Appeal Ref: APP/L5240/W/21/3288773**

### **24 Coulsdon Court Road, Coulsdon CR5 2LL**

- 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 Macar Developments against the decision of the London Borough of Croydon.
  - The application Ref 21/02876/FUL, dated 26 May 2021, was refused by notice dated 28 October 2021.
  - The development proposed is the demolition of existing building; erection of a terrace of 6 three/four bedroom houses of two-storeys with roof space accommodation; provision of 6 car parking spaces and refuse storage structures.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the demolition of existing building; erection of a terrace of 6 three/four bedroom houses of two-storeys with roof space accommodation; provision of 6 car parking spaces, and refuse storage structures at 24 Coulsdon Court Road, Coulsdon CR5 2LL in accordance with the terms of the application, Ref 21/02876/FUL, dated 26 May 2021, subject to the attached schedule of conditions.

### **Applications for costs**

2. An application for costs was made by Macar Developments against the London Borough of Croydon. This application is the subject of a separate Decision.

### **Procedural Matters**

3. It is noted that within the Council's Statement of Grounds they confirm that policy SP2.8 of the Croydon Local Plan (2018) (Local Plan) has been erroneously added to the reason for refusal. I have therefore disregarded this policy.

### **Main Issue**

4. The main issue is whether the proposed development would constitute efficient use of the appeal site and provide an adequate mix of housing types, including affordable homes.

### **Reasons**

5. Coulsdon Court Road, in general, is reasonably homogenous with substantial, 2 storey dwellings, some with accommodation in the roof space, set back behind parking areas. The appeal site is a similar such property, however a large portion of the previously associated gardens have been separated and subsequently developed to provide several smaller dwellings (planning

reference 19/0453/FUL). On visiting the site, it was evident although recently finished a large proportion of these new dwellings were occupied. The proposed development would replace the existing dwelling with a building of similar overall bulk and mass but providing 6 smaller dwellings.

6. The application was refused with reference to Policy SP2 of the Local Plan which is an overarching strategic policy setting out a presumption in favour of development of new homes providing the requirements of said policy and other specified policies are met. The reason for refusal then specifies 3 specific parts of Policy SP2, SP2.1, SP2.2, and SP2.3.
7. SP2.1 sets out the general aim of the policy as stated above. SP2.2 sets out the housing delivery target and how this should be met including delivery on windfall sites, bringing vacant homes back into use and ensuring development does not result in a net loss of homes or residential land. SP2.3 sets out the Council's strategic policy target in relation to the provision of affordable homes throughout the borough including the tenure type expected.
8. The overarching objectives of Local Plan Policy SP2 are similarly articulated at a regional level within Policy GG2 of the London Plan. The reason for refusal also included London Plan Policy D3, which looks at general good practice in terms of designing new development. This is not unlike Local Plan Policy SP2.8 as such I consider has also been included erroneously and is not relevant to the main issue.
9. The Council have also referred to specific paragraphs in the Suburban Design Guide Supplementary Planning Document (2019) (SDG), which state that efficient use of sites constitutes providing higher densities of housing and where possible combining smaller sites to allow comprehensive development.
10. Supplementary planning documents, according to the Framework, do not form part of the development plan but do add further detail to development plan policies. In this case, unlike other elements within the SDG, those referred to are not clearly linked to any development plan policy and so will hold less weight than cited development plan policies.
11. The proposal would provide 4 3-bedroomed, and 2 4-bedroomed dwellings. The built form of the proposal would be similar to that already in existence and it is unlikely the site could accommodate much more without compromise to design, living conditions or the character and appearance of the surroundings. All of which are matters the Council have not objected to and through my observations I am satisfied are acceptable. I therefore find that the proposal would represent an efficient use of the appeal site without a net loss of homes.
12. Within the explanatory text for Local Plan Policy SP2 it is noted that the Council's Strategic Housing Market Assessment suggests that approximately 50% of homes should have 3 or more bedrooms (family housing), but that analysis suggests that it would be impractical to meet this demand on the sites likely to come forward. The appeal site is a windfall site and so would be able to support the Council's target by providing 100% family homes in a mix of sizes. There is nothing before me that states such a mix is unacceptable in terms of policy targets and would support the Council's strategic target of 30% of all new homes up to 2036 having 3 or more bedrooms (SP2.7 a. of Local Plan Policy SP2).

13. The proposal would fall below the 10 or more units threshold, set by the Council within Local Plan Policy SP2 (at SP2.4 – SP2.6), which would trigger a need for affordable housing contributions. Therefore, on face value there is no requirement for the proposal to provide any affordable housing.
14. However, it is noted that Council considers the proposal to be, in all intents and purposes, a second phase of the previous approved scheme 19/0453/FUL and so the affordable housing threshold would have been triggered if the two proposals had been considered as one. The appellant has put forward a compelling case as to why the site has not been dealt with as a singular site and this has not been convincingly rebutted by the Council. There is no development plan policy preventing development of small sites in isolation nor one that requires the provision of affordable homes retrospectively on schemes near to completion.
15. Notwithstanding the limited weight given to the SDG, it states that where possible sites should be combined, and applicants must not intentionally circumvent affordable housing provision. I am satisfied from the evidence before me including the previously withdrawn proposal due to lack of registered provider interest, the site planning history, and the near completion of the 19/0453/FUL development that it would not be possible to combine the sites in their current situation and that there is no basis to seek affordable housing across both sites via the scheme before me.
16. The proposed development would, therefore, constitute efficient use of the appeal site and provide an adequate mix of housing types without the need to provide affordable housing. It would comply with Local Plan Policy SP2, with regards to SP2.1, SP2.2 and SP 2.3, and London Plan Policy GG2, which seek to ensure strategic housing provision as set out above, and the SDG insofar as it supports the relevant development plan policies.

### **Other Matters**

17. Within the Council's report to committee the recommendation to grant planning permission included a caveat referring to the completion of a legal agreement securing a financial contribution towards the sustainable transport improvements in the Old Coulsdon Ward with reference to 2 potential projects. The Council state it is required because of the increased traffic generated from the increased number of units. It does not specifically refer to any development policy which requires this, nor is it further remarked on in the Council's Statement of Case.
18. In this instance it has not be shown what harm would be caused by the increased traffic generation, nor how the financial contribution would overcome that harm. Nor has it been identified which development plan policy requires such a contribution. I note an interested party states a similar obligation has been sought and agreed on other proposals but details of these have not been supplied. It has not therefore been demonstrated that the proposed financial obligation is necessary.
19. The proposed new building would be of broadly similar dimensions to the existing appeal site property in terms of bulk and mass, it would be similarly set back from the road and neighbouring properties and provide parking to the front, as is common along Coulsdon Court Road. I am therefore satisfied that the proposal would not cause unacceptable harm to the character and

appearance of the street scene, nor significantly affect the living conditions of the occupiers of neighbouring properties. The Council has drawn similar conclusions within its considerations of the scheme at application stage.

20. Matters relating to construction disturbance, landscaping, biodiversity, trees, refuse and cycle storage, off road parking, and building accessibility do not form part of why the proposal was refused. Nevertheless, on review of the information before me I am satisfied any issues relating to these matters can be dealt with by conditions. I return to this in the 'Conditions' section of this decision below.
21. In terms of concerns raised in relation to property values, the planning system is concerned with the land use in the public interest and not those of private interest. This has therefore had no bearing on my decision.
22. Interested parties have noted discrepancies in the reports. I am satisfied the information before me sets out the proposed scheme and identifies the main parties cases adequately, so does not weigh against the proposal.
23. The evolution of development on the site has been noted, however any issues relating to the Council's relationship with the appellant, how conditions details are discharged, and the capabilities of the Enforcement Team are outside the scope of this appeal and should be directed to the Council.

### **Conditions**

24. The Council has suggested a series of conditions. I have considered them against advice in the Framework and Planning Practice Guidance and as a result, have amended them for consistency and clarity.
25. Conditions referring to timeframe and approved plans and documents are required for certainty. To ensure that impact of the demolition of the existing dwelling and construction of the proposal is minimised in relation to the impact on the living conditions of surrounding residents, a condition requiring a construction logistics plan has been attached. Due to the impact the demolition could have, this is a pre-commencement condition, and the appellant has confirmed their acceptance of this.
26. To ensure the quality and appearance of the development conditions relating to details of materials and landscaping have also been applied. Conditions relating to the details and installation of cycle parking, refuse storage, electrical vehicle charging points, and compliance with building regulation accessibility requirements will ensure the living conditions of the future occupants of the new dwellings along with their lifetime useability. Conditions relating to the retention of visibility splays and car parking will ensure highway safety is not prejudiced and parking is retained for residents. To ensure the sustainability of the dwellings and reduce any potential flood risk conditions relating to surface water drainage and water and carbon dioxide usage are applied.
27. Due to the constraints of the site and proximity to adjacent dwellings it is necessary to remove permitted development rights for enlargements, improvements, and other alterations to dwellinghouses (currently allowed by Class A Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015) to safeguard the living conditions of adjacent residents.

28. The Council proposed condition I have not included would relate to setting limits for the windows in the side elevations of the building, above ground floor level. However, the submitted plans do not show any such windows, and the afore mentioned condition removing permitted development would prevent additional windows being installed in the side elevations without planning permission. Therefore, this proposed condition is not required.

### **Conclusion**

29. For the reasons given above the appeal scheme would comply with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, that would indicate a decision otherwise. The appeal should, therefore, be allowed.

*RJ Redford*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL\_001 Rev 01; PL\_050 Rev 07; PL\_100 Rev 08; PL\_101 Rev 07; PL\_102 Rev 07; PL\_200 Rev 07; PL\_201 Rev 07; PL\_202 Rev 07; PL\_203 Rev 07; PL\_300 Rev 07; PL\_400 Rev 07; PL\_410 Rev 07; an PL\_600 Rev 00
- 3) No development, including demolition, shall take place until a Construction Logistics Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for all construction phases of the development:
  - delivery, demolition and construction working hours;
  - the parking of vehicles of site operatives and visitors;
  - loading and unloading of plant and materials and parking of delivery vehicles;
  - storage of plant and materials used in constructing the development;
  - the erection and maintenance of security hoarding including decorative displays, where appropriate;
  - wheel washing facilities to guard against the deposit of mud and substances on the public highway; and
  - measures to control the emission of dust and dirt during demolition and construction.

The approved Construction Logistic Plan shall be adhered to throughout the demolition and construction period of the development.

- 4) No construction above ground level shall take place until details of the materials to be used in the construction of the external surfaces have been

submitted to and approved in writing by the local planning authority. The details shall include: -

- samples of all external facing materials and finishes; and
- detailed drawings in plan, elevation, and section at a scale of 1:5 for all external elements, including windows and doors, of the external facades.

Development shall be carried out in accordance with the approved details.

- 5) No construction above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- hard surfacing materials, including samples where appropriate;
- soft landscaping details including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees;
- boundary treatments including details of the side retaining wall adjacent to the neighbouring boundary;
- biodiversity enhancements;
- an implementation programme; and
- scheme of management and maintenance for the lifetime of the development.

The landscaping works shall be carried out in accordance with the approved details before any dwelling is occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with the approved scheme of management and maintenance.

- 6) No construction above ground level shall take place until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. The details shall include:

- the results of an assessment of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version);
- all relevant calculations and parameters used to design the surface water drainage scheme including information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- details of the on-site infiltrations drainage if required;
- details of the on-site attenuation tank if required;
- an updated layout plan (to scale) of the proposed drainage scheme;
- a timetable of its implementation; and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any



public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The completed scheme shall be managed and maintained in accordance with the approved management and maintenance plan.

- 7) No dwelling shall be occupied until cycle and refuse storage facilities have been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, notwithstanding the details on drawings nos. PL\_100 Rev 08 and PL\_600 Rev 00, and those facilities shall thereafter be retained for the storage of cycles and refuse.
- 8) No dwelling shall be occupied until a dedicated facility for the storage of bulky waste has been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and those facilities shall thereafter be retained for the storage of bulky waste.
- 9) No dwelling shall be occupied until Electric Vehicle Charging Points have been installed in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and thereafter maintained for the charging of electric vehicles.
- 10) No dwelling shall be occupied until the visibility splays on either side of the vehicle access from Coulsdon Court Road have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and thereafter maintained.
- 11) No dwelling shall be occupied until car parking has been laid out within the site in accordance with drawing no. PL\_100 Rev 08 and shall thereafter be retained for the parking of vehicles.
- 12) No dwelling shall be occupied until the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' has been complied with and shall thereafter be maintained.
- 13) No dwelling shall be occupied until a minimum 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the Building Regulations (2013) has been achieved.
- 14) No dwelling shall be occupied until minimum water efficiency standard of 110/litres/person/day has been achieved.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the approved dwellings shall take place.