



Appeal Decision

Site visit made on 13 July 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2022

Appeal Ref: APP/L5240/W/21/3284670

Remy Court, 17 South Park Hill Road, South Croydon CR2 7DY

- 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 Shah against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01008/FUL, dated 28 February 2021, was refused by notice dated 10 August 2021.
 - The development proposed is described as the construction of a new building to create 5 flats on the rear of N17 South Park Hill Road including 1x3 Bedroom Flat, 3xStudio Flats and 1x1 Bedroom Flat with bin store and bike store and amenity space for the existing flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area;
 - The car parking layout and cycle parking provision;
 - Refuse provision; and
 - The living conditions for existing occupiers, with particular reference to retained garden space.

Reasons

Character and Appearance

3. The appeal site currently comprises a two-storey building made up of 7 flats. This sits to the front of the appeal site facing South Park Hill Road with outdoor garden space to the rear. The surrounding street scene is characterised by a diverse mix of building designs and materials. Building uses are also varied including housing, adult care facilities, a hotel and day nurseries.
4. The existing pattern of development broadly features properties which face onto South Park Hill Road with undeveloped land behind. However, there are exceptions to this where buildings can be found to the rear of some of the existing buildings which front onto South Park Hill Road.

5. The proposed development would incorporate a three-storey building situated behind the existing building. It would be accessed via a pathway along the side of the existing building. The proposed building would be set back some distance from public vantage points and additionally would be well screened by existing buildings both on South Park Hill Road and Birdhurst Road to the rear.
6. There would be a significant amount of subdivision of the open space between the existing building and the proposed building. This would provide private garden spaces. However, these subdivisions would span the depth of the open space and each private garden would be enclosed by a complicated and cluttered layout of fencing. This harm is compounded further by a long stretch of refuse / recycling bin storage next to these gardens. This layout of bins would not be visually discreet and would contribute further to the identified harm. As a result, the spread of this boundary fencing and refuse storage would erode the space around the existing and proposed buildings harmful to the existing pattern of development.
7. Policy DM10.4(e) of the Local Plan indicates that in the case of development in the grounds of an existing building, which would be retained, a minimum length of 10m of the existing garden area should be retained for the host property. The parties agree that the proposal falls below this requirement. This in combination with the harm arising from the subdivision of the open space would also be unacceptably harmful to the existing pattern of development.
8. As indicated above, the character of the area is diverse with modern and more traditionally designed buildings featuring in the street scene. Such variation allows for more creative responses to building design. In this case, the proposed building would be of more modern design with a flat roof. It also incorporates setbacks, mixed materials, and a larger glazed feature to the frontage. These add some articulation, individuality, and interest to the building, which, given the varied streetscape, would respect and positively contribute toward the local character.
9. Nevertheless, the proposed development would still result in unacceptable harm to the character and appearance of the area. Accordingly, I find conflict with the relevant provisions of Policies SP4, DM10.4(e) and DM10 of the Croydon Local Plan 2018 (the Local Plan), Policies D3 and D4 of the London Plan 2021 and the Croydon Suburban Design Guide 2019. which, amongst other things, seek to ensure that development is sympathetic to the character and appearance of the area.

Car and Cycle Parking

10. One of the proposed parking spaces would obstruct the visibility splay for vehicles leaving the site. From my observations on site, if this proposed parking space was occupied by a parked vehicle, drivers leaving the site would not have clear visibility in the righthand direction when approaching the exit. This would adversely increase the probability of conflict with both pedestrians on the footway as well as vehicles on the highway. Such conflict would generate unacceptable harm.
11. The appellant has suggested that the parking layout could be altered and agreed via a planning condition. However, the site is constrained by the existing bin store and manoeuvrability of vehicles to each of the existing

parking spaces. I am not convinced, from the evidence before me, that an alternative layout is possible.

12. Policy T5 of the London Plan expects cycle parking to be fit for purpose and secure. 14 cycle spaces have been proposed which are numerically compliant with Policy T5. 12 of these spaces, while sheltered would not be enclosed and the remaining 2 would neither be sheltered nor enclosed.
13. While some of the standards set out in the London Cycling Standards are met, I have not been provided with compelling evidence that these cycle areas would be secure with access by residents only, appropriately lit, enjoy a good level of natural surveillance or mechanisms are in place to ensure appropriate long-term management and maintenance of the cycle stores and spaces.
14. The appellant suggests that cycles could be stored indoors, in gardens or on balconies. These would not be dedicated cycle parking areas and in most cases would require negotiating doors or gates, corridors and in some cases may not have step free access. Additionally, there is also no provision before me to demonstrate how cycle parking facilities would cater for larger cycles, including adapted cycles for disabled people.
15. The Council is concerned that the proposed two angled parking spaces to the front of the refuse store would cause accessibility issues for future occupiers of the development. I note that tracking drawings were provided with the application showing vehicles can manoeuvre on site to enable access and egress in forward gear. There is also no evidence before me that the size of the car parking would cause accessibility issues. On this basis I do not find any harm arising from the accessibility of the parking bays as proposed.
16. Consequently, the proposal would provide an inadequate car parking layout and fail to make adequate parking provision for cyclists. The proposal would not accord with the relevant provisions of Policies SP8.4, SP8.14, DM29 and DM30 of the Local Plan and Policies T5 and T6 of the London Plan. These policies seek, amongst other things, to ensure that developments make adequate provision for car and cycle parking.

Refuse Provision

17. Both main parties confirm the refuse storage area would exceed the 20m 'drag distance' from the street for collection purposes, as set out in the London Borough of Croydon Waste and Recycling Planning Policy Document 2018 (the Waste and Recycling Document). The appellant suggests that given the refuse storage area falls within the 30m maximum distance from the front doors of the proposed dwellings the refuse stores could be moved toward the highway and potentially this could be imposed as a condition. However, given my findings on character and appearance, and the constrained nature of the site, I have not been persuaded that this is a reasonable solution.
18. The appellant also suggests a separate designated collection point could be provided and agreed via a planning condition; however, this would require compliance with the criteria set out at section 4.9 of the Waste and Recycling Document. The appellant has suggested the pavement could be used in this instance; however, this is not before me as part of this appeal and having considered the width of the pavement I am not convinced this could even be achieved without obstructing pedestrians or visibility. Even if it was, the

appellant has not provided evidence that such an alternative scheme would meet all the criteria set in section 4.9 of the Waste and Recycling Document. I have not been persuaded that this is an appropriate solution.

19. The cluttered, long and unrelieved stretch of refuse and recycling bin storage, which would be sited within the only access to the flats as residents and visitors approach the proposed dwellings, would not be conveniently located or easily accessible for residents. Moreover, it would not be visually discreet or sensitively integrated within the site.
20. Section 4.3 of the Council's Waste and Recycling Document appears to require 122 litres per flat for general waste, 128 litres per flat for recycling, and 9.6 litres per flat for food waste for a development of this site. The evidence suggests this would be provided. While I have found harm in respect to the siting and appearance of the bin stores, there is no demonstrable harm before me in respect to the number of bins that would be provided. However, a lack of harm in this respect is a neutral matter which neither weighs for nor against the proposal.
21. As a result, it has not been demonstrated that the proposed development would provide acceptable refuse provision. The proposed development conflicts with the relevant provisions of Policy DM13 of the Local Plan which, amongst other things, seeks to ensure refuse provision would be fit for purpose.

Living Conditions of Existing Occupiers

22. Policy DM10.4(e) of the Local Plan indicates that in the case of development in the grounds of an existing building, which would be retained, a minimum length of 10m of the existing garden area should be retained for the host property. However, I also note the width of this retained garden and its overall area which exceeds the minimum private amenity requirements set in Policy DM10.4(c).
23. While the development would conflict with the distance requirements of Policy DM10.4(e), I am satisfied that there would be sufficient overall garden space to adequately serve existing residents and that the reduction would not be materially harmful to the existing occupants' living conditions. Moreover, there is no conflict with other relevant parts of Policy DM10.4 with regard to the living conditions of existing residents. In this context, I have given only limited weight to the conflict with elements of the policy in this regard.

Other Matters

24. While interested parties have objected in respect to noise, overlooking, impact on trees and light, given I am dismissing this appeal there is no need for me to consider these matters further.
25. The appellant suggests the homes would be affordable. However, I have not been provided with compelling evidence they would meet the criteria for affordable housing and there is no mechanism before me to ensure they would be retained as such in perpetuity. For these reasons I ascribe this no weight.
26. The development would offer potential benefits in terms of providing new dwellings to the housing stock and a more efficient use of a small site in an area connected to jobs, services, infrastructure and public transport. It would also have economic benefits through employment opportunities created during

the construction phase of the development, council tax revenue and spending in the local area by future occupants. I also note that photovoltaic panels would be proposed with a potential for reductions in carbon emissions.

27. There is also no objection in respect to space standards, however, this is a neutral matter which neither weighs for or against the development proposal.
28. Given the scale of the development proposed, the weight attributable to the benefits set out above is modest and is not sufficient to outweigh the harm that I have identified and the conflict with the policies I have referred to.

Conclusion

29. Although I have found that the development proposed would not be harmful to the living conditions of existing Flat A with regard to the size of the garden, I have found that the proposal would have unacceptable effects on the character and appearance of the area, car parking layout and cycle parking, and refuse provision. As such, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR