
Appeal Decision

Site visit made on 7 September 2022

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 OCTOBER 2022

Appeal Ref: APP/L5240/W/22/3296949

7-11 Church Road, Kenley CR8 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Hannah against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03657/OUT, dated 8 July 2021, was refused by notice dated 11 February 2022.
 - The development proposed is the erection of 7 no. houses with associated facilities.
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Decision

1. I dismiss the appeal.

Procedural matters

2. The Council advised that the Suburban Design Guide was revoked at a meeting of the full cabinet on 25 July 2022. I have dealt with the appeal on that basis.
3. The application was made in outline, with only access, layout and scale to be determined at this stage. I have dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on:
 - a) the character and appearance of the area,
 - b) the living conditions of future occupiers in respect of accessibility,
 - c) the living conditions of the occupier of 5 Church Road in respect of any loss of outlook, and
 - d) highway safety.

Reasons

Character and appearance

5. The appeal site extends to around 0.19ha, comprising the rear gardens of 7 – 11 Church Road. These are detached dwellings, standing in large verdant plots. Each has a separate access onto Church Road, a private road with public rights of way. Land levels fall significantly from the front to the rear of the sites and from south to north such that No.11 sits on higher ground than No.7. The area

- is predominantly residential, having a semi-rural appearance, characterised by large dwellings standing in generous plots surrounded by mature planting.
6. Proposed is the demolition of the existing garage at 11 Church Road, the erection of 7 houses to rear of 7 -11 Church Road, the creation of an access road and provision of 7no. off-street parking spaces (with two spaces repositioned for existing house at No.11 to the front of the site) and the provision of associated refuse and cycle stores. The proposal is in outline with matters of appearance and landscaping reserved for a future application.
 7. Croydon, against a backdrop of significant housing need, is required by the London Plan 2021 (LP) to deliver a number of residential units within a specified plan period. Croydon's overall housing target per annum is 2,079 new homes (2019 – 2029). The Croydon Local Plan 2018 (CLP) states there is a requirement to deliver a minimum of 32,890 new homes between 2016 and 2036. Policy SP2.2 of the CLP seeks 10,060 homes delivered across the Borough on windfall sites, such as the appeal site.
 8. In addition, the appeal site is located within the Kenley Area of Focussed Intensification (AFI). CLP Plan Policy DM10.11 states that new developments that are located within an AFI may be significantly larger than existing and should be up to double the predominant height of buildings in the area, take the form of character types "Medium-rise block with associated grounds", "Large buildings with spacing", or "Large buildings with Continuous frontage line" and should assume a suburban character with spaces between buildings.
 9. Policy SP2.7 seeks to ensure that a choice of homes is available to address the borough's need for homes of different sizes and that this will be achieved by setting a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms. All of the proposed 7 units have three bedrooms.
 10. Nevertheless, proposals are required under LP Policy D3 to optimise site capacity through a design-led approach, and under CLP Policies SP4.1 and SP4.2 to be of a high quality and be informed by the distinctive qualities, identity, topography and opportunities of the relevant places of Croydon. Furthermore, CLP Policy DM10.1 states that in achieving a minimum height of 3 storeys, proposals should respect the development pattern, layout, siting, scale, height, massing, density, appearance, existing materials and built and natural features of the surrounding area.
 11. The proposed dwellings would be arranged as three separate blocks with a central terrace of 3no. dwellings flanked on either side by a block containing a pair of semi-detached dwellings. The proposed access would be formed between nos. 9 and 11 with a new garage provided for no. 11 to the front of that dwelling. This arrangement would leave no. 11 standing in a much-reduced size of plot, at odds with the prevailing character of the area.
 12. In terms of the scale and layout of the proposal, given the site tapers as it falls towards the proposed dwellings and a significant proportion of the site is taken up with access and hardstanding, I consider the dwellings would appear cramped, resulting in a feeling of overdevelopment. From what I observed, I consider it likely that the proposal would feature in views in the gaps between 7 – 11 Church Road and 1 and 2 Yewbank Close from where the scale and layout of the scheme would be seen as an incongruous feature, at odds with the prevailing development pattern of the area.

13. I note in this regard from the appellant's statement, that due to topography, notwithstanding being partially cut into the sloping land, the rear ridge height would be higher than the frontage building. However, it is not clear from the submitted details if this relates to all of the plots or just the dwellings on Plots 6-7 which would appear to stand taller than the other dwellings.
14. Against this background, I consider the proposal would be harmful to the character and appearance of the area and would conflict with LP Policy D3 and CLP Policies SP4.1, SP4.2 and DM10.1.

The living conditions of future occupiers in respect of accessibility

15. I note the Council considers that in terms of internal and external private amenity space and daylighting, the proposal would be policy compliant. From my assessment, I have no reason to disagree. In addition, while I note the Council's concerns regarding the site access being along a steeply sloping drive, the appellant has confirmed that the average gradient would be 1 in 8. Furthermore, the use of shared surfaces within the site, given the likely low level of both pedestrian and vehicular movements, would not adversely affect accessibility or safety. In my judgement, both the proposed gradient and shared surface would make for acceptable access within the site for pedestrians.
16. However, LP Policy D7 requires that new development must ensure that 10% of new dwellings within a scheme (to which Part M volume 1 of the Building Regulations applies) must meet M4 (3) 'wheelchair user dwellings'. LP Policy D3 further notes that all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) must meet requirement M4(2) 'accessible and adaptable dwellings'.
17. In this instance, given the topography of the site, it would appear from the submitted layout that step free access would be difficult to achieve, with the layout showing the majority of the dwellings being accessed via steps to the front.
18. In this regard, I consider the proposal would not accord with LP Policy D7 and CLP Policy SP2.8 which seeks to ensure that new homes in Croydon meet the needs of residents over a lifetime.

Living conditions of occupiers of 5 Church Road

19. No. 5 stands to the north of the appeal site. Its rear garden would be on lower ground in comparison to the proposed dwelling on Plot 7. Whilst this would give the proposal an elevated position relative to no. 5, the distance between the dwellings would greatly minimise the effect such that there would be no harmful change to living conditions in respect of outlook.
20. In terms of the garden area of no. 5, it would be the lower section that would be affected, away from the main dwelling itself. In that regard, I consider that the proposal would be unlikely to bring about a harmful change to the living conditions of the occupiers by being oppressive in the outlook from the garden. Accordingly, the proposal would not conflict with CLP Policies SP4.2 and DM10.6, and LP Policy D3.

Highway safety

21. The highway authority is satisfied that the access onto Church Road could operate safely and from my assessment I have no reason to disagree. Furthermore, I consider that the details submitted with the Transport Statement demonstrate that the site could accommodate delivery vehicles and fire appliances and turning areas would work conveniently for both cars and other vehicles.
22. Accordingly, in this regard, the proposal would not conflict with LP Policy T4 and CLP Policies SP8, DM29 and DM30.

Other matters

23. While I note the concerns regarding landscaping and trees, as landscaping is a matter reserved for a future application, I consider it is a matter that could be addressed at that stage. In addition, concerns were raised regarding the submitted details failing to demonstrate the highest standards of fire safety and the means of storing waste. However, I consider these to be matters that could be dealt with by way of suitably worded conditions, along the lines of those suggested by the Council, were planning permission to be granted.
24. My attention was drawn to the recent Kenley Transport Study (KTS) which assessed what additional infrastructure or improvements are required to sustainably accommodate the existing and anticipated growth taking place through suburban intensification. It concluded that an increase in housing will exacerbate the existing issues on the Kenley road network, including Church Road.
25. The KTS recommended measures to improve the situation including contributions via s106 Agreements to fund improvements. This is acknowledged by the appellant in the Statement of Case, but no Planning Obligation has been submitted. However, as I am dismissing for other reasons, I do not need to reach a finding on this matter.
26. My attention was drawn to developments claimed to be similar in the vicinity. However, given the site-specific circumstances of this appeal, I do not find any of these to be directly comparable. In any event, their presence would not be justification for a further development that I consider would be harmful to the character and appearance of the area and the living conditions of future occupiers of the development.

Conclusion

27. The principle of the development of this site is acceptable and this proposal would result in the efficient use of land through the delivery of windfall dwellings, in an area designated as an AFI. However, this would come at the expense of the quality of the built environment and poor accessibility for future occupiers of the development. Therefore, the provision of additional housing does not outweigh the significant harm identified in respect of these issues.
28. Other aspects of the development have been highlighted including the provision of a range of unit sizes with a high standard of accommodation, the avoidance of a harmful change to the living conditions of the occupiers of an adjacent dwelling and the avoidance of harm to highway users. In addition, matters have been highlighted both above and in the Officer Report that could be overcome by suitably worded conditions were planning permission to be granted. However, these matters all relate to elements that are expected of

any development in order to be acceptable and policy compliant. They are therefore not considerations that are positively in favour of the proposal.

29. Against this background, I consider that there are no material considerations that would warrant taking a decision otherwise than in accordance with the development plan taken as a whole. In which case the appeal is dismissed.

Richard McCoy

INSPECTOR