
Appeal Decision

Site visit made on 6 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: 05 October 2022

Appeal Ref: APP/L5240/W/22/3290271

6 Woodcote Drive, Purley CR8 3PD

- 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 I Raja against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/06598/FUL, dated 21 December 2020, was refused by notice dated 30 September 2021.
 - The development proposed is the demolition of existing two storey dwelling and erection of a three/four storey building comprising 9 self-contained flats; hard and soft landscaping; boundary treatment; new access drive to facilitate parking to the rear; communal/private amenity/play space and external refuse/recycling storage and cycle parking.
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Decision

1. I dismiss the appeal.

Procedural matter

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 The Council advised that the Suburban Design Guide was revoked at a meeting of the full cabinet on 25 July 2022.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.

Main Issues

3. The main issues are the effect of the proposal on:
 - a) the character and appearance of the area,
 - b) the living conditions of the occupiers of no. 122 Foxley Lane in respect of any overshadowing and loss of outlook, and
 - c) highway safety.

Reasons

Character and appearance

4. The appeal site is a large, previously extended, 2-storey dwelling that stands in generous grounds. It fronts onto Woodcote Drive, a short residential road leading from Foxley Lane. The area is predominantly residential and is characterised by detached dwellings displaying a mix of styles and finishes, set in verdant grounds, creating a pleasant suburban environment. Mature street trees provide a green setting and are a townscape feature of the area.

5. Proposed is the demolition of the existing dwelling and the erection of a 3-storey building comprising 9 self-contained flats. The details include landscaping works, boundary treatment, access arrangements from Woodcote Drive and within the site, parking for cars and bicycles, communal/private amenity/play space, and refuse/recycling storage.
6. This proposal follows on from a previous refusal of planning permission for 14no. flats at the appeal site that was subsequently dismissed at appeal ref. APP/L5240/W/20/3263933. This proposal differs insofar as fewer flats are proposed with the result that there is no requirement to provide an affordable housing contribution and the strategic target of 30% of the development being 3-bed units is met.
7. In dismissing the previous scheme, the Inspector considered that it would occupy most of the plot width, and would be of a significantly greater scale and mass than development in the vicinity. This was accentuated by the bulk of the roof which included front gable features. He concluded that the detailed design and excessive size of that development would harm the character and appearance of the area.
8. While fewer flats are proposed under this appeal scheme, I nevertheless consider that when seen from Woodcote Drive this proposal would also appear to be of a significantly greater scale and mass than development in the vicinity. This would be apparent from the way in which it would occupy most of the width of its site, unlike most other dwellings in the area, and from its domineering presence over neighbouring dwellings.
9. In common with the previous scheme, this proposal would feature materials that reflect the surroundings. It would also, like the previous scheme, mix traditional forms with more contemporary features such as projecting gabled bays and recessed windows with balconies. This again would produce an overly fussy effect that would contrast significantly with the generally restrained design of the houses nearby. As such, it would be at odds with the prevailing simplistic character of design of buildings in the area, resulting in a jarring effect on the local street-scene.
10. Policy DM10 of the Croydon Local Plan 2018 (CLP) requires, amongst other things, respectful design of high quality which is sympathetic to its local context and where the roof form positively contributes to the character of the wider and local area. Again, as with the previous Inspector I find that the scale and mass of the proposal would be accentuated by the bulk of the roof, including the front gable features.
11. This proposal, in line with Policy DM10.1 which indicates that proposals should seek to achieve a minimum height of 3 storeys, includes a third storey partly contained within the roofscape. However, in my judgement, this would be at the expense of local character which would not be respected by the width, height and detailed design of the proposal. The overall effect would be a visually dominant and jarring building when seen against the context of the local street-scape.
12. Accordingly, the scale and design of the proposal would harm the character and appearance of the area, contrary to London Plan (2021) (LP) Policies D1, D3 and D4 and CLP Policies DM10 and SP4 which is an overarching policy that requires high quality development.

Living conditions of the occupiers of no. 122

13. No. 122 stands to the south of the appeal site and is a flatted development. Whilst concerns were not raised under the previous appeal in terms of impact on no.122, the proposed building depth along this side has been increased such that concerns have been raised that the siting of this proposal would overshadow and appear overbearing in the outlook from Flat 1, harming the living conditions of the occupiers.
14. However, standing to the south of the proposal I consider it is unlikely that there would be a harmful reduction in daylight to the rooms within Flat 1, particularly as the most affected room is a dual aspect bedroom. Furthermore, given the orientation and separation distances, I consider the degree of overlooking would not be oppressive between the proposal and Flat 1.
15. Accordingly, the proposal would not harmfully change the living conditions of the occupiers of Flat 1 at no. 122 and in this regard would not conflict with LP Policies D1 and D2 and CLP Policies SP4 and DM10.

Highway safety

16. Concerns were raised that the proposed site layout, in terms of the visibility/sightlines, location of refuse/cycle storage, the narrowness of the access drive and the enlargement of the vehicular cross-over, would compromise highway safety. However, the previous Inspector found that the development before him would be unlikely to generate significant levels of traffic. He further opined that there was no evidence that the proposal would have an unacceptable impact on highway safety which included the provision of adequate visibility splays onto Woodcote Drive. Given fewer flats are now proposed and the same cross-over access is to be utilised in this instance, I see no reason to disagree.
17. In addition, the submitted Transport Statement shows that the trip generation from this proposal would be minimal and the likelihood of vehicles needing to pass on the access drive or queue to enter the site is very low. Moreover, the site layout would be such that pedestrians would not need to use the access drive to access the flats from the rear car park, or to access the refuse and cycle storage areas. I also consider that pedestrian safety would not be compromised by the width of the cross-over, given the likely infrequent vehicular movement associated with the proposal, and the inter-visibility between pedestrians and vehicles accessing/exiting the site.
18. Accordingly, the proposal would be unlikely to compromise highway safety and would accord with LP Policies T1, T4, T5, T6 and T7, and CLP Policies SP8, DM29 and DM30.

Other matters

19. The Council is concerned that demolition within the site as part of the proposal could impact adversely on protected species and points to a lack of information in this regard. However, as I am dismissing the appeal for another reason, it is not necessary for me to consider this matter further.
20. In respect of trees, the submitted Tree Survey shows 2no. category C cypresses would be removed as part of the proposal. I consider this would have little impact on the verdant character of the area and matters such as tree

protection and replacement could form part of suitably worded conditions attached to any grant of planning permission, as suggested by the appellant.

21. A lack of an internal lift as part of the proposal was also raised as a point of concern in terms of flats within the upper storeys being accessible. However, LP Policy D7 accepts that in exceptional circumstances the provision of a lift may not always be achievable and sets out that flexibility may be required in blocks of four storeys or less, and in specific small-scale infill developments. The appellant's uncontested evidence states that the appeal site would fall to be considered as a specific small-scale infill site (below 0.25ha) as defined by LP Policy H2. In such circumstances, ground floor units should be wheelchair accessible which would be the case with this proposal.
22. 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 cause significant harm to the character and appearance of the area.

Conclusion

23. The principle of the redevelopment of this site is acceptable and this proposal would result in the efficient use of land through the delivery of windfall dwellings. However, this would come at the expense of the quality of the built environment. Therefore, the provision of additional housing does not outweigh the significant harm identified to the character and appearance of the area.
24. 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.
25. 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