



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: 07 October 2022

Appeal Ref: APP/L5240/W/22/3295819

103 Woodcote Grove Road, Coulsdon CR5 2AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr M Smith of DevTec Properties LTD against the London Borough of Croydon.
 - The application Ref 21/05836/FUL, is dated 18 November 2021.
 - The development proposed is the demolition of existing dwelling; erection of a three-storey building with roof accommodation comprising 8 flats; provision of new access; provision of 8 parking spaces, refuse and recycling stores, secure cycle parking and communal landscaped amenity space.
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Decision

1. The appeal is dismissed and planning permission is refused.

Background and Main Issues

2. It is noted that the Council issued a decision post the submission of the appeal, and subsequently have used its officer's report as the basis of its Statement of Case. Notwithstanding that I must deal with the appeal as submitted, this information has set out the main issues of the appeal.
3. The 5 main issues are, therefore, the effect of the proposed development on
 - a) the character and appearance of the area; and whether the proposed development would provide
 - b) acceptable living conditions for future occupiers regarding outlook;
 - c) sufficient car parking in the interests of highway safety; and
 - d) adequate cycle storage; and
 - e) whether the proposal would sufficiently address fire safety.

Reasons

Character and appearance

4. Woodcote Grove Road is a residential road in a suburban area. It is characterised by a mix of detached and semi-detached two storey properties, some with accommodation in the roof space.
5. In general, the properties are traditional in appearance and regular in form. Although the front elevations are often asymmetrical in composition, there is an element of balance within the individual features, such as forward facing gables with even pitches to each side. There is also a regular cadence to window and door placement. Materials and finishes are mixed throughout the road. There are some examples where individual dwellings have been

converted or replaced with flatted or multi-dwelling developments, but their aesthetic is in keeping with the area.

6. The frontage of the proposed new building would be entirely asymmetrical with no regularity to the form, location or size of fenestration excepting at ground floor level. The lack of balance to the forward facing gable, the 4 storey height, pale colour, and absence of any detail above the ground floor, notwithstanding the irregular windows, would present a stark and dominating feature which would sit uncomfortably within the more traditional pattern of development along the road.
7. The awkward nature of this feature is further exacerbated by the very top heavy treatment of the rest of the building. The proposed use of tile hanging to cover much of the elevations visually unbalances the building. This would create the impression of a weighty roof compressing the ground floor when viewed from the front, and only slightly relieved on the other elevations. The overall design would make the building appear bulky and squat and out of proportion with its surroundings.
8. The proposed introduction of a blue/grey brick to the material palette is noted, however due to the issues in relation to design and appearance I am unable to fully assess whether its use could be acceptable. In the scheme before me it only serves to exacerbate the lack of relationship between that proposed and the character and appearance of its surroundings.
9. The Design and Access Statement goes into some detail as to where the various features have been found within the local area, and it is appreciated the design has evolved, in part, due to pre-application comments. Nevertheless, the features chosen to be incorporated into the proposed scheme appear to be mainly those utilised on smaller scaled buildings where, by virtue of size, they are not so dominating within the street scene. In the examples shown of multi-dwelling developments their forms are more uniform with a regularity to window positioning and a balance to their frontages.
10. It is admirable that the proposal seeks to make best use of the site and has considered the impact on the occupants of neighbouring properties, however this does not overcome the harm found.
11. Consequently, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. It would be contrary to Policies SP4 and DM10 of the Croydon Local Plan 2018 (Local Plan), to Policies D3 and D4 of the London Plan 2021, and the Croydon Suburban Design Guide 2019 (SDG), insofar as they relate to design, and the requirement for new development to respect and enhance the local character and contribute positively to its context.

Living conditions

12. The proposed development would provide 7 duplex dwellings and 1 flat. The Council asserts that the single aspect nature of several units would limit the outlook from them. However, the Council has not specified which units it considers to be single aspect. On review of the plans, I find 6 of the 7 duplexes would have windows in multiple elevations of the building so would not be considered single aspect.

13. However, one duplex would be located on the first and second floors with windows only in the rear elevation. They would be either inset into the roof slope or onto a semi-enclosed balcony constricted both upwardly and sideways. Views to the rear of the proposed building would be over the proposed communal gardens with other residential gardens beyond so reasonably open. Nevertheless, due to the design of this proposed duplex the views from every window would be constrained in multiple directions. This would create a tunnelled view from all the windows narrowing outlook to a level which would be harmful to the living conditions of the future occupants of that duplex.
14. The proposed flat on the second floor would have all its main windows in the front elevation. There are 2 side facing windows proposed, but both would be obscure glazed so would not provide any outlook for the occupants. The outlook toward the front would be across the proposed parking court and out onto the road, softened by landscaping. Due to the width of the site, and the location of the proposed building in line with the properties on either side, this aspect is reasonably open and not dissimilar to the existing dwelling and the surrounding properties, typical for a suburban residential area. As such the outlook from the proposed flat is unlikely to have a harmful impact on the living conditions of the occupants of that dwelling.
15. Consequently, although 7 of the proposed dwellings would have an adequate outlook, 1 would not and this would be detrimental to the living conditions of the occupants of that dwelling. The proposed development would, therefore, fail to provide acceptable living conditions for all future occupants regarding outlook. This would be contrary to Local Plan Policy DM10, London Plan Policy D6 and the SDG, insofar as they seek to secure the living conditions of future occupants, with outlook considered an important factor in relation to good quality living conditions.
16. The Council's inclusion of London Plan D7 is erroneous as this does not relate to outlook or living conditions but rather refers to accessibility matters. As such the policy is not determinative in my decision.

Fire safety

17. London Plan Policy D12 states that all development proposals must achieve the highest standards of fire safety and goes on to list 6 criteria which should be met. However, Fire Statements are only required for major developments, of which the proposed scheme is not.
18. The proposal is supported by swept path plans showing how a fire tender could enter / exit the site and that there is space for it to park at the front of the proposed building. It is appreciated by compliance with building regulations, it is likely the construction of the building would be to a standard to reduce fire risk. However, London Plan Policy D12, is seeking to achieve standards beyond those of building regulations. From the information before me I am unable to confirm whether the proposed evacuation assembly point, the pavement outside the neighbouring properties would be adequately sized for the potentially 40 occupants of the proposed development to assemble safely. Nor is it evident whether there is a suitable and convenient means of escape or evacuation strategy for the occupants of upper floors, specifically the 3rd floor, should the access core be compromised, or a fire starts on the lower level of those duplexes.

19. I therefore find the evidence before me does not adequately fulfil the 6 criteria as set in London Plan Policy D12, thereby failing to sufficiently address fire safety within the proposed development.

Car parking

20. The proposal would provide 8 car parking spaces which would allow 1 parking space per dwelling with no visitor parking provision. Local Plan Policy DM30 refers to the London Plan Policy T6 to guide quantum of parking for new development. Policy T6 sets maximum standards which would constitute 1.5 space per proposed new dwelling. Policy T6 also states that an absence of local on-street parking controls should not be a barrier for new development.
21. The Council's concern that not providing the maximum amount of parking would have a detrimental impact on the functioning of the highway because it would be unable to control overspill parking is, therefore, invalid. Nevertheless, it is important that the impact of potential overspill parking on the safety of the surrounding roads is assessed.
22. The appellant submitted a parking stress survey as part of their Transport Statement. It concludes that the area experiences a low level of parking stress, and that any potential overspill on-road parking from the proposed development would not increase the parking stress levels to unacceptable levels. I observed that Woodcote Grove Road has a 20mph speed limit, is wide and not overly busy, with a high level of on-road parking available, which accords with the Transport Statement findings.
23. Without evidence to the contrary, I find that the proposal would provide sufficient car parking and any overspill on-road parking would not diminish the function of the surrounding roads to a level which would be unacceptable so would not have a detrimental impact on highway safety. This would comply with Local Plan Policy DM29 and DM30, and London Plan Policy T6 insofar as they relate to parking quantum and the function of the existing highway.
24. The Council also referred to Local Plan Policies SP8.4 and SP8.14 in its reason for refusal. These are sub sections of Policy SP8 which sets out the Council's strategic goals for transport and communication. SP8.4 relates to major developments and SP8.14 relates to taxi ranks and coach parking. These policies are not determinative in my decision as their relevance in this case has not been sufficiently explained by the Council to allow me to conclude whether conflict would arise.

Cycle storage

25. The proposal would provide cycle storage for 20 cycles within the building which exceeds policy requirements. The proposed location within the new building is also acceptable, and specific details of the storage can be secured by condition. However, the Council have concerns that the cycle storage would not be accessible due to its location at the rear of the building and that it would not comply with the London Design Cycle Standards.
26. The proposed store would be directly accessible from the rear of the property, allowing those who want to use their cycles in the communal garden access. The front of the site would be accessible via the proposed communal corridor to the front door. The corridor would be wide enough to wheel a cycle down and would be straight and relatively short. Therefore, those wheeling a cycle would

have a clear line of sight enabling them to ensure other residents are not using the corridor before they progress along. Notwithstanding this, the provision of internal cycle storage requiring the use of communal spaces for access is not an unusual solution within multi dwelling buildings.

27. Neither party has supplied me with the London Design Cycle Standards, however I am satisfied that there is scope for the proposed storage space to be arranged differently if required for compliance and there is space within the appeal site for additional storage to be installed, again if required. To that effect a condition requiring the specific details of the cycle storage would be acceptable.
28. Consequently, the proposed development would be able to provide adequately accessible cycle storage in compliance with Local Plan Policy DM30 and London Plan Policy T5, insofar as they seek to ensure appropriate cycle storage for new developments.

Other Matters

29. The Council is not bound by advice it has provided at pre-application stage. It is also noted that there is no objection to the intensification of site's use. Also, that there is a lack of harm in relation to the living conditions of neighbouring residents, privacy of future occupants, and matters relating to ecology, trees, and flood risk. However, these are ordinary planning requirements for new developments and a lack of harm is a neutral factor, so does not weigh for or against the proposal.

Planning Balance

30. The scheme would provide 7 new dwellings on a small windfall site which has the potential to be built-out quickly. This would comply with the Government's housing objectives as set out in paragraphs 60 and 69 of the Framework and support the increased housing targets in the London Plan. The proposed housing mix is also considered beneficial to the Council, and I agree on this matter. Therefore, as benefits of the proposal, I give these matters moderate weight.
31. However, housing provision should not come at the cost of good design or the living conditions and safety of future occupants, a position supported by paragraph 130 of the Framework. Consequently, when weighed against the policies in the Framework taken as a whole, I find that the adverse impacts of granting planning permission would outweigh the proposed benefits.

Conclusion

32. For the reasoning above the appeal scheme would conflict 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 is, therefore, dismissed and planning permission refused.

RJ Redford

INSPECTOR