



---

# Appeal Decision

Site visit made on 6 September 2022

**by Emma Worley BA (Hons) Dip EP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 11th October 2022**

---

**Appeal Ref: APP/L5240/W/22/3293870**

**34 Farley Road, South Croydon CR2 8DA**

- 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 Thebeyame Limited against the decision of London Borough of Croydon.
  - The application Ref 21/05619/FUL, dated 6 November 2021, was refused by notice dated 18 January 2022.
  - The development proposed is the demolition of rear ground floor utility room and demolition of two side garages, alterations and erection of an attached two storey 3 bedroom house, with off street parking and cycle storage and refuse storage and landscaping with new tree planting.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Amended plans have been submitted as part of the appeal. These include the reduction in width of the footprint of the proposed dwelling to allow pedestrian access to the rear garden, as well as amendments to the internal floor to ceiling height. The appeal process should not be used to evolve a scheme in the interests of not prejudicing the ability of main or other parties to make comment. Given that the Council and interested parties have not had the opportunity to comment on the revised proposals, an injustice would occur should I determine the appeal on the basis of the amended plans. I have therefore considered the proposal as submitted.

## Main Issues

3. The main issues are a) the effect of the proposed development on the character and appearance of the area; b) whether the development would provide acceptable living conditions for future occupiers having particular regard to internal floor to ceiling heights; and c) whether the proposal would include appropriate provision for the parking of vehicles and bicycles in order to encourage sustainable travel choices.

## Reasons

### *Character and appearance*

4. The appeal site includes a 2 storey semi-detached dwelling fronting Farley Road, close to its junction with Queenhill Road. It is located in a predominantly residential area made up of similar 2 storey semi-detached dwellings. A number of the surrounding properties have various single storey and 2 storey

additions to the side elevations. The strong sense of uniformity of the existing rhythm of development contributes to the pleasant character of the area.

5. The addition of a 2 storey dwelling to the side of the existing pair of semi-detached dwellings would effectively form a terraced row of 3 similar properties. The 2 storey element of the proposed dwelling would reflect the height and design of the existing dwellings to which it would be attached, which would be typical of a row of terraced properties. The provision of a single storey addition to the side is a feature which would not be uncommon to an end of terraced property.
6. Notwithstanding this, the proposal would introduce a form of development comprising an attached row of 3 dwellings, in an area predominantly made up of pairs of semi-detached properties. The existing semi-detached properties are of a similar scale, size and width, resulting in a built form which provides a consistent rhythm to the street scene. The gaps between the buildings, as well as the presence of subservient side extensions to the existing dwellings, help to break up the built form. The proposed terraced row, with an uninterrupted frontage, would be an overly large and incongruous block, which would disrupt the rhythm of the existing semi-detached development.
7. Given the prevailing character of the area, with a consistent and coherent form and layout of development, the proposal would result in an anomalous feature which would deviate and as a consequence detract from the established character and appearance of the area. The fact that the proposed dwelling would be sited so as not to project forward of the existing neighbouring properties and would be constructed using materials to reflect those of the adjoining property, would not outweigh the harm I have identified. Whilst the Council's SPD sets out an expectation of how typical street patterns for roads with predominantly semi-detached houses will evolve, each development proposal must be considered on its own merits, which is a fundamental principle that underpins the planning system.
8. I note the appellant's willingness to incorporate a set-back in the design of the dwelling, however, there are no plans before me to show such as scheme. Whilst no details of front boundary treatments have been provided, were the appeal to be allowed this could be covered by condition.
9. In light of the above, I conclude that the proposal would harm the character and appearance of the area. In that regard it would conflict with LP Policy D4 which aims to deliver good design and CLP Policy DM10 which among other things seeks high quality development which respects the development pattern, layout and siting.
10. The Council refer to advice relating to side extensions in its Suburban Design Guide Supplementary Planning Document 2019 (SPD). However, this is specifically applicable to residential extensions and the appeal proposal is not an extension to enlarge the existing residential accommodation, but rather a separate dwelling.

#### *Future living conditions*

11. From the evidence before me, the internal floor to ceiling height would fall short of that required by LP Policy D6. Whilst the shortfall is modest it would nevertheless result in sub-standard cramped accommodation. Although I note

the appellant's suggestion that such matters could be dealt with via a suitably worded planning condition, one has not been provided by either party for me to consider. Furthermore, I cannot be certain that the changes could be incorporated without further alterations to the proposal.

12. The proposal would therefore fail to provide acceptable living conditions for future occupiers, having particular regard to internal floor to ceiling heights. Accordingly, it would conflict with LP Policy D6, CLP Policy SP2.8, which seeks to ensure that new homes meet relevant standards, and the Council's SPD, in so far as it seeks to achieve good standards of accommodation and amenity, internally and externally.

#### *Vehicle and bicycle parking*

13. 2 off-road parking spaces to the front of the proposed dwelling would be accessed from Farley Road using the existing vehicular crossover. Despite the suggestion that the parking spaces would be shared between the existing and proposed dwellings, the spaces would be located immediately to the front of the new dwelling and as such would not be conveniently located for use by the occupiers of the adjoining property. In my view, even if the parking could be secured as communal parking, the unusual arrangement means the spaces would be more likely to be used solely by the occupiers of the appeal proposal. Accordingly, the proposal would exceed the maximum parking standards for the area of a single parking space. I am not convinced therefore that the development as proposed would make adequate provision to discourage the use of the private motor car, in order to encourage more sustainable modes of transport.
14. The proposal would include a bicycle store to the rear of the property, where there would be space to meet the relevant standards in terms of cycle spaces. The footprint of the proposed dwelling would extend up to the side boundary of the site, which means there would be no pedestrian access to the rear garden other than through the dwelling. Due to the practical constraints relating to accessibility, such as the need to take a bike through the house when wet for example, would be likely to discourage the use of the facilities. As such, there is no compelling evidence before me to demonstrate that the cycle storage would be well located with regards to accessibility.
15. I conclude that the proposal would fail to make appropriate provision for the parking of vehicles and bicycles, in order to encourage sustainable travel choices. It would therefore conflict with LP Policy T5 which requires development to include the provision of cycle parking that is fit for purpose, secure and well located and Policy T6.1 which sets out that new residential development should not exceed the maximum parking standards. The proposal would also fail to accord with CLP Policy DM30 which requires development to provide car and cycle parking spaces in accordance with the LP and advice in the Council's SPD which includes, among other things that cycle storage should be in an easily accessible location that does not require bicycles to be wheeled through living spaces.

#### **Other Matters**

16. I note the Council's housing targets for the delivery of homes during the plan period and in particular the role that windfall sites, as well as intensification and small sites in particular can play. Whilst residential development in this

location is acceptable in principle, the benefits associated with the proposal for a single dwelling, would be modest. For the same reasons benefits associated with energy efficiency would also be moderate. Conversely, I have found harm relating to the character and appearance of the area and the living conditions of the future occupiers of the dwelling and the weight I attribute to those would be substantial.

17. Whilst I acknowledge the biodiversity benefits from additional planting, given that the land is currently garden land, this would not be dependent on the construction of the new dwelling. Furthermore, lack of harm in relation to flooding and drainage, as well as the living conditions of the occupiers of neighbouring properties are neutral factors.
18. My attention is drawn to a case at Green Lane, which it is suggested is similar to the appeal proposal. However, the site is some distance from the appeal site, and there is no compelling evidence before me that the development, including the specific site context would be directly comparable to that of the appeal proposal.

### **Conclusion**

19. For the reasons given, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal should therefore be dismissed.

*Emma Worley*

INSPECTOR