



Appeal Decision

Site visit made on 5 October 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/10/2022

Appeal Ref: APP/L5240/W/21/3283805

29 Harewood Road, South Croydon CR2 7AT

- 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 A Montebello-Ealey of Seba Real Estate Ltd against the Council of the London Borough of Croydon.
 - The application Ref 21/00545/FUL, is dated 3 February 2021.
 - The development proposed is demolition of existing dwelling and the erection of an apartment block with 2 x 1 bed, 2 x 2 bed and 3 x 3 bed apartments with associated carparking and landscaping.
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Decision

1. The appeal is dismissed and planning permission for demolition of existing dwelling and the erection of an apartment block with 2 x 1 bed, 2 x 2 bed and 3 x 3 bed apartments with associated carparking and landscaping is refused.

Preliminary Matters

2. The name and company name of the appellant differs between the planning application and appeal forms. Clarification of this matter has been provided by the appellant, and I have taken these details from the planning application form.
3. A Unilateral Undertaking (the UU) regarding a contribution to sustainable transport initiatives has been submitted by the appellant. I have had regard to this in my consideration of this appeal.
4. It was requested that I view the appeal site from a number of nearby properties, and I was able to do so at my visit.
5. The Council refers to the Suburban Design Guide SPD (the SDG) in its decision. However, the Council has confirmed that the SDG has since been revoked. Both main parties have had the opportunity to comment on this.

Background and Main Issues

6. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. In its Appeal Statement, the Council has indicated the decision it would have made had it been in a position to do so.

7. Having regard to the Council's Statement, the main issues are:

- The effect of the proposal on the character and appearance of the area, with due regard to a non-designated heritage asset;
- Parking provision and highway safety;
- The living conditions of future residents with regard to amenity space;
- The provision of cycle and refuse storage; and
- Whether sufficient evidence has been submitted in respect of fire risk.

Reasons

Character and Appearance

8. The appeal site is located in a pleasant suburban area which is of a leafy verdant character. The streetscape is characterised by 2-storey detached and semi-detached dwellings, although some properties include rooms in the roof space. The appeal site contains an attractive detached dwelling which is representative of this area. Both the dwelling and its garden make a positive contribution to the area on this relatively prominent corner site.
9. In contrast to the majority of dwellings in the streetscape, the proposal would consist of a 4-storey building, albeit with rooms in the roof. The proposal would be of a significant bulk, and due to this and its extensive footprint within the site it would not reflect the grain and pattern of development in this area. Even allowing for the hipped roof slopes, the roof would add significantly to the bulk of the proposal, giving it an unfortunate box-like appearance. Furthermore, despite the varying designs of dwellings, Hurst Way has a strong building line. The proposal would project beyond the building line and, due to its scale and bulk, it would be an unduly obtrusive feature in views along the streetscape.
10. The scheme uses the topography of the area so that the lowest floor is set partially below ground level. However, all 4 storeys would be visible from the public realm, with the result that the proposal would appear as an incongruously large addition to this suburban streetscape. The inset balconies and elongated windows are also not representative of the designs of dwellings in this area, and would add to the incongruous appearance of the building.
11. The submitted details refer to the use of light coloured brick and a dark slate roof, which I consider would appear as stark and jarring features given the scale of the building. Although materials could be controlled by condition, I do not consider that alternative materials would address the fundamental inappropriateness of the scale and design of the proposal.
12. The garden of the extant appeal site also provides an attractive soft landscaped setting for this corner site. Much of the garden facing onto Harewood Road would be replaced by an extensive area of hard standing dominated by the parking of vehicles. This would be readily visible as an unsympathetic feature on this prominent site. Potential landscaping would do little to soften or screen the hard surfacing given the extent of the area, especially given the limited scope for landscaping and views enabled by the access to the site.
13. The appeal site is located directly opposite the Emmanuel Church, which is locally listed and is therefore a non-designated heritage asset. The heritage

significance of this building has not been explicitly set out by the Council, although based on the Council's Appeal Statement I consider that this stems from the architectural quality of the building rather than any social or historical interest.

14. The Church is a prominent focal point visible from the surrounding area, including views along Hurst Way. Although the Church has been altered, including relatively modern extensions, these alterations have been sensitively carried out and it has retained its Victorian character. Technically the rear of the Church faces Harewood Road and the appeal site, although it includes a principal feature of a decorative Gothic stained glass window set in a flint façade. Based on what I have seen and read, I conclude that the Church is of moderate and local significance.
15. The proposal would be of a scale and prominence that would detract from the primacy of the Church in this suburban area. This would include the obstruction of views of the Church when approached from the east along Hurst Way, although I acknowledge that this would not affect views of the stained glass window which is largely obscured by existing development apart from in short-distance views. The extent of hard surfacing within the proposal would also be a stark feature which would detract from the current relatively verdant setting of the Church. For these reasons, I conclude that the proposal would lead to great harm to the setting of the Church.
16. The appellant refers to the advice of the SDG, including in respect of adding storeys to a building and the treatment of corner sites. However, the SDG has been revoked, and this does not therefore weigh in favour of the proposal. Policy DM10 of the Local Plan also states that proposals should seek to achieve a minimum height of 3 storeys, but also requires that they respect the scale, height, massing and appearance of the surrounding area. Due to the harm I have identified in respect of character and appearance, the proposal would not comply with policy DM10 on those latter considerations.
17. My attention has been drawn to the recently constructed development of Chalkhurst Court which is opposite the appeal site. The appellant sets out that this was permitted prior to the adoption of the Local Plan and the SDG, although they consider it embodies many of the design principles set by that document. Chalkhurst Court is a flat roofed building with a limited set-back from Hurst Way, although its prominence in the streetscape is mitigated to a limited degree due to it being set further down the sloping topography of the area.
18. However, Chalkhurst Court serves to confirm the harm that can arise from development of this nature in this location, both in respect of the incongruous design of the building, the extent of hard surfacing around it, and its projection beyond the building line. The appeal proposal may have some advantages compared to Chalkhurst Court, such as a greater set-back from Hurst Way, and may have a similar built footprint in proportion to the area of the site. However, these considerations are not sufficient to overcome the significant harm that I have identified in respect of the proposal.
19. I have had regard to the street scenes and visualisations submitted by the appellant, which indicate that the roof height of the proposed building would be lower than that of adjacent dwellings. It would also be set further back from Harewood Road than the existing dwelling. However, these considerations are

not sufficient to overcome the harm arising from the massing and design of the proposal.

20. I have also had regard to the details of other planning applications referred to by the appellant, which were recommended for approval. However, it has not been demonstrated that the circumstances of those sites are directly comparable to the appeal proposal, including whether they were considered against the same policies and advice as apply to the appeal before me, particularly in respect of the now revoked SDG. In any event, I have determined this appeal on its own merits.
21. Drawing the above together, I conclude that the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore conflict with Policies D2, D3, D4, H2 and G5 of the London Plan 2021 and Policies SP4, DM10 and DM26 of the Croydon Local Plan 2018 (the Local Plan). These policies require a design-led approach to determine the most appropriate form of development that responds to a site's context and capacity for growth as well as the retention of green cover.
22. For the reasons stated, the proposal would also lead to great harm to the setting of the non-designated heritage asset of the Church. The proposal would therefore be contrary to policies D3, D4 and HC1 of the London Plan and policies DM10, DM18 and SP4 of the Local Plan with regard to the impact on heritage assets. When considering proposals which affect non-designated heritage assets, the National Planning Policy Framework (the Framework) states that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. I will return to this matter later in my decision.

Parking Provision

23. The Council sets out that the proposal would require 9 on-site parking spaces, whereas only 7 are proposed. The site is within an area of low transport accessibility, and I consider that there would be a greater reliance by residents on the private car for transport. The proposal is therefore likely to lead to an increase in demand for on-street parking in this area. However, the appellant has undertaken a parking survey which indicates that the area is not suffering from parking stress. This reflects my own observations where I saw that on-street parking was readily available, although I acknowledge that my visit took place during the day when the times of peak demand for parking in this residential area would be at the evening and weekends.
24. Developments should ideally address the parking need they generate within the extent of the development site, in the interests of the convenience of residents and to support the free flow of traffic. The Council also indicates a resistance to considering parking surveys, as overspill parking could result in areas suffering from on-street parking stress. However, there is no substantive evidence that this is likely to occur as a result of the appeal proposal.
25. On the basis of the evidence before me and my own observations, I conclude that the degree of on-street parking generated by the proposal would not be of a degree to warrant the refusal of planning permission.
26. However, the swept path analysis of parking spaces within the site is based on a car length of approximately 4.5m, whereas the Council requires that a car

length of 4.8m is used. The appellant refers to the popularity of superminis and the average length of cars within the UK. However, the length of residents vehicles cannot be controlled, and I do not consider that the appellant's data reflects the range of vehicles that could be parked in association with the proposal. Vehicles larger than those considered by the appellant would need to undertake relatively convoluted manoeuvres within the constraints of the proposed parking area. This would take place on the shared surface, with potential for collisions between vehicles, cyclists and pedestrians to the detriment of highway safety.

27. The Council also refer to the inadequate width of the access to the site, and that the swept path analyses do not show the width of Harewood Road and the effect of on-street parking on vehicle manoeuvres. It may be possible to increase the access width as suggested by the appellant, but this would bring the crossover closer to a nearby junction contrary to the Council's standard requirements. On this basis, I do not consider that the appellant's evidence in terms of vehicular access and manoeuvring is suitably robust.
28. The Council also refers to a lack of a contribution to electric vehicle charging infrastructure and other transport schemes. However, these matters are addressed by the UU.
29. Reference is also made to the limitations of the proposed parking space for blue badge holders. However, on the basis of the evidence before me, there is no planning policy requirement to provide this type of parking bay for this form of development.
30. Notwithstanding my conclusions on overflow parking, contributions to sustainable transport, and the blue badge parking bay, I conclude that insufficient evidence has been provided in respect of the provision of car parking and highway safety. The proposal would therefore be contrary to the highway safety and car parking requirements of policies T4, T5 and T6 of the London Plan, and policies SP8, DM13, DM29 and DM30 of the Local Plan.

Amenity Space

31. The proposed Flat 1 is intended to be a wheelchair user dwelling, and would be served by a lightwell and amenity area to the front and a private courtyard to the rear. Given the depth of the lightwell area to the front and the proximity to the car park, I consider that the Council's concerns about the functionality and amenity provided by this area for a wheelchair user are well-founded. The courtyard to the rear would also be set below the ground level of the general amenity space and would be partly covered by the upper part of the building. This would lead to a gloomy and oppressive environment for users of this courtyard, with commensurate harm to their living conditions.
32. The communal amenity area would also enable an intrusive degree of overlooking into the amenity space of Flat 1, and it is also unclear from the submitted plans as to whether a parapet wall would be provided and the effect on the outlook from that flat.
33. Given the close-knit relationship between the general amenity space and the private amenity area for Flat 2, this would also be likely to harm the privacy of residents of that flat.

34. Therefore, although the proposal may technically meet the standards of the Local Plan regarding private and communal amenity space, the layout of amenity space is poorly thought-out with subsequent harm to the living conditions of residents of Flats 1 and 2.
35. The Council refers to a lack of a level access to the communal amenity space for people with prams. Although this is not a fundamental problem, this is another indication of the poorly thought-out provision of amenity space within the appeal site.
36. Matters such as the provision and design of play equipment, and forms of surfacing (including provision for wheelchairs) are matters of detail which could be addressed by condition.
37. Notwithstanding my conclusion on matters of detail, I conclude that the proposal would not provide suitable amenity space for residents of Flats 1 and 2, and would not provide appropriate level access to the communal amenity area. The proposal would therefore lead to significant harm to the living conditions of residents of the proposal in respect of a lack of suitable amenity space. The proposal would therefore be contrary to the housing quality and amenity requirements of policy D6 of the London Plan and policy DM10 of the Local Plan.

Cycle and Refuse Storage

38. In respect of cycle storage, the Council refers to the use of 'toast rack' rather than Sheffield stands on the proposed plans, and issues such as the width of the access door, the space available for manoeuvring cycles, and lack of space for an adapted cycle. However, these concerns are minor matters of detail, and I consider that the cycle storage area within the building would be large enough and could provide appropriate access so that these details could be addressed by condition.
39. With regards to refuse storage, the Council submits that the access to the store would be across the car park, and that the store indicated on the plans is not large enough and would not enable suitable access for collection. Also, there is no provision for the storage of bulky waste. However, given the layout of the proposal, I consider that these issues could be addressed by relatively minor amendments to the scheme which could be secured by condition.
40. Subject to appropriate conditions, I conclude that the proposal would make suitable provision for cycle and refuse storage. On that basis, the proposal would not conflict with policies DM13, DM29 and DM30 of the Local Plan in respect of cycle and waste storage.

Fire Risk

41. Policy D12 of the London Plan seeks to ensure that all development proposals achieve the highest standards of fire safety. The Council refers to the lack of a Fire Statement. However, policy D12 sets out that it is major development proposals that should be submitted with a Fire Statement, and based on the evidence before me the proposal would not represent major development.
42. Given that the proposal would represent new-build development, and having regard to the nature of the site and the surrounding area, I consider that the matter of fire risk could be addressed by a condition requiring the submission

of a Fire Statement. Subject to such a condition, I conclude that the proposal would make suitable provision for the consideration of fire risk and would therefore not conflict with policy D12 of the London Plan on that issue.

Other Matters

43. A number of comments raised locally have referred to the effect of the proposal on the privacy and outlook from nearby dwellings. Had I been minded to allow this appeal these are issues I would have considered further.
44. I am mindful of the benefits of the development, including that it will add to the supply and mix of housing in the area, and will provide accessible and adaptable dwellings. However, given the limited number of units proposed this carries commensurately limited weight in favour of the proposal.

Planning Balance and Conclusion

45. Notwithstanding my conclusions on fire risk as well as cycle and refuse storage, I have concluded that the proposal would lead to significant harm in respect of character and appearance, the living conditions of residents in respect of amenity space, and parking provision. The proposal would also lead to great harm to the setting of the non-designated heritage asset of the Emmanuel Church and I attach considerable importance to that harm even given the moderate and local significance of the building.
46. I have had regard to the benefits arising from the proposal, but these considerations carry no more than limited weight in favour of the appeal.
47. On balance, these benefits would not justify the scale of the harm to the setting of the non-designated heritage asset, and are not sufficient to outweigh the other harm I have identified.
48. The proposal would conflict with the development plan and the Framework when read as a whole due to the harm to character and appearance, the setting of a heritage asset, parking and highway safety, and the amenity of future users of the development. There are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. For the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR