



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 OCTOBER 2022

Appeal Ref: APP/L5240/W/21/3289646

96-98 Braemar Avenue, South Croydon CR2 0QB

- 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 Gray Estates and Developments Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/00216/FUL, dated 15 January 2021, was refused by notice dated 18 August 2021.
 - The development proposed is demolition of existing single storey office, storage building and meeting hall, erection of part three storey building including accommodation within the roof comprising of 6 no. flats and replacement community hall, alterations to vehicular access and provision of associated parking, cycle and refuse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. 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 However, the Council has confirmed that the SDG has since been revoked.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 and I have had regard to the comments raised.

Main Issues

4. The Council's decision includes reasons for refusal relating to facilities for bulky waste and a lack of a fire safety strategy. However, the Council has confirmed that details submitted with the appeal, and which can be secured by condition, would address these issues. On that basis, the main issues in this appeal are:
 - Whether the proposal would provide a suitable housing mix;
 - The effect on the character and appearance of the area;
 - Whether the proposal would provide a suitable standard of accommodation in respect of accessible housing;

- Whether the proposal would suitably address car parking and highway safety; and
- Whether adequate provision would be made for cycle parking.

Reasons

Housing Mix

5. Policy SP2.7 of the Croydon Local Plan 2018 (the Local Plan) sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms. Only 1 of the proposed dwellings would have 3 bedrooms, and the proposal would therefore fall short of the target set by policy SP2.7.
6. The appellant contends that this is a strategic target and not a prescriptive policy requirement. The appellant also refers to policy H10 of the London Plan 2021, the supporting text of which refers to 1 and 2 bedroom units meeting a need for those wanting to downsize from existing homes and the role of 1 bedroom units in meeting housing need. However, policy H10 sets out that schemes should generally consist of a range of unit sizes and refers to an appropriate mix of unit sizes being identified on the basis of robust local evidence.
7. The Council refers to evidence within the Strategic Housing Market Assessment which identifies a need for 3-bedroom units, which represents robust evidence of a local need. The appeal proposal could make an appropriate contribution to meeting that need as well as the target of policy SP2.7. Notwithstanding the strategic nature of Policy SP2.7 of the Local Plan, this applies to the assessment of all proposals for new homes within the Borough. Although policy H10 of the London Plan refers the provision of a range of unit sizes, this does not negate the aims of the Local Plan in respect of larger dwellings.
8. The appellant submits that the provision of 1 3-bedroom unit would represent a 17% contribution to the target and that the shortfall is not material. However, even incremental contributions can be valuable in meeting the 30% target, and the appellant has provided no substantive evidence as to why the proposal cannot make the requisite contribution to this.
9. The proposal would therefore not provide a suitable mix of housing to meet the needs of the borough, in conflict with policy SP2.7 of the Local Plan.

Character and Appearance

10. The appeal site is located in an understated suburban area which is characterised by 2-storey dwellings. The extant appeal site is not representative of this context as it consists of commercial and community uses in buildings of a limited scale, although despite its unusual nature it is not an intrusive feature within the streetscape due to its unobtrusive appearance.
11. In contrast, the appeal proposal would be a substantial 3-storey building, albeit with the uppermost storey contained within the pitched roof. Although the proposal would respect the predominant building line of Braemar Avenue and the front elevation would be stepped to reflect the step-back of adjacent housing, it would be apparent as a bulky and incongruous feature within the streetscape. The eaves of the roof would be significantly higher than those of the adjacent buildings, and when combined with the height and massing of the

building it would appear as an obtrusive and overdominant insertion into the streetscape.

12. The large extents of glazing on the front elevation, particularly in the gables, are not representative of the area and would add to the jarring appearance of the building. The proposed balconies are also not characteristic of the streetscape and would appear as incongruous features rather than breaking up the façade as contended by the appellant.
13. The Design and Access Statement (DAS) submitted in support of the proposal includes a Character Assessment which refers to features of existing dwellings in the area, including the use of gable ends, pitched roofs and a variety of materials. However, although the proposal attempts to create a modern appearance reflecting these features, it would instead appear as an awkward reinterpretation which would add to the harm arising from the scale, bulk and massing of the proposal.
14. There are some elements of the proposed design which are commendable, such as the symmetry arising from the use of the gables. However, these positive considerations are not sufficient to mitigate for the significant harm that I have identified.
15. The Council's officer report refers to the SDG which states that development should be at least 3 storeys, and that this proposal meets that requirement. However, the SDG has been revoked and is therefore not a material consideration in respect of this appeal. 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.
16. Reference has also been made to permission for the development of a site on the opposite side of Braemar Avenue, which includes buildings of 3 to 4-storeys. However, this site is of a different nature to the appeal site, as it is viewed against a raised embankment and is separated from existing 2-storey buildings by an area of garages and the highway. It has also not been demonstrated that the proposal opposite was considered against the same policies and advice as apply to the appeal before me, particularly in respect of the revoked SDG. Although I acknowledge that the nearby permission would introduce buildings of a greater scale and massing into this area, it is distinctly separate from the appeal site and the circumstances of that permission are such that this does not carry significant weight in favour of the appeal proposal.
17. The appellant refers to the potential for an upward extension to one of the buildings on the site under permitted development rights. However, it has not been demonstrated that such a proposal would be acceptable within the remit of those rights or that it could reflect the nature and scale of the appeal proposal. This therefore carries no more than limited weight as a fallback position.
18. The Council considers that a limited character analysis of the area has been undertaken in support of the proposal. However, this stance appears to be based on the provisions of the SDG which has been revoked subsequent to the

Council's decision, and therefore carries no weight in my consideration of the appeal. The Character Assessment which was undertaken within the DAS is proportionate to the nature of the development, although I have disagreed with the conclusions reached in respect of the design of the scheme.

19. I therefore conclude that, due to its scale and design, the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to policies D3 and D4 of the London Plan and policies SP4 and DM10 of the Local Plan in respect of delivering good design which respects local character.
20. Policy D5 relates to inclusive design and is not relevant to this main issue.

Accessible Housing

21. Policy D7 of the London Plan requires that residential development must ensure that at least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings', and that all other dwellings meet requirement M4(2) 'accessible and adaptable dwellings'. The Council states that this would require step free access, which in this case would mean a lift to provide access to the flats.
22. Policy D7 applies to all residential development which meet the specified requirements, which on the basis of the evidence before me would include the appeal proposal. However, the supporting text for the policy states that in exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. In such circumstances, in blocks of 4 storeys or less it may be necessary to apply some flexibility in the application of this policy to specific small-scale infill developments, such as the appeal proposal.
23. The appellant refers to the costs involved in providing a lift which would only serve the units on the upper floors and would most likely only be used by those on the top floor. The provision of a lift may also limit the amount of accommodation provided. However, these considerations are only set out in general terms and do not represent substantive evidence that a lift cannot realistically be provided at the site. I am mindful of the limitations of minor development such as the appeal proposal, but the appellant has not demonstrated that there are exceptional circumstances to justify the lack of a lift.
24. I conclude that the proposal would not provide step free access to all units and would therefore not provide accessible housing. The proposal would therefore be contrary to policy D7 of the London Plan with regards to the provision of accessible housing.
25. I have had regard to policy H2 of the London Plan which pro-actively supports new homes on small sites and which is referred to in the supporting text for policy D7. However, given the evidence before me, this does not mean that the requirements of policy D7 should be set aside.
26. In its reason for refusal the Council refers to policy DM10 of the Local Plan. However, this does not address matters of accessible and adaptable housing and is not relevant to this main issue.

Car Parking and Highway Safety

27. The proposal would include 4 parking spaces on site, and the Council states that it has not been demonstrated that vehicles can adequately turn within the constraints of the site. The appellant has provided a swept path analysis for each of the parking spaces within the site showing that vehicles can enter and leave the site in forward gear. However, due to the constraints of the site, the swept path analysis shows that vehicles would need to undertake convoluted manoeuvres. This would take place on the shared surface leading to the residential units, with potential for collisions between vehicles, cyclists and pedestrians to the detriment of highway safety.
28. Moreover, the swept path analysis is based on a medium sized car approximately 4.3m long. The Council's Transportation Team refers to a vehicle length of 4.8m for such calculations, and I consider that this is appropriate given the range of vehicles that may be owned by residents of the site. On that basis, I do not consider that the swept path analysis is suitably robust.
29. Reference has also been made to the potential of the proposal to increase parking stress in this area. The Council's officer report sets out that the proposed residential units would require 5 parking spaces, and that the proposed 4 parking spaces within the site would not comply with this. I am also mindful that the scheme involves a community use as well as the residential units. Although a community use may currently exist at the site, it is likely that this use would add to the demand for parking arising from the residential units.
30. The appellant refers to 2 parking spaces on the private road leading to the site. However, it has not been demonstrated that these would be solely available for the proposed development.
31. Evidence in respect of previous proposals in the area refers to low levels of parking stress, and I observed that there were a number of on-street parking spaces available at the time of my visit. However, I visited the site during the day, and the time of peak demand in this residential area is likely to be in the evening and at weekends. I also observed development on a site opposite which previously contained garages, and there is potential for this development to increase parking demand in this area. Therefore, even given previous evidence in respect of parking stress and the problems of undertaking a survey during the covid pandemic, I consider that it would be appropriate to require a parking stress survey to determine the current circumstances of the area.
32. I therefore 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, car parking and transport impact requirements of policies T4 and T6 of the London Plan, and policies SP8, DM29 and DM30 of the Local Plan, as well as the advice of the Housing Supplementary Planning Guidance to the London Plan 2016.

Cycle Parking

33. The appellant has provided amended plans in response to the Council's concerns on cycle parking. However, the Council remain concerned about this issue, particularly with regard to the space around cycle parking and an access door within the building.

34. With regards to the space around the cycle parking, although the external spaces are restricted by landscaping and other features, there is sufficient space within the site to rearrange the cycle parking to make suitable provision. This could include the provision of covered and secure long-stay spaces. This is a matter which could be secured by condition and does not represent a reason to refuse planning permission.
35. The cycle store within the building also includes sufficient space for the parking and manoeuvring of cycles and includes a mixture of cycle racks. The Council's concerns about a door blocking the upper rack of a two-tier stand also appear to be unfounded as the door would be full height.
36. I therefore conclude that, subject to conditions, the proposal would provide suitable cycle parking spaces. The proposal would therefore comply with policies T4 and T5 of the London Plan, and policies SP8, DM29 and DM30 of the Local Plan in respect of the provision of cycle parking and facilities.

Other Matters

37. I am mindful of the benefits of the proposal. It would add to the supply and mix of housing in an area with good access to services and facilities. It would also involve the redevelopment of a brownfield site while retaining a community use. However, on the basis of the limited scale of the development, and the extant community use at the site, these benefits would be limited.

Conclusion

38. Notwithstanding my conclusion in respect of cycle parking, I conclude that the proposal would conflict with the development plan as a whole in respect of the mix of housing, character and appearance, accessible housing, and car parking and highway safety. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR