



Appeal Decision

Site visit made on 11 October 2022

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd November 2022

Appeal Ref: APP/L5240/W/22/3296336

Land to the Rear of 49 Penrith Road, Thornton Heath, Croydon, London CR7 8PN

- 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 C&D Property Management Ser. Ltd against the decision of the London Borough of Croydon.
 - The application Ref 21/02580/FUL, dated 17 May 2021, was refused by notice dated 4 March 2022.
 - The development proposed is clearance of the land and the erection of a single storey building comprising one residential dwelling and associated landscaping and cycle parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is noted that since the refusal of the application by the Council, the Suburban Design Guide Supplementary Planning Document (SPD) (2019) referenced in the reasons for refusal has been revoked. Accordingly, I have not relied upon this document in arriving at my decision.

Main Issues

3. The main issues are the effect of the proposed development upon (i) parking provision; and (ii) whether the proposal would provide acceptable living conditions for its future occupiers with respect to outdoor amenity space.

Reasons

Parking provision

4. The proposed dwelling would be set behind a terrace of properties that front an area that includes double yellow lines and unrestricted on-street parking on either side of the road. The site is located within an area where access to public transport is very poor with a Public Transport Accessibility Level (PTAL) of 1b. Although Policy T6 of the London Plan (2021) (LP) sets maximum parking standards, it also advises that car-free development is encouraged in places that are well-connected by public transport.
5. Even though there are bus stops, shops and services in the wider area, which may help reduce car dependency, public transport is still generally poor, and the high level of on-street parking nearby suggests most residents do rely on their cars. Moreover, although the appellant suggests the proposal would be

car-free, there would be no mechanism to ensure this. The requirement for one space, though a maximum, is therefore reasonable.

6. Evidence submitted with the application suggests that there is a very high parking stress in the immediate and surrounding area, where controlled parking zones are not in place. Although parking could be spread more efficiently to increase the potential number of available spaces, I have not been provided with any substantive evidence that demonstrates this would occur. Consequently, the increased demand for parking where there is a limited supply may lead to congestion as drivers seek a parking space, or park illegally, which would have an unacceptable effect on highway safety. Although there would be a provision of bicycle storage facilities which would promote the use of alternative forms of transport, such beneficial features would not overcome or fully mitigate the harm I have identified.
7. The appellant notes that the proposal reduces the amount of parking required when compared with a previous refusal, though I am required to conclude on the scheme before me. Reference is made to other approvals in the Thornton Heath area, which are not in the immediate vicinity of the appeal site. I have not been provided with full details of the site-specific circumstances of these, including parking stress at those locations, and consequently afford them little weight.
8. I therefore conclude on this main issue that the proposal would have a harmful effect on parking provision. The proposal would conflict with Policies DM29 and DM30 of the Croydon Local Plan (2018) (CLP) and Policies T2 and T6 of the LP, which together in respect of this issue seek to reduce the impact of car parking. The proposal would also conflict with section 9 of the National Planning Policy Framework (the Framework) which amongst other things seeks to refuse development if there would be an unacceptable impact on highway safety.

Living conditions

9. The 22sqm private garden would be positioned to the rear of the proposed property and would be enclosed on two sides by fencing. Even if the large and well-established oak tree is not the subject of a Tree Preservation Order, I have taken account of it as well as the dense vegetation, private gardens and other buildings positioned in close proximity to the site boundary. At the time of my mid-morning site visit there were clear, bright skies, and the oak tree held most of its leaves. Whilst my observations only represent a snapshot in time, the proposed garden area was predominantly overshadowed by its tall and dominating surroundings. Notwithstanding the glimpses of sunlight penetrating through the dense tree canopy, and my acknowledgement of the effect of the positioning of the sun at different times of the day and year, the proposed garden would be harmfully enclosed.
10. It is appreciated that harm to the roots of the oak tree could be avoided by the voided slab construction of the proposed property. Furthermore, I accept that the proposed garden would be well laid-out and landscaped, exceeding minimum size standards. However, its designed positioning within the confines of the surrounding vegetative and built form would lead to an enclosed space that would not deliver a high quality, comfortable or inviting place for people to use.

11. Consequently, on this main issue I conclude that the proposal would not provide acceptable living conditions for future occupiers of the dwelling concerned. As such, the proposal would conflict with Policy DM10 of the CLP and Policies D3 and D6 of the LP, which together amongst other things seek to deliver appropriate amenity through high quality housing layouts.

Other Matters

12. I note that the appellant suggests the appeal site is brownfield land. Even if I were to consider it to be brownfield or previously developed land as set out within the Framework where there would be benefits in terms of making efficient use of land, this would not outweigh the harm I have identified in relation to living conditions and parking provision.
13. Whilst there may be some benefits in terms of the small contribution to housing supply in a residential area, any such benefits would not outweigh the harm I have identified above.
14. I note the appellant's comments in relation to the processing of the planning application, however these have little bearing on my decision which is based on the planning merits of the development.

Conclusion

15. For the reasons given above, the proposal would fail to accord with the development plan as a whole and therefore I conclude that the appeal should be dismissed.

J Hills

INSPECTOR