



Appeal Decision

Site visit made on 2 November 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2022

Appeal Ref: APP/L5240/W/21/3286905

4 Higher Drive, Purley CR8 2HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Nigel Styles of South East Living Group against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03057/OUT, dated 8 June 2021, was refused by notice dated 12 August 2021.
 - The development proposed is described as the demolition of existing two storey dwellinghouse (including rear garage) and erection of a part three, part four storey building comprising 8 self-contained flats (3x3 beds, 1x2 bed & 4x1 beds), car parking, cycle and refuse provision.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Outline planning permission is sought with all matters reserved except access and layout. The appellant submitted an amended drawing, 003-GA-01 P1, to make minimal changes to the site layout and all parties have had the opportunity to review and comment on it. I am content that no parties would be unfairly disadvantaged by my acceptance of this drawing. All plans except drawings 003-5-00 and 003-GA-01 P1 are considered illustrative, and I have made my decision accordingly.
3. The appellant submitted a Unilateral Undertaking (UU) dated 8 December 2021, all parties were able to review this and make comment. A further amendment to the UU was submitted to extend the proposed car club membership from 1 to 3 years, considering the Council's statement of case. As this amendment was received within 7 weeks from the start date of this appeal and seeks to rectify a singular specific point highlighted by the Council, I have taken it into account.

Background and Main Issues

4. The Council have withdrawn its objections to the proposed development in relation to a lack of information on protected species and fire risk, as set out in reasons 6 and 7 of the decision notice. On review of the information before me and with no objections over and above those reiterated from the application stage, I am satisfied these issues have been resolved.
5. Therefore, the main issues are a) the effect of the proposed development on character and appearance; and whether the proposed development would

provide b) acceptable living conditions for future occupiers with specific regard to communal outdoor space; c) sufficient on-site parking facilities; d) adequate on-site manoeuvring space, to ensure highway safety; e) adequate refuse storage; and f) adequate cycle storage.

Reasons

Character and appearance

6. The appeal site is situated prominently at the junction between Higher Drive and Beaumont Road. Due to the topography of the area, the site is at a higher level to the roads and commands the corner plot, with the current property orientated to make best advantage of this location. This unique location and the curved shape of the site means that there is a disproportionate amount of frontage compared to other plots in the area, with the main building set towards the rear of the site at a higher level and the rest of the site set to mature gardens. The verdant and characterful appearance of the appeal site means it forms a relatively dominant feature in the local area's traditional, residential, and suburban character.
7. The proposal would seek to replace the existing property with a 4 storey, modern residential block. The proposed footprint would be considerably larger than the existing building relegating landscaping and open space to the very edges of the site. The sheer mass of that proposed would unbalance the proportions of the site and would reduce its verdant nature, creating a ratio of built form to open space more akin to an urban location rather than the characterful and leafy residential surroundings. This incongruity within the proposal's layout would be exacerbated by the site's prominent location within the street scene, to the detriment of the character and appearance of the appeal site as well as the area.
8. The appellant has drawn my attention to other replacement schemes within the local area. Nevertheless, with only limited details before me I am unable to ascertain what these approved schemes replaced and whether the original buildings and sites were equally prominent in the street scene as that which is before me. The appellant also points out that the scheme has been scaled down from earlier proposals. However, whilst I note these changes it does not overcome my findings on this issue.
9. Therefore, the proposed development would significantly harm the character and appearance of the appeal site and surrounding area. This would be contrary to Croydon Local Plan (LP) Policies SP4.1, SP4.2 and DM10 and London Plan Policy D3, insofar as they deal with quality of design, layout, and local context.

Living conditions

10. The proposal would provide an area of communal outdoor space described as a shared garden and play area. This would wrap 2 sides of the proposed new building adjacent the Higher Drive and Beaumont Road junction.
11. As described above, the site layout would be dominated by the proposed building. This is emphasised by the narrow linear form the shared garden would take and the rather unsatisfactory way in which the play area is bisected by the pedestrian access to the flats. This would provide a somewhat cramped and not easily useable amenity space, with its appeal further reduced by the

proximity of the roads and being overlooked by many nearby properties. Any meaningful landscaping to soften the impact of the proposed building or increase the screening of the outdoor areas would only serve to further reduce the unacceptably small size of the proposed outdoor spaces.

12. I therefore conclude on this issue that the proposed development would not provide acceptable living conditions for future occupiers in terms of communal outdoor space. As such it would conflict with LP Policy DM10.5 and London Plan Policy D3, insofar as they seek to incorporate high quality communal outdoor space for flatted developments.

Vehicle parking

13. The appeal site contains a single dwelling occupied by one household. It includes 1 on-site parking space accessible from Higher Drive, and 1 parking space in front of a double garage accessible from Beaumont Road.
14. The proposal would maintain the single parking space accessible from Higher Drive and create a parking area for 3 cars, including a disabled parking bay, accessed from Beaumont Road. One of the spaces would be allocated for car club vehicle use.
15. There are on-street parking concerns within the locality of the appeal site which also need addressing when considering the level of on-site parking proposed. The appellant has not submitted the original Traffic Statement (TS) but has submitted a summary technical note (STN) relating to it. The assessment confirmed the TS used the Lambeth Methodology, showed local road parking stress levels at 65% and that the additional pressures from other nearby, approved, schemes had been considered.
16. LP Policy DM30 requires that, amongst other things, new development does not provide car parking levels which exceed those set out in the London Plan, that existing on-street parking stress is not exacerbated and that space is provided for car club use. The maximum on-site parking requirement is 6.75 spaces according to the London Plan, and this is not exceeded by the proposal. To prevent further demand for on-street parking, future occupants would be prevented from applying for parking permits within the adjacent controlled parking zone by obligation. An obligation would also be used to secure car club membership.
17. The appellant has submitted a UU which covers car club membership and prevents future occupiers applying for a parking permit, and I find that the reasoning for the UU is justified and would meet the 3 tests set out in paragraph 57 of the National Planning Policy Framework (the Framework). However, amongst other things, Clause 2(iii) of Schedule 1 requires action by a non-identified third party the 'Car Park Operator' to be undertaken; whilst clauses 3 and 8 of Schedule 2 seek to control the actions of the owner or future owners, rather than the use of the land. I therefore find the drafting of the UU as ineffective, and its affect and enforceability are uncertain. Therefore, it does not carry any weight and cannot be relied on to secure the car club membership or prevent future occupiers applying for parking permits.
18. Consequently, as the UU is not effective it cannot secure the necessary obligations to ensure the proposed development would comply with LP Policies

SP8.1, SP8.17 and DM30, in so far as they seek to ensure adequate provision of on-site parking facilities and not increase on-street parking pressure.

19. The Council have also referred to LP Policy DM29 which seeks to promote sustainable travel and highway safety. It does not relate to parking, as such the policy is not determinative in this issue.

Vehicle manoeuvring

20. The current on-site parking requires vehicles to either reverse into or out of the provided spaces and the proposal would continue to utilise the 2 existing accesses.
21. The visibility splay submitted shows adequate visibility for the 20mph speed limit of Beaumont Road for vehicles egressing in a forward gear. However, the majority of submitted tracking diagrams show that users of the 3 proposed parking spaces associated with this access would likely reverse out of them onto the highway. As the existing walls are to be retained it is likely future users would have reversed much of their vehicle onto the footpath and possibly into the highway before adequate visibility of other road users could be achieved.
22. I note that the existing parking spaces onto Beaumont Road are closer to the road edge and the current occupant chooses to reverse into rather than out of them. The main parties confirm that the appeal site is only used by a singular household, as are many of the drives along Beaumont Road which require reversing onto or off the road. The proposed parking area would be used by multiple households and potentially the club car. As such it is likely the intensity of use would increase and so vehicles would likely be entering and exiting from Beaumont Road more frequently than the current situation.
23. Therefore, considering the increase in use, the likelihood vehicles would reverse out of the site, and the lack of visibility for such a manoeuvre, I find it has not been adequately shown that the proposal would not cause harm to highway safety.
24. I have reviewed the additional vehicle manoeuvring diagrams submitted within the appellant's STN. The multi-faceted manoeuvres would provide very limited room for error due to the tight layout of the parking area and proximity of the boundary treatments. Although possible, it does not mean such manoeuvres would be favoured by future users, and there is no mechanism before me to enforce their use.
25. In relation to the Higher Drive access, the lack of on-site manoeuvring space would be no different to the current situation. As it is proposed this would continue to service only 1 parking space, I find this part of the proposal would have a neutral impact on road user safety for Higher Drive.
26. Consequently, I do not find that adequate on-site manoeuvring space can be provided in relation to the Beaumont Road parking area to ensure highway safety. This would be contrary to LP Policies DM29 and DM30, and London Plan Policy T4(F) insofar as they deal with highway safety.

Refuse storage

27. The main parties agree that that the proposed provision for the storage of refuse, together with its location and accessibility, would be acceptable. On review of the details before me, and without any evidence to the contrary, I agree with these conclusions.
28. The proposed bulky waste storage area would, however, be located within the proposed Beaumont Road parking area. This position would not only be visible from the road but would harm the outlook from any ground floor windows facing it and the proposed private terrace immediately adjacent.
29. A narrow landscaping strip is proposed between the terrace and bulky waste storage. However, due to the change in levels this would be positioned below the terrace so would have to be substantially planted with tall specimens to provide appropriate screening. Owing to the proposed layout, such planting would likely impede light and outlook for any proposed ground floor windows facing it and enclose the adjacent terrace. I am therefore not satisfied that the location of the proposed bulky waste storage would be appropriate within the site layout as it would be visually dominating and poorly screened. This would likely harm the appearance of the site and potentially the living conditions of future residents.
30. It is appreciated that bulky waste storage areas should only be in use temporarily between future occupants removing items from their homes and the refuse service collecting them. Nevertheless, it is not possible to predict how often it would be used nor is there any mechanism before me setting out how future occupants would be expected to use it. Consequently, I have based my findings on if it were used regularly.
31. Therefore, I find that the proposed development would not be able to provide adequate bulky waste storage for future occupants. This would be contrary to LP Policy DM13 which seeks to ensure appropriate location and design of refuse facilities.

Cycle storage

32. The quantum of cycle storage proposed is acceptable to the main parties, and on the information before me I agree with this. The cycle storage would be provided internally at ground floor level. Although there are concerns about the physical size of the room proposed, I am satisfied the overall footprint of the proposed ground floor would be large enough to allow for an increase in the cycle storage room at reserved matters stage, without impacting the site layout. As such, the proposal could provide adequate cycle provision in compliance with LP Policy DM30 and London Plan Policy T5 insofar as they seek adequate, secure, and well-located cycle storage provision.

Other Matters

33. The proposal would not harm the trees along the site boundaries, nor the living conditions of future occupants and existing neighbours in relation to daylight, sunlight, and privacy (notwithstanding that discussed in the main issues). Nevertheless, a lack of harm cannot weigh for or against a proposal and so these are neutral factors.

34. Pre-application advice constitutes the individual professional opinion of the planning officer, and the Council is not bound to accept their recommendations. This, therefore, does not affect my findings.

Planning Balance

35. It is noted that the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations. The proposal would provide a net increase of 7 homes on previously developed land in a reasonably accessible location. Along with the associated economic and social benefits, this contribution to the windfall element of the Council's five year housing land supply attracts modest weight based on the number of houses involved. The appellant also infers that the proposal would provide financial benefits, although this is not elaborated on or evidenced. However, I acknowledge that the provision of construction jobs and the contribution of new residents to the local economy would also provide limited benefit. Whilst I have found that the proposal would provide acceptable cycle storage, this is an absence of harm so would be neutral in the planning balance.
36. However, as set out in the main issues, I have found significant harm regarding the effect on character and appearance, communal outdoor space, on-site parking, highway safety and refuse storage. Housing provision should not come at the cost of these issues, and this position is supported by paragraphs 111 and 130 of the Framework. It is my view, therefore, that the adverse impacts of granting a planning permission would outweigh the benefits.

Conclusion

37. For the reasons 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.

RJ Redford

INSPECTOR