



Appeal Decision

Site visit made on 18 October 2022

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal Ref: APP/L5240/W/22/3296152

100 Reddown Road, Coulsdon CR5 1AL

- 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 Mr Mark McElduff (Mac Build Homes Ltd) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01274/FUL, dated 10 March 2021, was refused by notice dated 2 February 2022.
 - The development proposed is the demolition of the existing dwelling and redevelopment of the site to provide 9 flats in a new 3/4 storey building including living accommodation in the roof space with associated parking, landscaping and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Between the Council's original decision and the appeal coming before me the Suburban Design Guide Supplementary Planning Document was revoked by the Council. Accordingly, I make no further reference to it in this appeal.
3. The issue of whether or not the proposed building would appear overbearing when viewed from the gardens of the adjoining neighbours was not specifically addressed by the main parties in their submissions. I subsequently sought their views on this matter and have taken them into account in my decision.

Main Issues

4. The main issues are therefore the effect of the proposed development on a) the character and appearance of the area; and b) whether or not the proposed development would harm the living conditions of neighbouring occupiers, particularly in respect of being overbearing.

Reasons

Character and Appearance

5. The appeal site comprises an existing, detached two storey dwelling. This part of Reddown Road is characterised by detached and semi-detached two storey dwellings sitting within well sized plots. There is a variety of styles, heights and sizes of dwellings although most have either brick or render finishes and hipped roofs. The houses are set back from the site frontages and together with the width of the road and boundary planting, the area has a spacious and verdant character to which the appeal site positively contributes.

6. The proposed building would present to Reddown Road as a two-storey building but with accommodation being clearly evident in the roof space. It would have a greater scale and mass than that which currently exists on site. It would also present a different, more contemporary design compared to the neighbouring buildings. The proposal would clearly be more prominent and have a greater visible and physical presence within the street scene than the existing dwelling.
7. However, prominence and visibility does not necessarily lead to harm. I note that there are a number of factors which would assist the proposal's integration into the street scene. In particular, the width of the existing plot appears more generous than many of its neighbours and the proposed building would be set further back into the plot than the existing building. The incorporation of gable features and asymmetrical roofs assist in reducing the overall bulk of the building's front elevation. Furthermore, the catslide roof design would assist in keeping some of the bulk of the building away from the southern boundary with No.102 Reddown Road, enabling the highest part of the building to be located more centrally within the plot.
8. The size and pattern of windows and the introduction of an upper floor balcony and internal bin and cycle storage on the building's front elevation would represent new features within this part of the street scene. Whilst there is not homogeneity in terms of fenestration patterns or arrangements to the fronts of neighbouring buildings, the new building would present a very different facade to the more conventional arrangements on the neighbouring buildings. This different articulation and detailing to the front elevation would create some visual conflict with the wider street scene.
9. Due to the depth and height of the building, the side elevations, and in particular the north elevation, would be large expanses of brickwork and roofing broken up by some high-level windows and rooflights. However, by virtue of the setback position of the building, these bulky features would not be overly prominent within the street scene.
10. Unlike the front elevation, whose design seeks to minimise the scale and massing of the building, the rear elevation is more functional. It clearly reveals that the construction would enable the rear part of the building to provide three storeys plus the accommodation within the roof space. In this respect the building's scale and appearance would be less in keeping with the rear elevations of neighbouring buildings.
11. However, any views of the rear elevation would largely be limited to the rear gardens of neighbouring occupiers. Thus, the rear elevation would not be visible within the street scene nor would it be overly evident in views from neighbouring gardens.
12. Whilst the proposal would be higher than the buildings on either side and the articulation and detailing to the front elevation would be different from other neighbouring properties, the overall appearance of the building would not be so challenging within the established street scene as to be demonstrably harmful to the area. Therefore, I find that the proposal would not cause harm to the character and appearance of the area. As such, it would comply with Policies SP4 and DM10 of the Croydon Local Plan (LP) and Policy D4 of the London Plan which, amongst other things, seek to ensure that new development is appropriately designed and is sympathetic to local character.

Living Conditions

13. Given the character of the area, buildings are generally visible from neighbouring gardens. However, the type of buildings and prevailing pattern of development in the area ensures that such visibility is not generally unneighbourly or harmful. However, the proposed building would have a much greater visibility to its neighbours, not just because of its greater built form but also by virtue of the depth of the proposed building and its set back position, thereby extending the building significantly back into the plot.
14. The stepped nature of the south side elevation and catslide roof would help to mitigate some of the effect of the building on the neighbour at No.102. At its closest, the proposed building would be set approximately 1.410m away from the shared boundary, with No.102. This neighbour's existing garage would also be positioned alongside part of the new building at this point. Whilst the proposal would be clearly visible from this neighbour's garden and be more evident than the existing building, the overall effect would not be so great as to warrant rejection of the appeal.
15. However, due to the design of the building, the north side elevation would not offer similar relief or mitigation. As a result, the full extent of this elevation would be approximately 1.155m from the boundary with No.98 Reddown Road. I acknowledge that part of the proposed building would be set at a lower ground level and that there is a high wall along part of the shared boundary. However, given the building's proposed height and depth together with its proximity to the shared boundary, the side elevation would appear as a dominant and bulky feature that would be overbearing and harm the southern outlook from this neighbour's garden.
16. The neighbour would retain good levels of outlook in other directions from their garden and the patio area would be usable. However, that would not mitigate the overbearing nature of the proposal, which in my opinion, would significantly compromise the enjoyment of this garden.
17. For the above reason, I find that the proposal would be overbearing such that it would be harmful to the living conditions of the neighbouring occupiers at No.98 Reddown Road. The proposal would therefore be contrary to Policy DM10 of the LP which, amongst other things, seeks to ensure occupiers of adjoining buildings are protected.

Other Matters

18. The Council has sought contributions towards sustainable transport (£13,500) and future membership of a car club. I am aware that the appellant is in the process of finalising a Unilateral Undertaking (UU) and that the Council raises no objections to its contents. I have not yet received a signed copy of the obligation. However, as I am dismissing the appeal for another reason the absence of the UU is not determinative in this case.
19. The Council has not objected to the principle of the scheme and acknowledges that the development would not breach the 45° guide in relation to neighbour's windows. Based on the evidence before me I have no reason to conclude otherwise. I also acknowledge that the proposed units would meet the Nationally Described Space Standards, offer dual or triple outlook and that there would be level access and all floors would be served by a lift.

Furthermore, it is said that appropriate landscaping, outdoor space and on-site parking would be provided.

20. However, compliance with such matters would be expected in order for a development to be considered acceptable and therefore are not factors that should weigh positively in the scheme's favour.

Planning Balance and Conclusion

21. The Government's objective is to significantly boost the supply of housing. The proposal would represent a windfall site that would make more efficient use of the land and result in an uplift of 8 units on the site. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment. Given the size of the proposal the weight I could attach to the economic and social benefits would be modest.
22. Conversely the proposal would harm the living conditions of a neighbouring occupier. This harm would be considerable and long lasting. As such, the weight I attribute to it would significantly outweigh the benefits of the scheme.
23. The fact that I have found the scheme does not cause harm to the character and appearance of the area is a neutral factor. It does not therefore alter my conclusions.
24. The proposal would conflict with the development plan taken as a whole and there are no other considerations, including the Framework, that outweigh this conflict.
25. I therefore conclude for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

Stewart Glassar

INSPECTOR