



Appeal Decision

Site visit made on 22 November 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/L5240/W/22/3294819

134 Crowther Road, South Norwood, London SE25 5QS

- 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 A Smikle against the decision of London Borough of Croydon.
 - The application Ref 21/03662/FUL, dated 4 July 2021, was refused by notice dated 3 February 2022.
 - The development proposed is erection of detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area
 - The quality of the living conditions of future occupiers with particular regard to the garden space
 - Fire safety
 - Highway safety and the free flow of traffic, including with regard to refuse storage.
 - Biodiversity
 - Risk to flooding on site or elsewhere

Reasons

Character and Appearance

3. 134 Crowther Road is a two storey end of terrace property with a single storey side garage. Its garden is L shaped with the rear part spanning the gardens of nos 128-134. The garden is surrounded on three sides by residential gardens to properties on both Crowther Road and Alfred Road and by allotments to the rear. There are sheds and outbuildings in the surroundings, however these are small, low level subservient structures. This results in an open, secluded garden character to this area.
4. The appeal proposal would introduce a dwelling to the rear part of these gardens. The property would be wider and deeper than the nearby houses and would be single storey with a hipped pitched roof. This results in a sizeable footprint and consequently a substantial ridge height in this context. Although it would have less floorspace than the host property, these features mean that

the proposed development would not be subservient in this garden setting. As such, the proposed dwelling in this context would not complement the existing urban pattern and would harmfully erode the open, soft landscaped ancillary character to the gardens in this area.

5. The proposed house would not be visible from the highway, however it would be easily seen in views from the numerous surrounding properties. As such, this harm would be experienced.
6. Therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, in this regard, it would be contrary to Policies D3 and D4 of the London Plan (2021) (LP) and policies DM10 and SP4 of the Croydon Local Plan (2018) (CLP). Together these seek a design led approach to create high quality design which enhances and is sympathetic to local character.

Living Conditions

7. The proposed development would have approximately 56sqm of rear garden space. It would adjoin open gardens and allotments on all sides and boundary treatment would provide privacy. The 4m width would not be unduly narrow and the use of the space would not be unacceptably constrained.
8. Hard landscaping is also provided to the front of the property, and although this provides a functional rather than a recreational purpose, it is nevertheless a reasonable use of a dwelling's outdoor space. The outdoor space would therefore be suitably usable, private, and of an acceptable quality for future occupiers.
9. Alternative siting and layout may create a different relationship between external and internal spaces. However, that does not alter the acceptability of the garden space provided.
10. Therefore, the proposed development would provide appropriate living conditions for future occupiers with regard to the garden space. As such, in this regard, the proposed development would comply with Policy D6 of the LP and Policy D10 of the CLP. Together these require high quality design and functional private amenity space.

Fire Safety

11. The proposed development would provide space for a fire engine at the entrance to the site, however this would not be within 45m of the whole footprint of the proposed dwelling. The appellant has therefore stated that an automist solution would also be used.
12. I am not presented with any detail as to why this would not provide a reasonable alternative solution. Full details would be required for Building Regulations, nevertheless, the level of information provided does not persuade me that this would be an unacceptable solution at this site.
13. Therefore, the proposed development would be in accordance with policy D12 of the LP which, amongst other things, requires that development should provide suitable access for firefighting appropriate to the development.

Highway safety and the free flow of traffic

14. The proposed development would provide a car parking space for the new dwelling, but would result in the loss of the space currently associated with no. 134. Both main parties refer to a legal agreement that would prevent future occupiers from obtaining a parking permit, but there is no mechanism before me that secures this.
15. The appeal site is within a Controlled Parking Zone. However, I am not presented with detailed evidence that it has an unacceptable level of parking stress. Consequently, I have no reason to conclude that the likely very limited increase in on street parking would lead to parking in locations that would obstruct the free flow of traffic.
16. The access to the proposed development would be in the same location as the existing access to the garage at 134 Crowther Road. I am not aware of any highway safety issues with the existing access. Given that they both serve a single dwelling, the number of comings and goings would be likely to be similar. Furthermore, the proposed development would appear to include sufficient space that could be configured to enable vehicles to enter and leave in a forward gear, and this would be an improvement on the existing situation.
17. The refuse store is located over 20m from the highway. However, a collection point is indicated to the front of the host property. The appeal site includes the whole front garden space to 134 Crowther Road and as such a suitably sized and located collection point away from the highway for use on collection day only could be secured via condition.
18. Therefore, the proposed development would have an acceptable effect on highway safety and the free flow of traffic including with regard to refuse storage. Consequently, in this respect, it would be in accordance with Policies D4, D6, D8, SI7, T2, T4, T5, T6, and T6.1 of the LP and Policies DM13, DM16, DM30 and SP8 of the CLP. Together, in part, these seek to support sustainable and active modes of transport, encourage car free development, provide the minimum necessary parking and not increase road danger. They also ensure that qualitative elements of development are considered with the maximum detail appropriate provided, to provide convenient, suitably sized and located, sensitively integrated and workable recycling and waste storage and disposal and appropriate public realm.
19. Policy T1 of the LP sets out the strategic approach to transport, and Policy T3 of the LP provides support for strategic transport proposals to encourage sustainable transport modes. As such, the policies set out above are more relevant to this main issue.

Biodiversity

20. The proposed development would introduce built form and hardstanding to an open garden space. However, it is not in a sensitive biodiversity area and the landscaping plan shows multiple areas where planting is possible. If the appeal were allowed, the Council have suggested a condition that would secure details of landscaping including a biodiversity enhancement strategy. This could secure appropriate materials and species.
21. Therefore, the proposed development would have an acceptable effect on biodiversity. As such, in this respect, it would be in accordance with Policies G5

and G6 of the LP and Policies DM27 and SP7 of the CLP. Together these seek urban greening and high quality landscaping, to incorporate and enhance biodiversity and achieve biodiversity net gain.

22. Policy G7 of the LP mainly relates to trees and woodland. Therefore, the policies set out above are more relevant to this main issue.

Flood Risk

23. The proposed development would introduce a built footprint and hard landscaping to an area which is currently undeveloped. The flood risk assessment indicates that soakaways and a water butt would be used to prevent surface water discharging from the site. Further measures may be required to address the run off from any hard surfacing, although I am not provided with detailed evidence as to why this could not be achieved.
24. The Council has suggested a condition which would provide full details of a sustainable urban drainage scheme which would achieve greenfield run off rates. This would be an appropriate method to ensure that the proposed development did not increase flood risk on site or elsewhere.
25. Therefore, the proposed development would not have an unacceptable effect on flood risk. As such, in this respect, it would be in accordance with Policies SI12 and SI13 of the LP and Policies DM25 and SP6 of the CLP. Together these seek to minimise and mitigate flood risk and incorporate sustainable drainage systems.

Conclusion

26. I do not find harm with regard to future living conditions, fire safety, highway safety and the free flow of traffic, biodiversity or flood risk. However, the lack of harm in these regards is a neutral factor that does not overcome the public and permanent harm to the character and appearance of the area identified above.
27. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR