



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 B Ref: APP/L5240/W/22/3293896

8a St. Helen's Road, London SW16 4LB

- 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 BMR Compass Ltd against the decision of London Borough of Croydon.
 - The application Ref 21/04503/FUL, dated 13 August 2021, was refused by notice dated 28 October 2021.
 - The development proposed is replacement of the existing annex to provide six residential units (Use Class C3) and associated parking and landscaping.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. There is another appeal for development of the adjoining site¹. For the avoidance of doubt, I have determined these appeals on their individual merits. Nonetheless, due to their shared location some of the language used is common to both of these decision letters.
3. I have been provided with updated plans which include the following changes: additional windows to the ground floor side elevation, screening to the side of the balcony for unit 6, amended garden layout, and planting. I have also been provided with further details including a fire statement and swept path details which do not involve any changes to the submitted scheme. The changes are minor in nature and were submitted with the appeal submission and therefore the LPA have had the opportunity to respond to the content of these drawings. For the reasons above, the parties would not be prejudiced if I were to consider these plans, and therefore the appeal is assessed on the basis of the amended plans.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The character and appearance of the area, with particular regard to the London Road (Norbury) Local Heritage Area.
 - The living conditions of existing occupiers with particular regard to garden space at No 8 and privacy.

¹ APP/L5240/W/21/3285268

- The quality of the living conditions for future occupiers with particular regard to outlook and garden space.
- Whether the development would provide acceptable car parking.
- Fire Safety

Reasons

Character and Appearance

5. The appeal site is within the London Road (Norbury) Local Heritage Area. It's features of significance include its traditional layout and architectural features including red brick gabled facades and decorative brickwork. The appeal site is part of the group of properties at 2-8 St Helen's Road where the significant features of the original properties include their attractive brickwork detailing and Dutch gable frontages.
6. No 8a was built in the original side garden to No 8. It is smaller than others in the street, and its subservient scale and appearance ensure that the important heritage features of No 8 remain prominent. It makes a positive contribution to the character and appearance of the area and therefore has a degree of heritage significance meriting consideration in planning decisions, in this respect.
7. The proposed development would introduce a large four storey property to the appeal site. The appearance of the properties at Nos 6-8 is clearly of two separate, but semi detached, houses. As such, even though the width of the proposed dwelling would be less than this pair taken together, it would be seen in the context of these two separate dwellings and would appear markedly wider. It would also have a ridge height similar to that at No 8, and would be taller than the other adjoining property at No 10. As such it would be harmfully dominant in the streetscene, compromise the primacy of the building at No 8. and detract from the important heritage features within the Local Heritage Area.
8. Therefore, the proposed development would have a harmful effect on the character and appearance of the area including with regard to the London Road (Norbury) Local Heritage Area. As such, in this regard it would be contrary to Policies DM10 and DM18 of the Croydon Local Plan 2018 (CLP), and Policies D3, D4 and HC1 of the London Plan (2021) (LP). Together these seek high quality design using a design led approach in order to deliver good design and to preserve and enhance the character appearance and setting of heritage assets including Local Heritage Areas, amongst other things.

Living conditions – neighbours

9. Balconies at the first to third floor would have screening to prevent side views and views towards the first 10m of garden area adjacent to neighbouring properties. These balconies would be the only private amenity space to three units. They would create elevated views towards the garden areas of both no 8 and no 10 from multiple occupiers in spaces that are likely to be well used. Consequently, the scale and nature of the overlooking that would occur would be greater than presently exists and harmful to the occupiers of the neighbouring properties.

10. The amended plans show a communal garden for the proposed occupiers at 8a of around 290sqm, and a retained garden for No 8 of approximately 270sqm. This would provide a large, green back garden area for both properties which would provide an appropriate size and quality of garden space. In this respect the proposed development would provide acceptable living conditions for existing occupiers with particular regard to garden space and would be in accordance with Policy 10.4 of the CLP which requires that a garden of 200sqm, or no less than half, is retained for the existing building.
11. Nevertheless, the proposed development would have a harmful effect on the living conditions of existing occupiers with particular regard to privacy. Therefore, in this respect, the proposed development would be contrary to Policy DM10 of the CLP which supports development that protects the amenity of the occupiers of adjoining buildings.

Living conditions – future occupiers

12. The amended elevations show the inclusion of ground floor windows. These are annotated to be obscure glazed, as such they would not provide any additional outlook to these units. Consequently 2 bedrooms in unit 2 would not have any outlook. This would be a poor standard of accommodation which would not be overcome by the other room in the flat having acceptable outlook, nor the size of the unit.
13. The private amenity space for unit 1 would be to the front of the property and would be adjacent to the car parking spaces. Even with planting, the vehicle and pedestrian movements in the front garden area would not result in this area being high quality amenity space particularly in terms of privacy. However, the occupiers of this unit would have access to a generous, open communal back garden. This would provide functional and pleasant amenity space. As such, this would result in suitable living conditions for future occupiers in this regard.
14. Nonetheless the proposed development would provide unacceptable living conditions for future occupiers with regard to outlook. As such, it would be contrary Policy D6 of the London Plan (2021) which, in part, seeks homes that meet the needs of residents and provide qualitative aspects of orientation to optimise opportunities for visual interest. However Policy DM10 of the CLP does not include any reference to outlook for future occupants and as such I do not find conflict with this policy.

Car Parking

15. The submitted parking stress survey includes a daytime survey and shows a level of around 80% parking stress in this area. Taking into account the likely low number of vehicles parking on street as a result of this development, and the capacity of nearby streets to accommodate this, the proposal would not have a detrimental impact on on-street parking.
16. The submitted plans show that for a medium or large sized car to exit in a forward gear a three point turn would be required. This would not cross the area for bulky waste items shown on the proposed site plan. As such, it is likely that cars would be able to exit and enter in a forward gear and consequently there would not be harm to highway safety in this regard.

17. Therefore the proposed development would provide acceptable car parking. Consequently, it would be in accordance with Policies DM29 and DM30 of the CLP which require that development must not have a detrimental impact on highway safety or have a severe impact on local transport networks.

Fire Safety

18. A Fire Statement has been submitted which includes details of the building's construction, means of escape, features which reduce the risk to life, access for fire service personnel and fire appliances. Acknowledging that full details would be required for Building Regulations, the level of information provided satisfies me that appropriate fire safety could be achieved.
19. Therefore the proposed development would be in accordance with policy D12 of the LP which, amongst other things, requires that developments should ensure that they include particular details to achieve the highest standards of fire safety.

Conclusion

20. Whilst I do not find harm with regard to car parking or fire safety, 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, the poor quality of accommodation for future occupiers with regard to outlook and the harm to the privacy of neighbouring occupiers identified above.
21. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, 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