



Appeal Decision

Site visit made on 9 November 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/L5240/W/22/3291080

702 Mitcham Road, Croydon CR0 3AB

- 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 P J P Reeve against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/00444/FUL, dated 31 January 2021, was refused by notice dated 21 July 2021.
 - The development proposed is erection of two additional floors on top of the existing four storey building to provide 4 self-contained flats with associated amenity space and cycle parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council advise that the emerging Croydon Local Plan is progressing, but no draft policies have been put before me. I have therefore made my decision on the basis of the adopted development plan policies.
3. The Council also advises that its Suburban Design Guide SPG (2019) was revoked on 25th July 2022, and I have therefore had no regard to it.

Main Issues

4. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; (ii) the living conditions of future occupiers of the development, with particular regard to private outdoor space, outlook and child play provision; (iii) provision for cycle storage for users of the building; and (iv) provision for refuse storage for the building.

Reasons

Character and appearance

5. The appeal site is located on the corner of Mitcham Road and Wingate Crescent. The dominant form of development along Mitcham Road and the south-eastern side of Wingate Crescent is two-storey housing, set back behind short front gardens. The north-western side of Wingate Crescent contains the appeal site and 3-storey flats, 2-storey houses, and beyond them 8-storey blocks of flats. Mitcham Road, opposite and adjacent to the appeal site, has a commercial character, with retail warehousing and a petrol filling station.

6. The area is therefore a transitional area in terms of form and character of development. As a result, considering Croydon Local Plan 2018 (CLP) Policy DM15 which relates to tall and large buildings, the determination as to whether the development would result in a tall building is a matter of judgement. The text supporting that policy states that a proposal for 6 storeys, in an area where the predominant heights are two-storeys would be considered tall. In this case, despite the presence of commercial buildings and 3 storey flats, the predominant form is of 2 storey dwellings, and opposite the appeal site there are single storey dwellings. On balance, I therefore consider the proposed development of 6 storeys would be a tall building. It is not located in an area designated for tall buildings, or the Broad Green and Selhurst area defined by CLP Policy DM36. Neither is it located in an area with a Public Transport Accessibility Level (PTAL) of 4¹. It therefore conflicts with CLP Policy DM15.
7. Seen in perspective, the existing building appears at a comparable height in the street scene to the largest warehousing building. Its flat roof also means it is a similar height to the adjacent 3-storey pitched roof flats, although its bulk and siting increase its overall mass. The taller blocks of flats are clearly seen in the background in some views, but are not close enough to establish a precedent for taller buildings in this location.
8. From Mitcham Road the proposed additional storeys would make the building appear the tallest in the street scene, and dominant on the skyline. Its siting, immediately adjoining the highway, gives it greater prominence, and with the additional height it would be unduly dominant in the street scene. From Wingate Crescent, its siting close to the highway and the curve in the road give it prominence and distinguish it from other flats in the area. Although the taller blocks of flats are features on the skyline from longer distance views, the appeal site stands opposite single storey dwellings, and its immediate environs are of 1-3 storey development. Overall, the development would be unduly dominant in the street scene, and would harm the character of the area.
9. The Council also consider the development would harm the character of the building. In my view, the proposed cladding for the additional storeys would not necessarily be incompatible with buff brick of the existing building, or its general appearance, subject to appropriate finishes which could be secured by planning condition.
10. In conclusion, the proposed development would harm the character and appearance of the area and conflict with The London Plan 2021 (TLP) Policies D3 and D4, and CLP Policies SP4.1, SP4.2, DM10.1, DM10.7 and DM15. Together these policies seek high quality design which respects local character and the scale and height of the area. I have not found conflict with CLP Policy DM36, which the Council also refer to, as although it identifies an area for tall buildings, the appeal site is not located within that area.

Living conditions

11. The winter gardens proposed to serve each of the proposed flats are designed to function as balconies enclosed with glazing. As the outer glazed panels would be openable, I consider they could function as private outdoor space. Residents would also have access to the communal roof terrace, and the

¹ The Council states that the appeal site is located within a PTAL 2 area.

development would therefore make adequate provision for outdoor space for future residents.

12. However, unlike the existing flats, where kitchen/living rooms benefit from other windows in addition to those opening onto balconies, some of the proposed kitchen/living areas would rely solely on outlook through the winter gardens. Given the limited glazed area of the proposed winter gardens, and the resulting sense of enclosure, outlook from the living/kitchen areas would therefore be poor, even for flats with a small second window.
13. The appellant advises that the scheme could be amended, to accommodate similar balconies to those on the existing flats, but for the reasons above, alterations to the proposed glazing itself would not be sufficient to provide suitable outlook.
14. The proposed units would be 2 bedroom 3 person flats. Although they may not be specifically designed for children, they may accommodate small families. In addition to the private winter garden balconies, occupiers of the proposed flats would have access to the communal roof terrace on the third floor, but neither are specifically designed or wholly suitable for children. There is a small play area for young children in the grounds of the adjacent 3-storey flat development, but that area is limited in size and facilities. However, I also note the close proximity of Mitcham Common, and a larger play area within a reasonable walking distance. Therefore, although the proposed development does not make provision for additional play space for children, there are sufficient child play provision facilities within a reasonable walking distance of the appeal site.
15. In conclusion, although the proposed development would be acceptable in relation to private outdoor space and child play provision, it would be harmful to the living conditions of future occupiers of the development with regard to outlook. As a consequence, it would conflict with TLP Policy D6, and CLP Policies SP2.8, SP4.2 and DM10.4. Together these policies seek adequate quality and quantity of internal and external space for residents.

Cycle storage

16. TLP Policy T5 requires 2 long stay secure cycle parking spaces per 2-bed residential unit, and provision for non-standard cycles.
17. The appellant states that 18 cycle parking spaces are currently available within the existing cycle parking area, and that an additional 4 spaces could be added. However, at the time of my visit there were facilities to secure fewer cycles in the area marked 'cycle area' on the plans, and it appeared that only one row of cycles could be practically stored and accessed in that area. I have therefore not seen convincing evidence that the required number of cycles could be stored within the existing cycle area.
18. It may be possible to make additional provision elsewhere onsite but, the area beneath the first floor of the building was also in use for car parking and turning, and bin storage. The car parking spaces were located between pillars, and much of that area may be required for turning space to access them. From the information before me I therefore cannot be certain that sufficient and suitable secure cycle parking could be accommodated on-site without detriment

to parking, turning or bin storage. Therefore, this matter could not be addressed by a planning condition.

19. In conclusion, the proposed development would therefore not make adequate provision for cycle storage for users of the building. It would therefore conflict with TLP Policy T5, and CLP Policies SP8.7, DM10, DM29 and DM30. Together these policies seek provision for cycles to facilitate cycling by residents.

Refuse storage

20. The existing plans submitted with the appeal show a refuse storage area within the building on the ground floor, accessed from the parking/turning area below the overhanging first floor of the building. At my site visit I saw no such area, and the bins were stored against the wall. One of the bins was overfull, some waste was left on the ground, and there was a sign stating, 'no fly tipping'.
21. If additional bins would be required to serve the extended building as a whole, then it may be that there would be adequate space for them. However, given that much of that space may be required as turning space for vehicles to access the parking spaces, I cannot be certain that adequate bin storage could be accommodated in that area, or elsewhere on the appeal site.
22. In conclusion, the proposed development would therefore not make adequate provision for refuse storage for the building. It would therefore conflict with TLP Policy SI 7, and CLP Policy DM13. Together these policies require adequate and sensitively integrated refuse and recycling facilities.

Other Matters

23. Four additional two bed residential units on the existing building would make a small contribution to the supply of new homes. However, I note the Council can demonstrate a 5-year housing land supply. I also note that the proposed 2-bed units would not contribute to the Council's identified shortfall of 3-bed family homes in the Borough. Notwithstanding the appellants references to public transport and local facilities, the site is also located in an area of relatively poor public transport accessibility (PTAL 2). I therefore attribute only limited weight to these matters in favour of the development.
24. The appellant has also referred to other matters, in relation to which there would be an absence of harm, including those relating to neighbouring residential amenity having regard to sunlight/daylight, outlook and privacy, but those matters weigh neutrally in the planning balance.
25. In relation to the main issues, I have found harm to the character and appearance of the area and the living conditions of future occupiers, and it has not been demonstrated that adequate provision would be made for cycles and refuse storage. As a consequence, the development would also conflict with development plan policies. I attribute significant weight to this harm, which outweighs the benefits of the development.

Conclusion

26. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that suggest a decision other than in accordance

with the development plan would be appropriate. The appeal should therefore be dismissed.

Peter White

INSPECTOR