



Appeal Decision

Site visit made on 29 November 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12/12/2022

Appeal Ref: APP/L5240/W/22/3294643

4 Cart Lodge Mews, Croydon, London CR0 6FG

- 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 Lujain Alwash against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/06209/FUL, dated 15 December 2021, was refused by notice dated 9 February 2022.
 - The development proposed is to build a 2 storey 2-bed dwelling house on an empty plot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's details stated on the appeal form differ from those given on the planning application form. A copy of a letter signed by the applicant has been provided giving their agent authorisation to act on their behalf in respect of the appeal site. However, as the right of appeal rests with the original applicant I have used their name in the heading above.
3. The description of development in the heading has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. In its decision, the Council refers to the Suburban Design Guide SPD 2019 (the SDG). However, in its Appeal Statement the Council states that the SDG has been revoked, and accordingly the appellant has had the opportunity to comment on this. I have proceeded to determine this appeal on that basis.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of neighbouring residents with regards to outlook and privacy;

- Whether suitable provision can be made for vehicle parking and access; cycle parking; and refuse storage; and
- Fire safety.

Reasons

Character and Appearance

6. The appeal site is a roughly triangular area of land opposite the 3 existing dwellings of Cart Lodge Mews. These 3 dwellings are of a modern design with an array of mono-pitched roofs, and the evidence suggests that the appeal site was intended to be a landscaped/service area for those dwellings. The wider site, including the existing dwellings, is a relatively constrained back-land site. However, the 3 dwellings are an appropriate response to the constraints of the site, being located on the widest part of the plot and with suitable set-back from the site boundary and separation distances from neighbouring dwellings.
7. In contrast, the appeal proposal would be constructed on a narrow tapering part of the site, resulting in a dwelling of an ungainly irregular shape. Due to its massing and proximity to the site boundaries, the dwelling would appear as an overly constrained building representing the overdevelopment of an unduly small site. The upper storey would also overhang the path to the side of the dwelling, giving the building an awkward and top-heavy character.
8. There would be a degree of setback from neighbouring properties, including an access path to the side of the building at ground level and a rear access serving neighbouring dwellings. But this would not be sufficient to overcome the cramped appearance of the development. The proposal attempts to reflect the roof design of the existing 3 dwellings, but this would not overcome the overdeveloped appearance of the dwelling, and the roof design itself would appear as a contrived pastiche of the nearby houses imposed onto a dwelling of an awkward layout and appearance.
9. Due to its backland location, the site is not readily visible from the wider public realm. The site is also located in an area with a mixture of designs of building, including traditional terraces and semi-detached dwellings, as well as more recent development including the modern dwellings of Cart Lodge Mews. However, even within this context and having regard to the evolution of local character, the dwelling would appear as an unacceptably incongruous development in views from surrounding properties.
10. I therefore conclude that the proposal would lead to significant harm to the character and appearance of the area as a result of its massing, design and arrangement. The proposal would therefore conflict with policies D2 and D3 of the London Plan 2021 and policies SP4 and DM10 of the Croydon Local Plan 2018 (the Local Plan). These policies require that development is acceptable in terms of scale and massing given the surrounding built form, and which is of suitable quality and character in respect of design.

Living Conditions

11. The proposal would face onto the existing 3 dwellings on Cart Lodge Mews across a small communal courtyard. Due to the bulk of the proposed 2-storey dwelling and the limited separation distance, the proposal would be an unduly obtrusive development in views from the rooms of the 3 dwellings facing onto

the courtyard. The upper floor windows of the proposal would also enable an unduly intrusive view into the windows of the 3 dwellings, with significant harm to the level of privacy that neighbouring residents could expect.

12. The building would also be located in close proximity to the boundaries of rear gardens of dwellings on Lebanon Road and Oval Road. Due to the height and bulk of the flank walls of the proposal, the dwelling would have an overbearing and oppressive effect in views from the rear of the neighbouring properties, particularly in relation to the rear gardens. The introduction of decorative tiles on the side elevations would do little to mitigate this harm, and indeed these would appear as a contrived element of the building which would add to its unacceptable appearance.
13. The flank elevations would not enable overlooking of properties to the sides of the site, but a lack of harm is not a benefit and this does not negate the unacceptable impacts on the outlook from neighbouring properties.
14. The appellant submits that there should be some flexibility in the application of separation distances referred to by the Council, particularly in constrained urban areas. Reference is also made to separation distances in existing development elsewhere. However, even on that basis, the proposal would lead to unacceptable harm in respect of privacy and outlook based on my own observations and the nature of the appeal proposal and its surroundings.
15. For the reasons given, the proposal would lead to significant harm to the living conditions of neighbouring residents with regards to outlook and privacy. The proposal would therefore be contrary to the amenity considerations of policy DM10 of the Local Plan and policy D3 of the London Plan.

Parking and Access

16. The proposed dwelling would include an integral garage. However, the Council refers to the required standard of 3m by 6m for a parking space, and that the proposed garage would not meet this requirement. This reflects my own observations on the basis of the evidence before me. The proposed garage would therefore not provide a useable parking space for vehicles likely to be parked in association with the dwelling, with the result that vehicles are likely to be parked on the courtyard serving this and neighbouring dwellings, or the public highway.
17. Furthermore, it has not been demonstrated how vehicles would be able to enter and leave the site in forward gear. The proposed dwelling is accessed via a courtyard which would act as a manoeuvring area for the appeal site and the 3 existing dwellings on Cart Lodge Mews. Although the proposed dwelling would not project onto the existing hard surfaced courtyard, it would limit the existing potential for vehicles to overhang the appeal site when manoeuvring. Due to the inadequate size of the internal garage, this may also lead to an extra vehicle being parked on the courtyard which would further limit the manoeuvring space. Considered objectively and in context, the Council's concerns about the limited manoeuvring space afforded by the proposal are well founded.
18. Due to the limitations of the courtyard, the proposal is likely to result in convoluted vehicle manoeuvres or vehicles reversing along the access road, with a resultant increase in the likelihood of collisions between vehicles,

pedestrians and cyclists using this shared surface. This harm would be exacerbated by the limited visibility when entering or leaving the access road, particularly when joining the public highway. The appellant has provided no substantive evidence to demonstrate otherwise, such as through a swept path analysis and the provision of visibility splays.

19. I therefore conclude that the proposal would not make suitable provision for vehicle parking and access, and would conflict with the car parking and highway safety requirements of policy T6 of the London Plan and policies SP8, DM29 and DM30 of the Local Plan.
20. I find no conflict with policy T7 of the London Plan, as issues relating to deliveries and servicing of a single dwelling would be minimal. This would include during the construction phase of development, where this would be for a limited period of time and could be addressed through a construction management plan. However, this does not negate my conclusions in respect of conflicts with other policies of the development plan.

Refuse Storage

21. Bin storage for refuse and recycling would be located on the courtyard to the front of the dwelling. Although this is within the boundary of the application site, the courtyard is a communal area and the proposed bin storage would further limit manoeuvring space for vehicles. Alternatively, this may result in refuse storage being located within the dwelling or the rear garden, although this may be detrimental to the living conditions and convenience of residents, and in any event it has not been demonstrated how this would be practical.
22. I also observed that some bins associated with Nos 1-3 were stored on the courtyard at the time of my visit. Although the appellant refers to the neighbouring residents having sufficient space within their land ownership for bin storage, there is no substantive evidence to demonstrate that this is the case. In particular, if bins are stored within the land associated with Nos 1-3 this may further limit the space available for the parking of vehicles and associated manoeuvring.
23. I therefore conclude that the proposal would not include suitable provision for refuse storage. The proposal would be contrary to policy DM13 of the Local Plan in respect of the provision of refuse and recycling facilities.

Cycle Storage

24. It is proposed to provide wall-mounted foldable cycle storage brackets on a flank wall of the building. However, these would be located within a narrow access path and cycles stored here would significantly hamper movement along this path, with subsequent harm to the convenience of residents. Furthermore, a cycle stored nearest to the front of the site would be a significant impediment for the movement of cycles to and from the brackets to the rear.
25. A degree of shelter would be provided by an overhang of the building and an adjacent fence, and there would also be some security due to the lockable storage and access gate. However, in effect the cycles would be stored in the open air which would lead to concerns in respect of security and maintenance. As well as affecting the convenience of residents, the inadequate cycle storage is likely to deter the use of cycles by residents of the proposal. The Council refers to the London Cycle Design Standards and the Cambridge Residential

Cycle Design Guide, and the appellant has not demonstrated how the proposal would meet appropriate standards.

26. I therefore conclude that the proposal would not make suitable provision for cycle storage, and would conflict with the cycling and sustainable transport requirements of policies SP8, DM29 and DM30 of the Local Plan.

Fire Safety

27. Policy D12 of the London Plan seeks to ensure that all development proposals achieve the highest standards of fire safety. Many of the issues raised in policy D12 could be addressed by condition due to the minor scale and new-build nature of the proposal. However, the policy also refers to the identification of a suitably positioned unobstructed outside space for fire appliances. Given my concerns about the constraints of the external courtyard and access road, it has not been demonstrated that there is a reasonable possibility that the proposal would be able to comply with this requirement. On that basis, this matter could not be addressed by condition.
28. The appellant refers to Nos 1-3 and that the appeal proposal would have similar access conditions for fire appliances. However, based on the evidence before me, the planning application for Nos 1-3 preceded the adoption of the current London Plan and were therefore not considered against the requirements of policy D12. Furthermore, the proposal may also be detrimental to the parking and access of a fire appliance for both the existing and proposed dwellings due to the harm I have previously identified in respect of manoeuvring space. In any event, it would not be appropriate to introduce a further dwelling onto a site where access for a fire appliance may not meet current standards.
29. The proposal would therefore be contrary to policy D12 of the London Plan in respect of fire safety, particularly in relation to space for the positioning of fire appliances.

Other Matters

30. The proposal would add to the mix and supply of housing on the edge of the town centre in an area with good access to services and public transport. It would also introduce a productive use onto what is an area of unkempt brownfield land. However, the benefits arising from a single dwelling would be very limited, and the matter of appropriate maintenance is an issue that should be addressed by the land owner. Reference is also made to environmental measures to ensure that the dwelling would be carbon neutral, although this would primarily relate to the effects of the dwelling itself rather than wider benefits. These matters therefore carry limited weight in favour of the proposal.

Conclusion

31. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross INSPECTOR