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# Appeal Decision

Site visit made on 22 November 2022

**by N Praine BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 DECEMBER 2022**

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**Appeal Ref: APP/L5240/W/22/3290679**

**74 Higher Drive, Purley CR8 2HF**

- 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 Grandeur Properties Ltd against the decision of the Council of the London Borough of Croydon.
  - The application Ref 20/02803/FUL, dated 26 June 2020, was refused by notice dated 29 October 2021.
  - The development proposed is described as the redevelopment of the site to provide 9 new homes (3 x 3 bed, 3 x 2 bed and 3 x 1 bed) to include ancillary landscaping, car parking refuse storage, boundary treatment.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. As part of the appeal submission, the appellant submitted a fire safety document. The Council have considered this document and they advise that it satisfactorily address the requirements of Policy D12 of the London Plan 2021 (the London Plan). The Council have confirmed they no longer contest the reason for refusal associated with fire safety (Condition 4).
3. I do not consider any parties would be prejudiced by my acceptance of this fire safety document and having considered its content; I am satisfied that no conflict would arise with London Plan Policy D12.

## Main Issues

4. The main issues therefore are:
  - The effect of the proposed development upon the character and appearance of the area;
  - The effect of the proposed development on highway safety; and
  - Whether the proposal would provide adequate living conditions for future occupants with particular reference to amenity space, outlook and privacy.

## Reasons

### *Character and Appearance*

5. The appeal site sits on the corner of Higher Drive and Bencombe Road. Existing land levels are broadly level along this part of Higher Drive, however, they fall significantly when travelling down Bencombe Road away from Higher Drive.

6. The local area features a range of residential buildings with predominantly pitched roofs, however, there is no prevailing character in the local area as dwellings are mixed in size, scale and appearance.
7. The appeal proposes the demolition of the existing dwelling and erection of a building to comprise 9 homes. Hard and soft landscaping, boundary treatments and car parking would also be proposed.
8. While the Council suggest there has been a lack of character analysis, I note that the appellant's Design and Access Statement (DAS) does provide some analysis at section 7. The proposed development broadly takes its design cues from the existing development at 76 Higher Drive, located to the opposing corner of Higher Drive and Bencombe Road. The proposed development in combination with No 76 would create a balance either side of Bencombe Road and the incorporation of pitched roofs with gable features also nods to local design features elsewhere.
9. The location of the development, to the top of Bencombe Road, would give the appeal site an elevated and prominent position when viewed from public vantage points along this road. The proposed building would also have an articulated elevation facing Bencombe Road which would be set in from the side boundaries. This element would be sympathetic to the existing pattern of development in the local area.
10. The Council did not object to the materials, and I am mindful that local character evolves over time. However, the part two storey and three storey flat roofed sections to the rear of the proposed building would be at odds with the pitched roof features of the proposed development. This would create an awkward and jarring appearance to the building where these two opposing roof designs meet. This harm would be exacerbated by the elevated and prominent location of the appeal site when viewed from Bencombe Road.
11. I note that some existing landscaping would be removed, however, a proposed landscaping scheme and management plan was submitted with the original application. These show landscaping areas within the site, a wildlife garden and further landscaping to the site boundaries with additional climbing shrubs to create informal green walls. Additionally, species have been selected to provide all rear round colour interest. When viewed against the existing soft landscaped character of the local street scene, the proposed landscaping would be appropriate.
12. Refuse and recycling facilities would also be sited behind boundary screening and given its modest scale would not be visually intrusive within the street scene.
13. While I have found some matters to be acceptable these would be neutral which neither weigh for or against the development proposal. The contrasting roof forms, however, would be visually harmful and consequently the development would result in unacceptable harm to the character and appearance of the area.
14. Accordingly, there would be conflict with the relevant provisions of Policies DM10 and DM13 of the Croydon Local Plan 2018 (the Local Plan), Policies D3 and D4 of the London Plan and the Supplementary Planning Document: Suburban Design Guide 2019 (the SPD) all of which, amongst other things,

seek to ensure that development would be sympathetic to the character and appearance of the area.

### *Highway Safety*

15. 6 car parking spaces and 4 motorcycle parking spaces would be provided off-street as part of the proposed development. The London Plan sets maximum standards for parking, and the main parties agree that the maximum standard for the appeal site would be 14 spaces.
16. London Plan Policy T6, paragraph F, sets out that where provided, each motorcycle parking space should count towards the maximum for car parking spaces. On that basis the proposed development would offer 10 spaces which would be 4 spaces short of the maximum standard.
17. The development plan promotes active and sustainable travel and I note the parking standards set out above are maximums. However, the application site has a Public Transport Accessibility Level (PTAL) of 1b (low accessibility) which would indicate a higher demand for parking in this case.
18. While only a snapshot in time on a weekday afternoon, I observed, during my site visit, that parking pressures were moderate within the local area. The appellant provided a Parking Capacity Survey (PCS) as part of its Transport Statement (TS) and I have not been made aware, by either main party, that the PCS is deficient regarding its methodology or data it presents.
19. The PCS showed 147 parking spaces within the survey area with 113 of these spaces available, therefore a parking stress of 23%. The applicant has also conducted a Parking Demand Analysis (PDA) which considers proposed and local committed development in addition to this appeal.
20. The PDA showed that 24 vehicles could be displaced onto the streets adjoining the site, however, the PCS demonstrates that considerable parking would be available within the survey area to accommodate any overspill parking well in excess of 24 parking spaces.
21. The Council has suggested that Higher Drive will become a bus route and one side of the road would have double yellow lines therefore reducing the capacity for parking within the locality. I have not been provided with a timetable for this project or even if firm commitments have been made to implement it. However, even if Higher Drive had no parking capacity, the parking stresses in Bencombe Road and Burcott Road are shown in the PCS and PDA to have acceptable capacity.
22. The Council suggest the gradient of the access onto Bencombe Road would be unacceptable as it exceeds 1:12 and therefore vehicle and pedestrian sightlines cannot be achieved. However, the Council does not explain why they can't be achieved or why the gradient is unacceptable.
23. The appellant's TS, at figure 5, show that the pedestrian visibility splays at this access would be achievable complying with the Council's requirements for entrances as set out at Figure 2.29e of the SPD. In the absence of substantive evidence contrary to this I find no harm in this regard.
24. The appellant also states that vehicle visibility sightlines from the Bencombe Road access has been designed in accordance with the Department for

Transport's Manual for Streets. While this document is not before me, extracts were provided in the appellant's TS and the Council has not challenged this evidence.

25. It is clear from Figure 6b of the appellants TS that a driver leaving the Bencombe Road access would have visibility in both directions in accordance with the quoted stopping sight distance of 25 metres. In the absence of substantive evidence contrary to this, this proposed access would not create unacceptable impacts in respect of highway safety.
26. While the submitted swept-path analysis (SPA) show that manoeuvring for the echelon parking bays off Higher Drive would require some off-street manoeuvring to allow a car to drive into the spaces. The SPA demonstrates that these parking spaces would not require more than a three-point turn to exit or enter a parking space. Additionally, all cars would be able to enter and leave the site in forward gear.
27. I accept it may be desirable for vehicles to enter or leave parking spaces in one movement, however the limited off-street manoeuvring to access the parking spaces is not considered to severely compromise the safety of pedestrians or vehicle users.
28. It has therefore not been demonstrated that the appeal would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The proposed development would therefore not conflict with the relevant provisions of Policies SP8, DM29 and DM30 of the Local Plan, Policies T4, T5, T6 of the 2021 London Plan and the SPD all of which, amongst other things, seek to ensure proposals would not be prejudicial to highway safety.

#### *Living conditions of Future Occupiers*

29. The living kitchen dining (KLD) room of Flat 2 would be served by a lightwell. In this case, the outlook from the KLD, would be directly onto a terrace area with retaining walls and boundary treatments beyond this terrace area.
30. The KLD would be served by 3 full height windows and the appellant has shown a 25-degree line in accordance with the design guidance set out in Figure 2.20c of the SPD. In this case some of the windows do not break the 25-degree line and some cross the top of the boundary treatment.
31. The drawings show the terrace to be 22.7 square metres with a reasonable separation distance across the courtyard. This in combination with the number of full height windows, at least one window having an unbroken 25-degree outlook coupled with limited infringement to the other windows, ensure the KLD would have an acceptable outlook.
32. While pedestrians would be likely to walk past the side facing part glazed doors of Flat 2, these are secondary outlooks serving a bedroom and lobby area. I accept some views into Flat 2 could be possible into these part glazed doors, however, given their secondary status, a condition to obscure glaze these doors could be imposed without harm to the living conditions of any future occupiers of this flat.
33. Policy DM10.5 of the Core Strategy states that in addition to private amenity space provision, proposals for new flatted development would also need to

incorporate high quality communal outdoor amenity space that is designed to be flexible, multifunctional, accessible and inclusive.

34. A communal area would be sited to the rear of the site. The space would be of reasonable proportions, on a sloping site and near to parking areas and bin stores. I note the area would be landscaped with mature trees retained and the bin stores would be screened by a fence. Additionally, there is no evidence before me to suggest that vehicular movements within the car parking area would be significant or adversely dangerous.
35. Tree canopies would overhang part of the communal area, and these contribute toward a verdant character within this area. However, I have not been provided with evidence that the sloping nature of the communal garden would be accessible and inclusive to all sections of the community. Had the application been acceptable in all other regards a condition to agree levels and seating areas for informal socialising would have been imposed.
36. While 2<sup>nd</sup> floor flats would be located the furthest vertical distance from the communal amenity space and child play space, the proposed development would provide a lift giving access to all future occupiers to the lower ground floor and rear communal areas. This would be a practical arrangement to access the outdoor spaces.
37. The proposed development would be acceptable regarding the living conditions of its future occupiers. The proposal therefore accords with the relevant provisions of Policies SP4 and DM10 of the Local Plan, Policy D4 of the London Plan and the SPD. These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.
38. The Decision Notice cites policy D2 of the London Plan in support of its third reason for refusal. This policy relates to infrastructure requirements for sustainable densities and does not appear to be relevant to this main issue. I have therefore not considered it within my reasoning above.

### **Other Matters**

39. The development would offer potential benefits in terms of providing a net increase of 8 dwellings on brownfield land which would include a mix of unit sizes. This would optimise a small site in a largely residential area with access to jobs, services, infrastructure, and public transport. I acknowledge that smaller sites also tend to be built out relatively quickly and redevelopment represents an efficient use of land in this case.
40. I have also found that the development proposed would not be harmful to highway safety or the living conditions of future occupiers. However, these would be neutral matters which neither weigh for or against the development proposal.
41. I have, however, found that the proposal would have unacceptable effects on the character and appearance of the area. Given the limited scale of the development proposed, the weight attributable to the benefits set out above would be modest and would not be sufficient to outweigh the harm that I have identified and the conflict with the policies I have referred to.
42. The Council suggest that a financial contribution would be required to improve sustainable transport options at the site, however, no details regarding the

policy framework or projects to justify a contribution have been provided. Given I am dismissing this appeal on other grounds, there is no need for me to consider this matter further.

43. I note the Council gave the appellant pre-application advice prior to the planning application being submitted. This advice was given without prejudice to any final decision that the Council may take. Such discussions are therefore not determinative to the proposal before me which I have considered on its own merits as set out above.
44. I have also considered the various other concerns raised by interested parties, however, none of the other matters raised outweigh or alter my conclusion on the main issues. As I am dismissing the appeal for other reasons, I have not pursued these matters further.
45. Finally, the appellant has also expressed concerns regarding the time taken to reach a decision by the Council during the application process. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

### **Conclusion**

46. As such, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*N Praine*

INSPECTOR