



Appeal Decision

Site visit made on 11 November 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/L5240/W/22/3294711

**103 Church Way (Formerly Land Rear Of 7 - 9 Addington Road),
South Croydon CR2 8RF**

- 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 Naresh Kumar (NC Developments) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03327/FUL, dated 17 June 2021, was refused by notice dated 4 January 2022.
 - The development proposed was originally described as: demolition of garage, alterations to land levels and erection of 3 no. new two storey dwellinghouses on land fronting Church Way at the rear of 9 & 11 Addington Road. Subdivision of the rear garden of No. 11 Addington Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reasons for refusal refer to its Suburban Design Guide Supplementary Planning Document (2019) (the SDG). However, from other appeals I have dealt with in Croydon, I am aware that the Council has revoked the SDG as of 25 July 2022 and it no longer forms a material planning consideration. Consequently, I have not attached weight to the SDG.
3. I saw on site that the garage referred to in the description of development has already been demolished.

Main Issues

4. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposed parking arrangements would be acceptable in terms of highway safety;
 - Whether the proposal would provide functional cycle and refuse storage;
 - Whether the proposed dwellings would be accessible and adaptable.

Reasons

Character and appearance

5. The appeal site is a derelict area of land to the rear of dwellings on Addington Road. The site addresses Church Way along a section of the road at its

southern end with tree cover to the adjacent side and a large cemetery on the opposite site on land which falls steeply away. The site adjoins the entrance to the first dwelling on the adjacent side, No 101, though the dwelling itself is separated by its driveway and a cluster of mature trees.

6. Church Way is characterised mainly by detached dwellings set back from the road, with those on the adjacent side sitting well above the street level, and those opposite set down into their sites, reflecting the prevailing topography. The dwellings range in scale from bungalows with and without dormers to two storeys, but there is something of an organic consistency to the ridge heights which tend to follow the fall of the land downhill as one travels north. The prevailing design elements of the street are red brick, hipped roofs with red tiles and landscaped front gardens, particularly on the adjacent side.
7. The proposal takes on a contemporary design, with three interlinked dwellings set at different levels with shallow hipped roofs in zinc panelling, white render and red brick walls, raised front terraces with glass balustrading oversailing parking undercrofts and with a shared forecourt to the front. The overall design concept is indicated to incorporate different massing and height in response to the topography and to create visual interest. The appellant also points to the use of shallow hipped roofs and more lightweight materials to the upper floors to differentiate the levels and reduce the apparent mass.
8. I appreciate that thought has gone into the design of the development in response to the site conditions. However, despite these design responses, the proposal would still result in a substantial cluster of three dwellings at two and three storeys on what is a very physically constrained site. Indeed, these constraints are such that to realise the development would require significant cutting into and re-grading of the land to the rear of 11 Addington Road. Even then, the dwellings would be set very close to the higher land surrounding the site on two sides, so close that virtually no windows are proposed in any elevation facing these boundaries. This level of site coverage, together with other features such as the enclosed rear garden area, the use of parking undercrofts and the projecting balconies extending to the extremities of the site would all contribute to a distinct impression of the development being squeezed onto the site in a cramped and contrived manner.
9. The design would also represent a stark contrast with the more traditional character of dwellings that prevails on Church Way, particularly in the prominent use of uncharacteristic features such as the large front balconies, parking undercrofts and zinc roofs. The forward position of the dwellings within the site and their clustered arrangement would add to their conspicuousness and would contrast with the more recessed position and linear pattern of neighbouring dwellings. The small site area and limited opportunities for landscaping would also jar with the more spacious plots and established front gardens to neighbouring dwellings. These factors would add to the impression of an excessive quantum of development on a constrained site and one that fails to respond to the surrounding context.
10. I recognise that the dwellings would stand slightly apart from the continuous built form that ends at No 101 and in some views looking south, the development would be viewed by itself. However, it would not be so isolated or discreet as to not still form part of the Church Way street scene when looking north, particularly as the development would directly abut the driveway of No

101 and be seen in context with it. In addition, the dwellings would be the first development seen on entering Church Way from the south, standing in a conspicuous position directly opposite the graveyard where anomalous features such as the large, raised balconies and shared forecourt would appear particularly incongruous and imposing within the street scene.

11. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policies D1, D2 and D4 of the London Plan 2021 (the LP21) and Policies SP4.1, SP4.2, DM10 and DM43 of the Croydon Local Plan (2018) (the CLP), which together require development of high quality which respects and enhances Croydon's varied local character and contributes positively to the townscape to create sustainable communities, through respecting development pattern, layout, siting, scale, height, massing, density and appearance of the surrounding area.

Parking and Highway Safety

12. One parking space is proposed for each dwelling, all within a shared forecourt area. The appellant has provided swept path analysis for each space in response to the Council's criticism of the layout. The tracking details show that entry and exit to each parking area in a forward gear would be possible, though this would involve multi-point turns in many cases, bringing vehicles close to others and to the structures of the dwellings themselves. These details also appear to confirm that the original parking area for House 1 beneath the balcony to the side of the dwelling is not achievable and vehicles would instead be parked in front.
13. The Council is further critical of the lack of vehicular visibility splays. However, I saw on site that there is long visibility in both directions, helped by the site standing on the outside of a slight curve in the road. The proposals show low boundary treatments to the front of the site, and I observed very little traffic during my visit, though I accept this was only a snapshot outside of peak travel times. Nonetheless, the number of vehicular movements would be small, given the scale of the development, and in this respect, I am satisfied that the physical access would not pose a risk to highway or pedestrian safety.
14. However, although the proposed parking spaces may be accessible as shown by the swept paths provided, I agree with the Council that the overall layout is cramped and may result in awkward manoeuvres and/or indiscriminate parking. Given the low PTAL rating of 1b, there is a strong possibility that occupants may own more than one car and that visitors to the dwellings would come by private car. Additional parking within the forecourt by even a single vehicle would clearly obstruct other vehicles from making the required manoeuvres within the site so as to exit in a forward gear. The particularly tight arrangement of the parking space for House 2, between the pillars of the oversailing balcony and directly in front of the main stair access, may also lead occupants to instead park out in the forecourt where the risk of obstruction or conflict with other vehicles would be increased. This in turn may lead to parking being displaced onto the street, increasing the risk of obstruction to sight lines for other vehicles emerging from the site or for traffic on Church Way.
15. For these reasons, therefore, I conclude that the proposal would not provide a satisfactory parking arrangement and would create a harmful risk to highway safety, in conflict with Policies DM29 and DM30 of the CLP, which require that development does not have a detrimental impact on highway safety for

pedestrians, cyclists, public transport users and private vehicles, including that movement is not impeded, nor highway safety compromised, by the provision of car parking.

Cycle and Refuse Storage

16. Linked to the above issue is that of the provision of cycle and bin storage. Both facilities are proposed within the same areas as the vehicular parking. More detailed plans showing their form and position have been provided at appeal stage. Whilst acknowledging the Council's concerns, there appears to be sufficient space to access the bin and cycle stores and to manoeuvre bins and cycles past parked vehicles. Consequently, I find no conflict in these respects with Policies SP8, DM10, DM13, DM29 and DM30 of the CLP which together seek suitable, well-designed and conveniently located provision of refuse and cycle storage in new developments.

Accessibility and adaptability

17. Policy D7 of the LP21 requires all dwellings to provide level access in accordance with optional requirement M4(2) of the Building Regulations. However, Paragraph 3.7.6 of the LP21 provides some flexibility to the requirement of Policy D7 on specific small scale infill sites.
18. In this case, House 1 would have level access, albeit to a floor with bedrooms rather than living space, whilst Houses 2 and 3 would be accessed by stairs. The Council is critical of the appellant for failing to demonstrate why dwellings that are M4(2) compliant cannot be achieved, but having regard to the physical constraints of the site, and the small scale of the development, I find there is some justification for a flexible approach in this case, with compliance capable of being secured by condition where it can be achieved. Therefore, the proposal would accord with the aims of Policy D7 so far as they are relevant to small scale infill development.

Other Matters

19. Some concern is raised in respect of potential harm to the living conditions of existing residents. The dwellings would be sufficiently distant from the nearest dwellings on Church Way so as not to cause a harmful loss of light or increased shadowing or enclosure. In terms of privacy, the proposed balconies would principally face the communal forecourt and public realm on Church Way. The balcony to House 1 would stand next to the entrance to 101 Church Way, but there would be enough separation to the neighbouring dwelling that harmful levels of overlooking would not occur.
20. I have noted other matters raised in evidence, including land stability and structural issues, and the impact on trees. However, I am not furnished with specific evidence to substantiate these concerns and the Council has not raised objection in these matters. As such, I do not raise further concerns with the proposal in these respects.
21. The proposal would add dwellings to the Council's housing stock. This would represent a benefit, albeit a modest one given the scale of the proposal. Nonetheless, given the importance placed on the supply of housing in the National Planning Policy Framework (the Framework), this benefit attracts moderate weight in favour of the appeal.

22. There would be economic activity during construction and afterwards as residents engage in the local economy. However, the scale of these benefits would be limited, having regard to the size of the development.
23. I acknowledge that the existing poor condition of the site does not add to the quality of the area. However, given my findings above with respect to the design of the proposal and parking arrangements, the proposal would not improve the immediate environment. Therefore, whilst acknowledging the support in the LP21 for development on small sites and in the Framework for re-use of previously-developed land, any benefit arising in terms of the proposal making effective use of the land would attract no more than limited weight in favour of the proposal.
24. I note concerns raised by the appellant with respect to the Council's handling of the application. However, these are matters for local government accountability and I have limited my assessment to the planning merits of the appeal.

Conclusion

25. I have found that the proposal would cause harm in respect of character and appearance and highway safety, resulting in overall conflict with the development plan, to which I afford significant weight.
26. Other material considerations in this case, including the identified benefits, do not cumulatively outweigh the conflict with the development plan, taken as a whole. Therefore, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR