



Appeal Decision

Site visit made on 20 December 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20/01/2023

Appeal Ref: APP/L5240/W/22/3295321

Georgina Court, 316 Beulah Hill, Upper Norwood, London SE19 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Kevin McCusker, on behalf of Kaymac Construction & Interiors Limited, against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/05533/GPDO, dated 4 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is described in the application form as “a two-storey upwards extension over the main roof of the existing building to provide 6 new flats...”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading, I have referred to the description of the proposal set out in the application form, omitting any text which is unnecessary to accurately describe the scheme.
3. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO), under Article 3(1) and Schedule 2, Part 20, Class A, Paragraph B(15) require the local planning authority to assess the proposed development taking into account any representations received and having regard to the National Planning Policy Framework 2021 (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application. My determination of this appeal has been made on the same basis.
4. Prior approval applications must not be determined, expressly or otherwise, on the basis of section 38(6) of the Planning and Compulsory Purchase Act 2004 or as though the development plan must be applied. I have had regard to the policies of the Croydon Local Plan 2018 (the Local Plan) and The London Plan March 2021, only in so far as they relate to the subject matter of the prior approval as material considerations. However, having regard to the above, these policies have not been decisive in my determination of the appeal.
5. The Council refer to the London Plan guidance document ‘Optimising site capacity: A design led approach (2022)’. A copy of this document has not been provided and, in any event, the Council indicate it is only a consultation draft. I am therefore unable to give any weight to this document in this decision.

6. I understand that the Croydon Suburban Design Guide Supplementary Planning Document 2019, referred to by both the Council and the Appellant, was revoked on 25 July 2022. This document is therefore no longer relevant.

Main Issues

7. Under Article 3(1) and Schedule 2, Part 20, Class A of the GPDO, planning permission is granted for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats together with certain associated works subject to limitations and conditions.
8. Paragraph A.2(1) of Class A requires the developer to apply to the local planning authority for prior approval to assess the impact of the proposed development on the external appearance of the building and the transport and highways impacts of the development, amongst other specified matters.
9. The Council refused the application for prior approval on grounds relating to these two matters only. The main issues are therefore whether prior approval should be granted, having particular regard to the effects of the proposal on i) the external appearance of the building and ii) the transport and highways impacts of the development.

Reasons

External Appearance of the Building

10. The appeal site is a corner plot located at the junction of Grecian Crescent and Beulah Hill. Georgina Court is a four-storey residential building with a flat roof featuring solar panels. There are projecting balconies to all upper floors, some of which are covered by the main roof overhang. Externally it is finished predominantly in red brick with a neutral colour render at the corner and elements of timber cladding. The third floor features a very modest set back along the Beulah Hill frontage but is distinguishable by a darker aluminium cladding. It also features additional glazing and a larger corner balcony.
11. To the north is a four-storey building, with ground floor commercial space and flats above. The third floor has the appearance of a mansard roof with dormer windows. Opposite the site is another four-storey residential building, set back from the road, also with the third floor integrated into the roof with contrasting cladding. Adjacent to this is a contemporary three-storey flat roof mixed-use development at 411 Beulah Hill.
12. The appeal site sits towards the top of a modest incline, with Grecian Crescent descending in elevation to the east. On the opposite side of Grecian Crescent and to the rear of the appeal site are residential areas characterised by a mix of terraced, semi-detached and detached two storey traditional dwellings and bungalows. There is therefore some variation in the floor count of buildings locally. However, the modest flat or shallow roof forms and / or contrasting upper floors of the larger three and four storey blocks, provide a measured transition to the pitched roofs of the two storey dwellings adjacent. The height of buildings also generally follows the topography of the area.
13. In its current form, the external appearance of Georgina Court is sympathetic to the existing building hierarchy and characteristics of larger buildings in the area. The appeal proposal would add an additional two floors on top of the

building, directly above the existing floorplate, with setbacks on the Grecian Crescent elevation.

14. The large windows of the proposal would generally align with those of the existing top floor immediately below. On the front and side elevations, the aluminium cladding of the existing top floor would be extended to the proposed fourth floor, with a lighter shade of cladding on the fifth. This would contrast with the red brick of the main building. However, it would have the effect of extending the distinct design features of the existing top floor across approximately half of the building on these elevations. In combination with the lack of meaningful setbacks on three sides, this would add an unattractive bulk to the upper portion of the building and give it a top-heavy appearance, particularly when viewed from Beulah Hill.
15. The judgement in *Cab Housing Limited & others*¹ was confined to the lawfulness of the decisions under that challenge. However, it indicates that the control of external appearance is not necessarily limited to the impact on the subject property itself, but also can include impacts on neighbouring premises and the locality. In respect of this main issue, it is a matter of planning judgment as to whether consideration is given to the effect in terms of the building's intrinsic design and / or its relationship with nearby properties.
16. In the context of the site and its surroundings described above, it is not appropriate to consider the external appearance of the building in isolation as I consider the effect of the proposal upon the character and appearance of the area to be a relevant consideration
17. With 6 floors, the building as extended would also be appreciably higher than many neighbouring buildings. In the context of the larger blocks along Beulah Hill this may not appear particularly harmful. However, it would be a stark contrast to the modest suburban scale and appearance of neighbouring dwellings that sit immediately behind and opposite the site along Grecian Crescent and neighbouring streets. This would considerably detract from its current value in providing a sympathetic transition down to these lower density neighbourhoods.
18. I therefore conclude that the proposal would unduly harm the external appearance of the building. The proposal would therefore conflict with the aims of chapter 12 of the Framework, in respect of achieving well-designed places. It would also be contrary to Policies SP4 and DM10 of the Local Plan and Policy D3 of the London Plan. These policies, amongst other things, seek to ensure development is of a high quality, respects or enhances local character and the scale, height and massing of the surrounding area, and retains features that contribute to the architectural character of a building where possible.

Transport and Highways Impacts of the Development

19. The existing building is served by a surface car park to the rear with 9 parking bays and a cycle store along the northern boundary, accessed via Grecian Crescent. The appeal site is located opposite a supermarket and adjacent to a collection of other local shops and services. There are also bus stops immediately adjacent to and opposite the site and it is within an area with a PTAL rating of 3, demonstrating moderate access to public transport.

¹ *Cab Housing Limited & others v SSLUHC and others* [2022] EWHC 208 (Admin)

20. No additional car parking spaces are proposed. However, the appellant anticipates the proposed development would generate a maximum demand for 2 additional car parking spaces based on 2011 census data. The site is not within a Controlled Parking Zone, however I observed on my site visit that there were parking restrictions for public bays on Beulah Hill, and single and double yellow lines on parts of both Beulah Hill and Grecian Crescent.
21. The proposal is supported by a Transport Statement, including a parking survey carried out over two consecutive days in July 2021. While the parking survey provides only a snapshot of the parking situation, it indicates there was an average of 16 parking spaces available within a 200m walking distance of the site, or 14 spaces not counting disabled parking and electric vehicle bays.
22. The parking survey also confirms however that spaces on Beulah Hill and Crown Dale are subject to restrictions at certain times of day, whereas parking on Grecian Crescent and Preston Road is largely unrestricted. I therefore consider it more likely that additional demand will present itself on the latter two streets. Table 3.4 of the Transport Statement confirms there is already considerable parking stress locally, particularly on both Grecian Crescent and Preston Road. The parking survey indicates that some cars in these streets were parked over crossovers or non-parking spaces.
23. The local highway authority does not support the proposal due to the survey methodology employed by the appellant and the potential impact of parking overspill increasing existing parking stress in the surrounding area. Representations from third parties also indicate there is already considerable parking stress locally.
24. In view of the above, despite the proximity of a selection of local services, I find that the number of residential units proposed combined with the lack of additional onsite parking provision and moderate PTAL rating will result in undue parking pressure on surrounding streets. Even if the development were to generate demand for only 2 additional car parking spaces, this would further erode the already limited parking capacity in the area, particularly on those streets most likely to be impacted and in areas closest to the appeal site, increasing the risk of conflict between vehicles and pedestrians.
25. A second cycle store to accommodate 20 bikes is proposed along the eastern boundary of the car park, though the full details of this cycle store have not been provided. The length and depth of the cycle store in this location could infringe on the vehicular access into the car park and affect access to the nearby disabled parking bay. I also observed on my site visit that there is a shuttered door serving the adjacent building in the location of the proposed cycle store. It is unclear how this may affect the provision of the cycle store.
26. I recognise vehicle movements and speed of cars in the car park are likely to be low, residents would be familiar with its layout, and there is space for cars to wait outside the car park, off the public highway. However, the visibility and safety of users of the cycle store could be affected by its design and, at night, the level of lighting in this area, the details of which are not before me. Ultimately, the siting of the store will encourage conflict between vehicles and cyclists and therefore it is not well-located.
27. Given the moderate PTAL rating and lack of onsite car parking provision, inadequate cycle parking provision is likely to result in further car parking

overspill in the surrounding area. It is therefore important that it is demonstrated the site can accommodate adequate cycle parking provision and I therefore consider this matter cannot be left to a planning condition.

28. For these reasons, I conclude that the transport and highway impacts of the development would be unacceptable. The proposal would therefore conflict with paragraph 111 of the Framework, which indicates development should be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
29. The proposal would also be contrary to Policy DM30 of the Local Plan and T5 and T6.1 of The London Plan. These policies, amongst other things, seek to manage car parking provision having regard to the levels of public transport accessibility and connectivity and ensure proposals provide an appropriate level of cycle parking that is fit for purpose, secure and well-located.
30. Policy DM13 of the Local Plan, referred to in the Council's decision notice, concerns the provision of refuse and recycling facilities and so I do not find any direct conflict with this policy in respect of this main issue.

Conclusion

31. For the reasons given above I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR