



Appeal Decision

Site visit made on 7 December 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/L5240/W/22/3295123

Land at 105 Meadvale Road, Croydon CR0 6JZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Amin Syed of Brit Home Improvements Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/05806/CONR, dated 17 November 2021, was refused by notice dated 14 January 2022.
 - The application sought planning permission for the erection of a detached 1-bed dwelling without complying with a condition attached to planning permission Ref 18/01692/FUL, dated 12 June 2018.
 - The condition in dispute is No 2 which states that: *No works above ground level on site shall commence until details and samples of the external facing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with such approved details.*
 - The reason given for the condition is: *To ensure that the appearance of the development is satisfactory.*
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Decision

1. The appeal is allowed and planning permission for the erection of a detached 1-bed dwelling at Land at 105 Meadvale Road, Croydon, CR0 6JZ in accordance with application Ref 21/05806/CONR dated 17 November 2021 without compliance with condition number 2 previously imposed on planning permission Ref 18/01692/FUL dated 12 June 2018, but subject to the following conditions:
 - 1) With the exception of the revised roofing materials, the development shall be carried out entirely in accordance with Plan Nos: L01P, L02P, L03P, L04P, L05P, L06P, L07P, L08P, L09P, L10P, L11P.
 - 2) Prior to the occupation of the development hereby permitted, the refuse store shall be fully installed and retained thereafter.
 - 3) The development hereby permitted shall achieve a minimum 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the Building Regulations (2013) in accordance with the details approved on the 21 June 2019 (from condition 4 of planning permission 18/01692/FUL).
 - 4) The development hereby approved shall achieve a minimum water efficiency standard of 110/litres/person/day. The dwelling shall not be occupied until the Building Regulation optional requirement has been complied with.

- 5) Notwithstanding anything contained in Classes A, B and D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any amendment or replacement thereof, no enlargement of the dwelling, addition or alteration to the roof shall be carried out without the express permission of the local planning authority.

Preliminary Matters

2. The address on the application form differs from that on the Council's decision notice. To avoid confusion, I have used the address on the decision notice as it corresponds with the address used on the original planning permission with the Ref 18/01692/FUL. Additionally, on both the application form and the decision notice upon which this appeal is based, the incorrect date of the original planning permission has been entered. I have used the correct date in the banner heading and the decision above.
3. Since the Council made its decision, the Croydon Suburban Design Guide Supplementary Planning Document (2019) (the SPD) was revoked (25 July 2022) with immediate effect. Therefore, the reference to this SPD in the reason for refusal is no longer relevant and in reaching my decision I have not had regard to it.
4. The application form confirms that the approved development commenced prior to the submission of the appeal application. During my site visit I observed that the new dwelling had been substantially completed and the roof tiles were in place. However, it is unclear from the evidence before me if condition 2 had been breached prior to the application being submitted or if the roof tiling is complete. Therefore, I have considered the appeal as proposed.

Background and Main Issue

5. As noted above, planning permission has been granted for a new, detached 1-bed dwelling located to the rear of an electricity sub-station to the side of 105 Meadvale Road (No 105). Although a zinc roof material was previously agreed by the Council, the appellant now wishes to use different roofing material on the dwelling, primarily due to costs. Whilst the Council may consider, having received a sample of the material, that it does not represent the same quality as the previously agreed material, such a comparison is not a matter for me to consider in this appeal.
6. Therefore, the main issue is the effect of the proposed roof material on the character and appearance of the area.

Reasons

7. The proposed roof material is known as Cedral Thrutone Smooth and is described as a fibre cement slate product coloured blue-black.
8. On nearby properties in the surrounding area, I observed a variety of roof tile materials and colours, including those of concrete and slate appearance in red, orange, brown and grey hues, with no particular dominant colour or material. Additionally, given the architectural style of the properties in the surrounding area, the condition and age of the roof materials varied, evidenced by alterations to the buildings or where materials had been replaced. Moreover, given its position set back away from Meadvale Road, behind an electricity sub

station, the new dwelling is an inobtrusive form in the area. As such, it is not experienced in the same vista as the terraced dwellings on Meadvale Road.

9. The Council consider that, having received a sample of the proposed roof tile, it is easy to mark, scratch or chip and therefore would be detrimental to the character and appearance of the area. On close inspection, looking up at the tiles hung on the upper section of the side elevation from the path between the new dwelling and the side boundary of No 105, connecting Meadvale Road with Goodhew Road, some marking was visible on a small number of the tiles. However, given the ongoing construction of the new dwelling, I cannot be certain that this is the final, finished appearance of the tiling or whether any marking was as a result of the installation process, as opposed to the quality of the material. Regardless, the limited marking was not perceptible when viewed from anywhere other than immediately adjacent to the new dwelling.
10. My attention has been drawn to the Croydon Local Plan Review (the LP Review) and, specifically, to the amendments proposed to Policy DM10 of the Croydon Local Plan 2018 (the Local Plan) which require development to “use high quality, durable and sustainable materials that respond to the local character of an area.” Whilst policies in emerging plans do not have the same statutory force as those adopted, this does not mean they carry no weight. However, as the emerging plan has not been submitted for examination there remains a high degree of uncertainty that it will be submitted in the same form. Therefore, I attribute limited weight to the amended policies in the LP Review.
11. In any case, given the relationship between the new dwelling and the surrounding built form, its contrasting form and massing, I find that the proposed roof tile material would not harm the character and appearance of the area. As a result, it would accord with Policies D3 and D4 of the London Plan (2021) and Policies SP4 and DM10 of the Local Plan which, amongst other provisions, require development to respect and enhance local character through a design-led approach.

Other Matters

12. I have also had regard to the third party representations which have been received regarding the principle of the new dwelling and its design, and matters of the construction process. However, these matters fall outside the remit of this decision which is, in effect, the consideration of the roofing material which has already been constructed.

Conditions

13. The Council has suggested a number of conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance.
14. As the development has started, a condition relating to the commencement of development is not needed. However, it is necessary to ensure that the development is carried out in accordance with the approved plans, for the reason of certainty.
15. For environmental reasons, conditions are required in respect of water efficiency and carbon dioxide reduction measures. A condition in respect of the refuse store is also required to provide suitable facilities for the future occupiers of the development, and in the interest of the character and appearance of the area. As the plans only show an area where cycles could be

stored in the courtyard, rather than a cycle store or similar, and there is no previous requirement to provide such facilities, this element of the suggested condition is not necessary.

16. In respect of the restriction of permitted development rights (PD rights), the Council have suggested that the whole of Schedule should be removed. However, large parts of this relate to works unrelated to the development. Regardless, it is necessary to restrict some PD rights, in the interest of the character and appearance of the area and the living conditions of the occupiers of surrounding residential properties and future occupiers of the development. Therefore, I have amended the condition to remove the PD rights under Classes A, B and D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). These relate to the enlargement, improvement of other alteration of the dwelling, an addition or alteration to the roof and the erection or construction of a porch outside an external door of the dwelling.
17. Finally, the Council have suggested that, in accordance with Policy D12 of the London Plan, that a condition requiring the submission and approval of a Fire Safety Strategy should be imposed. As Policy D12 requires the submission of a Fire Statement for major development, given the appeal scheme comprises minor development, I consider such a condition is unnecessary.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed and grant a new planning permission with a variation to the disputed condition. I have retained those undisputed conditions from the original permission that appear still to be relevant.

Juliet Rogers

INSPECTOR