



Appeal Decision

Site visit made on 2 December 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 FEBRUARY 2023

Appeal Ref: APP/L5240/W/22/3298225

21 Woodmere Gardens, Croydon CR0 7PL

- 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 Rob Allen (Clifford Blackmore Investments Ltd) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03702/FUL, dated 7 July 2021, was refused by notice dated 28 March 2022.
 - The development proposed is demolition of single-family dwelling and garage and the erection of 3 x one storey terraced houses with accommodation in the roof space, with 3 off street car parking spaces and a detached 2-storey building with accommodation in the roof space, comprising of 6 self-contained apartments with intergraded bike and refuse stores and 6 off street car parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reasons for refusal refer to its Suburban Design Guide Supplementary Planning Document (2019) (the SDG). However, the Council has revoked the SDG as of July 2022 and it no longer forms a material planning consideration. Consequently, I have attached no weight to the SDG.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effects on the living conditions of neighbouring occupants, with respect to outlook and privacy;
 - Whether the proposal would provide a suitable standard of accommodation in terms of light, outlook, access and accessibility;
 - The effect of the proposal on highway and pedestrian safety;
 - The need or otherwise for contributions towards sustainable highway improvements.

Reasons

Character and Appearance

4. The appeal site occupies a corner plot at the junction of Woodmere Avenue and Woodmere Gardens within an established residential area. Immediately adjacent is the broad and open expanse of Ashburton Playing Fields, designated as Metropolitan Open Land (MOL), which affords wide vistas from

- the appeal site. Conversely, from within the MOL, extensive views of the built form along Woodmere Avenue are possible, including the appeal site.
5. The surroundings have a typical suburban character with mainly detached dwellings set back from the road on spacious plots. Though there are two storey dwellings further to the east on Woodmere Avenue and on Merewood Gardens, the immediate context of the appeal site is one of primarily low bungalows interspersed with occasional chalet bungalows. The bungalows to the rear of the site on Woodmere Avenue, and those beyond where the road returns behind into a cul-de-sac, are particularly low in height.
 6. The proposal seeks to demolish the existing bungalow on the site and replace it with a two storey building with additional roof level accommodation containing six self-contained flats. To the rear of the site, a separate terrace of three dwellings is proposed, described as single storey but also with accommodation in the roof, which would address Woodmere Avenue and the MOL.
 7. The proposal would represent a significant increase in the quantum of development on the site and compared to the prevailing low-density layout of the surroundings. The proposed flatted building would stand significantly taller than neighbouring dwellings. Despite seeking to incorporate the third storey into the sloping roof space, the building would manifest as three storeys as the prominent use of glazing to the uppermost parts of the front gables would identify a third level of accommodation, as would the second floor windows and balconies at the rear. The use of a hipped roof would not substantially reduce the overall bulk of the building, and along with the wide footprint spanning across most of the site, the building would dominate the street scene physically and visually, particularly given its exposed position next to the MOL, from where its height and bulk would be seen in stark contrast to the low height and profile of surrounding bungalows.
 8. The terrace of dwellings, though smaller in scale than the flatted building, would still incorporate a bulky and visually dominant roof form. This would result in the terrace standing significantly above the height of the adjacent bungalows from 101 to 107 Woodmere Avenue and in stark contrast to their low profile. A terrace would also be uncharacteristic of the general pattern of detached development within the area, and it would add to the excessive overall massing of development proposed on the site.
 9. I note that the design references features of nearby dwellings such as dormer windows, half hipped roofs and two storey gables. However, these are isolated examples, some of which are located in a more transitional part of the street where more variety exists in terms of the size, form and features of dwellings. I also recognise that Policy DM10 of the Croydon Local Plan 2018 (the CLP) seeks a minimum of three storeys for new development on brownfield sites, but this is subject to consideration of the surrounding context. Even accepting that the design seeks to reflect features of other dwellings, this would not mitigate for the overall height and massing of both buildings rendering them dominant and incongruous in the street scene and failing to respond to the prevailing scale and pattern of development.
 10. For these reasons, I conclude that the proposal would cause significant harm to the character and appearance of the area, in conflict with Policies SP4 and DM10 of the CLP and Policies D2, D3, D4 and H2 of the London Plan (March 2021) (the LP21) which 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 density, pattern, layout, siting, scale, height and massing. There would also be conflict with the similar aims of the National Planning Policy Framework (the Framework) to secure high quality design.

Neighbours' Living Conditions

11. The flatted building would stand adjacent to 19 Woodmere Gardens, a low bungalow with a garage next to the shared boundary. The proposed building would not extend beyond the footprint of No 19 either at the front or rear, but the Council raises concern in respect of two side facing windows to No 19. I am not provided with detail as to the use of these rooms, and I was unable to view them directly on site. However, based on the plans before me, the additional massing of the proposed building would stand directly opposite these windows at close range and would have a noticeable enclosing effect. I accept this effect, at least internally, would be limited to these windows and outlook to the front and rear would not be adversely affected.
12. However, the building, due to its substantial height and massing in comparison to surrounding dwellings, would form a dominant and overbearing feature in views from the rear garden of No 19 that would detract from the sense of openness that prevails due to the low scale of development. Moreover, balconies are proposed to first and second floor level at the rear which would enable direct views over the garden of No 19 which do not exist at present. Despite the appellant stating that the balconies would be provided with privacy screens, they are not shown on the plans. Even if provided, they would not prevent someone from leaning out and viewing around the screen, and the open aspect to the rear of the balconies would remain. The balconies, and the additional rear windows at these floors, would therefore create harmful levels of overlooking and significant loss of privacy for occupants of No 19.
13. Further concern is raised in respect of the potential overlooking of No 19 from a rear dormer and four rear rooflights of the terraced dwellings to the rear of the site. These would stand opposite the rear part of the garden of No 19 at first floor level and would each serve bedrooms. These rooms would be less frequently used than the balconies to the flatted building which connect to the main living spaces. Moreover, whilst the rooflights could be opened to afford more views, their orientation skyward would generally limit the extent to which occupants could view towards neighbours from within the rooms. The lower angle of view towards No 19 and filtering by boundary vegetation would also reduce the potential for invasive views from these windows, though there would still be a harmful perception of overlooking from their presence that would add to the cumulative effect on neighbouring residents.
14. 101 Woodmere Avenue would stand to the side of the terraced block, separated by the existing electricity substation. There would be a gap of some 8 metres between the side wall of the proposed block and the site boundary. The overall height of the block would also be lower compared to the flatted block and the difference in scale would not be as striking as that between the flatted block and 19 Woodmere Gardens. Moreover, the massing would be seen only in a narrow view from the rear garden, with views out from the dwelling not otherwise affected. Therefore, I am satisfied that this element of the proposal would not result in a harmful loss of outlook for occupants of No 101.

15. I have had regard to comments from other neighbours in respect of their living conditions. I acknowledge that there would be an increase in the number of windows facing dwellings opposite the front of the site, but I concur with the Council that the separation distances and intervening public realm would reduce the propensity for invasive overlooking, or other harm in respect of outlook or loss of light.
16. However, for the reasons set out, I conclude that the proposal would significantly harm the living conditions of occupants of 19 Woodmere Avenue through loss of outlook and privacy, in conflict with Policies DM10 and SP4.1 of the CLP and Policy D3 of the LP21, which together require development to ensure the amenity of occupiers by delivering appropriate outlook and privacy. This would further conflict with the Framework which seeks developments with a high standard of amenity for existing and future users.

Standard of Accommodation

17. The concern in this respect relates to the quality of two bedrooms in the terraced dwellings which would be served by rooflights. I have no specific evidence in respect of the levels of light these rooms would receive through the rooflights, but they would face in a south-easterly direction and so would be expected to receive good levels of light, particularly in the early part of the day. Moreover, the plans indicate that the rooflights would reach below 1.5m above the floor level, and so would be at a height that would afford outlook for occupants. On the evidence before me, I am satisfied that these rooms would not be seriously deficient in terms of light or outlook.
18. The section plans show the internal floor-to-ceiling height for the ground floor of the terraced dwellings, and the ground and first floor levels of the flatted building, would be 2.4 metres. This would exceed the 2.3m requirement of the Nationally Described Space Standard, but would fall short of the 2.5m requirement of the LP21. The shortfalls in this instance would be minor, and on the basis of the plans would not seriously undermine the overall quality of accommodation. Moreover, I note the appellant confirms that the ceiling height could be raised to 2.5m without increasing the overall heights of the buildings. Compliance with the LP21 standard could therefore be secured via condition were permission to be forthcoming.
19. Policy D7 of the LP21 requires 10% of dwellings in a development to achieve Optional Requirement M4(3) of the Building Regulations and for all other dwellings to meet Optional Requirement M4(2). One of the ground floor flats is indicated to meet M4(3) which would meet the 10% requirement; however, the Council points to the lack of lift access to the other flats which would conflict with M4(2) as level access to the flats would not be provided. The appellant points to the build and maintenance costs of a lift and the effect this would have on the size and number of units that could be provided.
20. Paragraph 3.7.6 of the LP21 provides some flexibility to the requirement of Policy D7 to provide a lift on specific small scale infill sites of less than 0.25 hectares and where the proposal is less than four storeys in height. That is the case here, and overall, level access could be achieved to five of the nine units. Compliance with M4(3) and M4(2) is capable of being secured by condition where it can be achieved. Overall, I am satisfied that the proposal would accord with Policy D7 so far as it is relevant to small scale infill development.

21. Taken together, I conclude that the proposals would provide a satisfactory standard of accommodation for future occupants, and no conflict would arise with Policies DM10 of the CLP and D5, D6 and D7 of the LP21, which together require high quality, inclusive and accessible development with comfortable and functional layouts that are fit for purpose.

Highway and Pedestrian Safety

22. The site lies in an area of very poor public transport accessibility (PTAL 0). Consequently, the maximum parking provision under the LP21 would be 1.5 spaces per unit, for a total of 14 spaces. The proposal seeks a total of 8 spaces which would not exceed the maximum standards. Though this may result in some on-street parking, the Council accepts parking stress is low in the area. I saw this to be the case, particularly along Woodmere Avenue. As such, I am satisfied that the quantum of parking proposed would not lead to unacceptable parking stress or a consequent risk to the safe movement of traffic.
23. The Council opposes a second crossover to the site. However, the crossovers would address different streets and that proposed on Woodmere Avenue would be on a straight stretch of a lightly trafficked road that leads to a cul-de-sac. Pedestrians would be able to see the parked cars in the spaces as they approach, and with only two spaces, the number of movements and subsequent risk of conflict between pedestrians and vehicles would be low. Any shortcoming with the pedestrian visibility splay could be addressed by condition. Similarly, criticisms of the design of the cycle store are technical matters that could be addressed by condition were the appeal to be allowed.
24. It is not uncommon for to have bin storage to the front and the proposed facilities would have suitable screening that would be further concealed by hedging to the front boundary. Any outstanding matters relating to the movement of bins to and from the kerb could be addressed by condition. The Council also seeks a 10sqm area for bulky goods storage; however, this would be by its nature an occasional requirement before goods are collected, presumably by prior arrangement, and space within the site, such as the front forecourts or rear gardens, could be used to store goods prior to collection.
25. For these reasons, I conclude that the proposal, as a whole, is capable of achieving satisfactory design in terms of access, parking, cycle storage and bin storage, such that there would be no unacceptable risk to highway or pedestrian safety. No conflict therefore arises with Policies SP8, DM13, DM29, DM30 of the CLP or T4, T5 and T6 of the LP21 in terms of their requirements that development takes into account the cumulative impacts on road network capacity; encourages cycling, walking and use of public transport; provides car parking in accordance with applicable standards; does not increase road danger and makes suitable provision for refuse and recycling.

Sustainable Transport

26. Per Policy SP8.13 of the CLP, the Council seeks a financial contribution of £1,500 towards improvements to sustainable transport including provision of on-street car clubs and electric vehicle charging points. Reference is also made to Policy T4 of the LP21, which sets out that where appropriate, mitigation, either through direct provision of public transport, walking and cycling facilities and highway improvements or through financial contributions, will be required to address adverse transport impacts that are identified.

27. In this case, the Council has not provided specific evidence of any adverse transport impacts that would generate a need for the stated contribution. Moreover, no evidence has been provided in respect of how the need for the contribution has been identified, how the amount of the contribution has been calculated, or how the contribution would be spent. Consequently, I am not satisfied that the sought contribution has been justified, and therefore I do not accept that it is necessary to make the development acceptable in planning terms. The absence of a legal agreement to secure this contribution is not therefore a matter that weighs against the proposal in the planning balance.

Other Matters

28. The application was not refused in respect of the effects on trees, protected species and ecology, carbon reduction, water efficiency, fire safety and flood risk. I do not have compelling evidence to contradict the conclusions of the Council in these matters; however, an absence of identified harms means these are neutral considerations in the planning balance.

29. In reaching views on the main issues, I have taken account of comments made by interested parties in respect of other matters beyond the main issues; however, I have not identified other matters of such significance that would attract further material weight for or against the proposal in the planning balance. Therefore, it is not necessary to address them in further detail as they would not alter the outcome of the appeal.

30. The site is in a state of some disrepair, and I recognise that the proposal would represent development of a small site and previously developed land, for both of which there is support in the LP21 and the Framework. However, any benefit to be gained in this respect would be outweighed by the harm the proposal would cause. Given this, the proposal would not make effective use of the land and this would not amount to a benefit weighing in favour of the proposal.

Planning Balance and Conclusion

31. I have found harm in terms of the design of the proposal and its effect on the character and appearance of the area, and in terms of the effect on neighbours' living conditions. This results in conflict with the development plan, taken as a whole. I afford this conflict very significant weight.

32. 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 Framework, this benefit attracts moderate weight in favour of the appeal.

33. There would be benefits arising from 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.

34. Taken together, these other material considerations do not indicate that a decision should be taken other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

K Savage

INSPECTOR