



Appeal Decision

Site visit made on 10 January 2023

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 February 2023

Appeal Ref: APP/L5240/W/22/3301367

31 Bencombe Road, Purley CR8 4DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Adam King (Robert Dean Developments Ltd) against The Council of The London Borough of Croydon.
 - The application Ref 21/05505/FUL, is dated 26 October 2021.
 - The development proposed is the demolition of the existing detached house and garage and replacement with 4 new semi-detached houses (2 pairs) with associated driveway, crossovers, parking & landscaping.
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Decision

1. The appeal is dismissed and planning permission is refused for the demolition of the existing detached house and garage and replacement with 4 new semi-detached houses (2 pairs) with associated driveway, crossovers, parking & landscaping.

Preliminary Matters

2. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. Within their statement of case, the Council has provided clarity on the reasons why the application would have been refused. In the absence of any further evidence from the Council to indicate otherwise, it would appear that there is no dispute between the parties beyond those matters. The main issues below are therefore based on the issues raised within the Council's statement.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including any likely long term effects on unprotected trees in adjoining gardens and a street tree in front of the appeal site;
 - The effect of the proposed development on the living conditions of the occupiers of No's. 24, 26, 28, 29 and 33 Bencombe Road and 16 Reedham Drive, with particular regard to outlook and privacy;
 - The effect of the proposed parking arrangements on highway safety in Bencombe Road;
 - The effect of the proposed development on protected species or habitats; and
 - The proposed provision for refuse storage.

Reasons

Character and appearance

4. The appeal site is located in a residential area that is predominantly characterised by one and two storey dwellings which are set back from the road. In general, the buildings are situated within large plots with extensive rear gardens and an abundance of mature trees which add to the character of the area. The existing dwelling on the appeal site is unusual in that it is smaller than other properties nearby and is set further back from the road.
5. Providing two dwellings to the rear of the site would clearly be incongruous and out of keeping with the surrounds. While the two properties have been designed so that they are less tall than the proposed dwellings to the front, they would still clearly be seen from the street, particularly when looking along the proposed access drive into the site. While the four properties would fit comfortably onto the site with sufficient garden space, when compared to other dwellings in the vicinity, the site would appear crowded with a significant amount of built form and substantially less greenery than other plots. The existing rhythm of the built form, including a broad consistency in rear garden size, would also be heavily disrupted. Policy DM10 of the Croydon Local Plan, 2018 (Local Plan), does support rear garden development where there is a detached house and a relatively large garden. However, the policy also requires development to respect existing development patterns, layout and siting. The proposed development would not achieve this and would therefore cause significant harm to character and appearance.
6. Properties on Bencombe Road and the surrounding area vary greatly in size and style. As a result, the appearance of the proposed buildings, being of a contemporary style, with a roof form that is different from other dwellings nearby, would not be harmful. The overall mass of the two proposed dwellings at the front of the site would not be dissimilar to some of the other properties in the area and would therefore be in conformity with local character. Given the topography of the site, retaining walls would be required on the rear and eastern boundaries. The retaining wall on the eastern boundary would be visible from the street. However, I am satisfied that its modest height would not impact negatively on local character. The appearance of the retaining walls could be dealt with by condition if necessary.
7. There are a number of mature trees in the rear gardens of No's 29 and 33 that are close to the boundary of No. 31, and in some cases, overhang the appeal site. A number of these trees are visible from the street. In addition, there is a street tree within the tarmac pavement to the front of the existing dwelling that is relatively close to the proposed vehicular crossover. These trees clearly add to the character of the area. From the evidence before me I cannot be satisfied that the proposed development would not cause the future loss of these trees. The appellant has suggested that this could be rectified through a condition to require a survey. However, this approach would not be sufficient given that I am not certain that harm could be avoided.
8. Overall, I conclude that the proposed development would harm the character and appearance of the area. This is contrary to Local Plan Policies SP4 and DM10, as well as Policy D3 of The London Plan, 2021 (London Plan), that taken together, seek to ensure that development preserves character and appearance and is of a good quality design. In addition, the proposal is also contrary to

Policies DM10.8 and DM28 of the Local Plan and Policy G7 of the London Plan, which seek to prevent development that could result in the loss or excessive pruning of trees that make a contribution to local character, including trees of value.

9. The Council has referred to London Plan Policy D2. However, I do not consider this to be relevant in this case as it relates to infrastructure requirements.

Living conditions

10. No's. 24, 26 and 28 Bencombe Road are located opposite the appeal site. The proposed development would not be any further forward than the building line already established by No's. 29 and 33 either side of the appeal site. As a result, I am satisfied that there would be no loss of outlook or privacy for the occupiers of No's 24, 26 and 28.
11. The view from the rear windows of No's. 29 and 33 would clearly be altered as a result of the proposal. However, the submitted plans demonstrate that there would be a sufficient distance between the proposed dwellings and the existing properties at No's. 29 and 33 to avoid any feeling of enclosure or loss of privacy. In addition, the lack of first floor bedroom windows on the side elevations of the two proposed properties to the rear of the site ensures that future occupiers will not be able to directly overlook the rear gardens of the neighbouring properties.
12. The side elevation of No. 16 Reedham Drive, located immediately to the north of the appeal site, would face the proposed development. However, the distance between this dwelling and the two proposed properties on the rear of the site would be relatively significant. In addition, any views of the proposed development from Reedham Drive would be screened by the presence of existing mature trees which are located immediately adjacent to No. 16.
13. As a result, the proposed development would not cause harm to the living conditions of the occupiers of nearby properties, with particular regard to outlook and privacy. This is in accordance with those aims of Local Plan Policy DM10.

Highway safety

14. The Council's highways officer has noted that the site has a Transport for London Public Transport Accessibility Level (PTAL) rating of 1b, which indicates poor accessibility to public transport. They also stated that, in general terms, there is significant parking stress on residential streets with low PTAL ratings. There is nothing in the evidence to confirm whether this is the case on Bencombe Road. However, while only providing a snapshot in time, I did observe on my site visit that there were a number of cars parked on the street, despite the fact that it was mid-afternoon on a weekday.
15. The proposed development would include the provision of four off-street car parking spaces. Policy T6.1 of the London Plan sets out that the maximum parking standard for this development would be 1.5 spaces per dwelling. Given the low PTAL rating, and likely existing parking stress on Bencombe Road, I consider that parking provision at the maximum level set out by policy (a total of 6 off-street spaces) would be necessary. This would reduce the need for future occupiers to park on the street, thereby ensuring that there is no increased risk to highway safety, both in terms of other vehicle users as well as

pedestrians. Although the Local Plan and London Plan set out an aim to reduce car dependency, this aspiration does not outweigh the harm identified.

16. Given that the appeal site is relatively narrow, the room for manoeuvre for vehicles accessing or exiting the two proposed parking spaces to the rear is very limited. While the submitted plans show the measurements between the proposed spaces and the site boundary, I have no substantive evidence before me to confirm whether there is sufficient space for a car to turn and exit the two spaces in forward gear. Should this not be possible, there would be a clear risk to highway safety, particularly given the rather limited 45 degree visibility splay.
17. The proposal includes the addition of a second vehicle crossover to enable access to the two proposed parking spaces to the front of the site. The Council's highways officer has indicated that including a second crossover, in close proximity to the existing one, could pose a safety risk to pedestrians. Bencombe Road is long and straight which provides pedestrians with good visibility and would enable them to have sufficient warning of any cars turning in to park. The two proposed spaces to the front are also very close to the road, with no difficulty in accessing and exiting them. Given these factors, I consider that this second crossover would not pose an increased risk to pedestrian safety.
18. The appellant has again suggested that these matters could be addressed through the imposition of suitable conditions where necessary. However, this would not be appropriate given the current lack of evidence. I therefore cannot be certain that imposing conditions would make the proposed development acceptable in highway safety terms.
19. The appellant has also sought to draw my attention to previous applications in the area which have been considered by the Council. However, I don't have the full details of these schemes before me, and I am required to assess this proposal on its individual merits.
20. Overall, I conclude that the proposed development is contrary to Local Plan policies SP8.4, DM29 and DM30, as well as Policy T6 of the London Plan, which taken together, seek to ensure that new developments contain adequate parking arrangements in a way that is not detrimental to highway safety. In their statement, the Council has also referenced Local Plan Policy SP8.14. However, I do not consider this relevant given that it refers to taxi ranks and coach parking.

Protected species and habitats

21. The proposal would involve the demolition of the existing house and garage, both of which could provide habitats for protected species. I have no evidence before me to confirm whether this is the case. The appellant has suggested that the proposal would achieve biodiversity net gain through the addition of planters and the possibility of green roofs. However, this would not overcome the statutory requirement to avoid any potential harm to protected species.
22. Given the lack of evidence, the proposal is contrary to Local Plan Policies SP7.4 and DM27 and London Plan Policy G6 which seek to ensure that developments result in a net gain in biodiversity and that harm to protected species is avoided. The Council have also referred to Local Plan Policy DM28. However,

this policy concerns the impact of development on trees and I have already covered this issue elsewhere.

Refuse storage

23. The Council's highways officer has raised concerns that the proposed storage for refuse would not be sufficient. The submitted plans show a single communal storage area. I am satisfied that there is enough space on site to provide a sufficient storage area in a suitable location, and that this could be achieved via condition.
24. This aspect of the proposed development is therefore in accordance with Local Plan Policy DM13 which seeks to ensure the provision of adequate refuse and recycling facilities.

Other Matters

25. Given that the proposal for four dwellings would only make a small contribution to overall housing need in the area, I have given this issue very limited weight. This issue does not overcome the harm identified elsewhere in my decision.

Conclusion

26. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR