



Appeal Decision

Site visit made on 24 January 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/L5240/W/22/3300469

27 Downsview Road, Upper Norwood, London SE19 3XD

- 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 Luke Mayle of Mayle Developments against the Council of the London Borough of Croydon.
 - The application Ref 22/00195/FUL, is dated 17 January 2022.
 - The development proposed is demolition of existing detached house and replacement with a new development containing 8 apartments with 6 car parking spaces and associated landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council advises that its Suburban Design Guide SPD2 (2019) was revoked on 25th July 2022, and I have therefore had no regard to it.

Main Issues

3. The main issues are the effects of the development on:
 - The character and appearance of the area;
 - The living conditions of occupiers of 29 Downsview Road, with particular regard to outlook and light;
 - Biodiversity, with particular regard to the proposed removal of trees; and
 - Sustainable transport.

Reasons

Character and appearance:

4. In the vicinity of the appeal site, Downsview Road falls steeply to the south. On its eastern side bungalows with rooms in the roof are each of a different design, but are generally of painted render with hipped tiled roofs. The appeal site contains a detached bungalow with a hipped roof. It has an attached double garage at a lower level on its southern side, adjacent to the neighbouring dwelling 29 Downsview Road.
5. The maximum height of the proposed dwelling would be less than 2 metres higher than the highest point of the existing dwelling, but a significantly

greater proportion of the roof would be at that height. The proposed dwelling would also be only slightly higher than the average maximum height of the dwellings either side, but the majority of the hipped roofed dwellings either side are significantly lower. It would also be wider and from the street would appear a storey higher than other dwellings in the locality, even though the upper storey would be contained entirely within the roof space and despite the ground floor level being lowered to that of the existing garage. The lower ground level of No 29, and the space between the dwellings on both sides, also mean the significantly greater depth of the proposed dwelling would be readily seen from the street.

6. Considering these matters as a whole, the size and bulk of the proposed dwelling would be unduly large, and its appearance would be out-of-keeping with the character of the area.
7. Croydon Local Plan (2018) (CLP) Policy DM10, which relates to design and character, expects proposals to seek to achieve a minimum of three stories. Nevertheless, it also requires high quality design, respecting matters including the scale, height and massing of the surrounding area. For the reasons above, the design would not sufficiently respect the character and appearance of the surrounding area.
8. In conclusion, the proposed development would harm the character and appearance of the area and would conflict with the relevant aspects of CLP Policy DM10, which is described above, and the London Plan (2021) (TLP) Policy D3, which requires design quality which enhances local context and responds to local character. The Council have also made reference to TLP Policies D4 and D5, which relate to delivering good design and inclusive design, but I have not seen convincing evidence of conflict with them.

Living conditions:

9. The appeal site and the existing dwelling are on higher ground than No 29, the neighbouring dwelling to the south. The existing single storey garage building close to the boundary accommodates the change in levels to some degree, being at a lower level.
10. The appellant has carried out an External Daylight and Sunlight Study, which calculated the Vertical Sky Component of several of No 29's windows. It concludes that three of No 29's windows could experience a minor to moderate impact. Of these, potential effects on the kitchen window would be the most significant.
11. No 29's kitchen window is located just behind the rear wall of the garage, and faces the appeal site. Functionally, the kitchen itself is designed around the window facing the appeal site, which is an important element of the room. The room beyond the kitchen to the rear contains a significant amount of glazing, and provides some light into the rear end of the kitchen. Nevertheless, the length and proportions of the kitchen, and its layout, mean the side window is a key source of light to the room. I am therefore not satisfied that light from the rear room would adequately compensate for the reduction of light to the kitchen.
12. The two-storey side wall of the proposed dwelling would fill the aspect from the kitchen window, significantly reducing visibility of the sky. The proposed

setback from the boundary, and proposed planting, would not adequately mitigate this effect, which would be harmful in terms of outlook.

13. In conclusion, the proposed development would harm the living conditions of occupiers of 29 Downsview Road, with particular regard to outlook and light. It would conflict with the relevant aspects of CLP Policy DM10, which requires the amenity of occupiers of adjoining buildings to be protected without significant loss of daylight, and TLP Policies D3 and D6, which require design which delivers appropriate outlook and amenity, including sufficient light to surrounding housing.

Biodiversity:

14. The rear garden of the appeal site is screened by trees on either side, and there are larger specimens on the rear boundary. The appellant's Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan shows most of the existing trees would be removed to facilitate the development. However, the majority of the largest trees would be retained, including an Oak and two Horse Chestnuts, along the rear boundary, and elsewhere the existing trees are of limited visual amenity.
15. Nevertheless, there is only limited information before me in relation to the value of the existing trees to be removed. The appellant's Preliminary Ecological Appraisal (PEA) finds the site to be of moderate to high value for foraging and traversing bats. It also considers that the local and wider landscape supports a range of species and is of moderate to high value. An oak tree with bat roosting potential would also be removed, despite the PEA advising that further surveys would be required in that event.
16. There would be some scope for additional tree planting at the front and rear of the development as indicated by the appellant. However, there are only limited landscaping details before me, and those do not appear to provide a dark corridor for light sensitive species as advised in the PEA.
17. In conclusion, with the information provided to me I am therefore not satisfied that the development would not harm biodiversity, with particular regard to the proposed removal of trees. The development would conflict with CLP Policy DM10 and TLP Policies G6 and G7. Together they require proposals to manage impacts on biodiversity, wherever possible retain existing trees of value, and if removal of trees is required provide adequate replacement based on the existing value of the benefits of the trees removed.

Sustainable transport:

18. The appeal site is located in an area with a poor Public Transport Accessibility Level (PTAL) of 2, and the Council seek a financial contribution towards sustainable transport initiatives in the Borough through a s106 planning obligation. They advise it would mitigate the impact of the proposed development, and of similar schemes throughout the Borough.
19. However, the Council have not set out what the alleged impacts of the proposed development would be, and refer only to general initiatives in the Borough. I therefore have insufficient information before me to establish whether such a contribution would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It would

therefore not meet the requirements of the paragraph 57 of the National Planning Policy Framework, which relates to the tests for planning obligations.

20. In conclusion, I have not seen evidence that the development would have harmful transport impacts that would require sustainable transport contributions. The development would therefore not conflict with CLP Policies SP8 and DM29, and TLP Policy T4, which together seek to promote sustainable travel, mitigate transport impacts, and reduce congestion.

Other Matters

21. The development would result in a net gain in family housing, and would make a small contribution to housing supply in the Borough. There would also be economic benefits to the local economy, including temporary employment in construction of the development. It would provide smaller, more energy efficient homes, which may be more financially accessible to some residents, and may resolve subsidence problems associated with the existing dwelling. Together these benefits attract a limited degree of weight in favour of the development.
22. Reference has been made to other properties on the eastern side of the road, but none are directly comparable to the proposal before me. One was under construction, but I have not been provided with details of that development.

Planning Balance and Conclusion

23. I have found harm to the character and appearance of the area, the living conditions of the occupiers of No.29, and biodiversity; and as a consequence, conflict with development plan policies. Together these attract significant weight against the development, and would not be outweighed by its benefits.
24. I therefore conclude the development would conflict with the development plan as a whole. There are no other material considerations that require a decision to be made other than in accordance with the development plan, and the appeal should therefore be dismissed.

Peter White

INSPECTOR