



Appeal Decision

Site visit made on 28 March 2023

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2023

Appeal Ref: APP/L5240/W/22/3297900

Land adjacent to 185 Brighton Road, Coulsdon CR5 2NH

- 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 Crown Coast Coulsdon Limited against the decision of London Borough of Croydon.
 - The application Ref 21/03755/FUL, dated 9 July 2021, was refused by notice dated 1 November 2021.
 - The development proposed is a mixed-use development comprising 5no. residential units and 92sqm of commercial area with associated refuse and cycle storage.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. Additional information including a fire safety report and arboricultural impact assessment have been submitted with the appellant's evidence. These do not involve any changes to the submitted scheme. They were submitted with the appeal submission and the LPA have responded to their content. For the reasons above, the parties would not be prejudiced if I were to consider these documents, and therefore the appeal is assessed on the basis of this evidence.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, including with regard to trees.
 - The effect of the proposed development on the living conditions of neighbouring occupiers with reference to light to 1 Station Approach.
 - Whether the proposed development would provide an appropriate mix of housing with particular regard to family housing.
 - The quality of living conditions for future occupiers with particular regard to amenity space, single aspect units and accessibility.
 - Whether the development would promote sustainable transport modes with reference to cycle parking provision.
 - Fire Safety.

Reasons

Character and Appearance

4. The appeal site is a broadly triangular plot on the corner of Station Approach and Brighton Road. It is currently undeveloped and used as a car store area for the sale of vehicles associated with a nearby business. Along Brighton Road, the site is adjoined by a two storey terrace with commercial units at ground floor and residential above. The opposite side of the road is similarly characterised by ground floor commercial units mainly within traditional two storey properties with pitched roofs. Although the properties are not uniform in their appearance, nevertheless these shared characteristics create a pleasant modest character to this part of the road.
5. There are notable exceptions at 232-230 Brighton Road¹ which steps up from a three to a five storey modern building. The officers report for this property dates from 2008 and is considered under a previous policy context and therefore is different to the proposed development. Nevertheless, it forms part of the character and appearance of the area. Also 198-204 Brighton Road is a large four storey flat roofed building. However, these are uncommon within the traditional building forms that are predominant in this part of Coulsdon. Therefore, they do not alter that the overriding character of this part of Brighton Road is of a traditional modest two storey, varied high street.
6. On Station Approach, the adjoining terrace of properties is designated as a local heritage area. Their significance derives from their historic, mainly unaltered appearance as a traditional red brick terrace. The library, which I understand is locally listed, is located further along Brighton Road. Its features of significance appear to include its historic community use and civic function which is evident through its appearance. These assets therefore both have a degree of heritage significance meriting consideration in planning decisions.
7. The proposed development would introduce a four storey, flat roofed building on the appeal site. Its proposed four storey height would extend for the full width of the plot along Brighton Road. It would have a residential entrance and commercial unit with shop windows at ground floor, and residential flats above.
8. The proposed height and massing would be significantly greater than the prevalent height and bulk in this area. The development proposed would result in a pronounced increase in height from the adjoining property, which would emphasise the proposed disproportionate massing and its marked contrast with the adjacent modest development. Notwithstanding that the materials proposed would be in keeping with the surroundings, the proposed height and bulk would harmfully jar with the prevailing modest two storey traditional high street character of the surrounding area in a highly prominent position and would be unacceptably dominant.
9. I understand that advice in the Croydon Suburban Design Guide SPD (2019) would have supported an increase in height and mass beyond the predominant building heights. However, this document was revoked in July 2022. As such Policy DM10 of the Croydon Local Plan (2018) (CLP) and D3 of the London Plan (2021) (LP) provide relevant development plan policies in this regard. These require that development should provide a high quality, design led approach

¹ LPA ref 07/05055/P

which respects the surrounding scale and massing and seeks to achieve a minimum height of 3 storeys as well as positively responding to local distinctiveness through its scale, amongst other things.

10. The proposed development would not alter the historic associations and fabric of the Station Approach terrace and the height of the proposed building steps down along this elevation. However, there would be an indirect effect that the dominant proposed development would be seen in views of these buildings given its size and proximity. There would therefore be a minor harmful impact on this non-designated heritage asset.
11. The proposed development may also be visible in the background in views of the library. However, due to its distance and the intervening buildings providing separation, the development is unlikely to be dominant in these views. As such it would not undermine the library's features of significance and the effect on this non-designated heritage asset would be neutral.
12. As such, taking all the above into account, the proposed development would have a harmful effect on the character and appearance of the area including the Station Approach local heritage area.

Trees

13. Brighton Road is a mainly urban environment characterised by built form and hard landscaping. However, in the vicinity of the site there are a number of street trees and a conifer at the corner of the site (T3). These provide welcome softening and greening of this urban environment. These trees therefore make a positive contribution to the character and appearance of this area.
14. The proposed development would result in the removal of T3. Landscaping is proposed along the Station Approach elevation, however details are not provided at this stage and the proximity to residential windows is likely to limit the scale of planting that could be provided. I am not therefore provided with any mechanism nor detail of any commensurate replacement tree planting. Consequently the loss of the tree would erode the important soft landscaping in this area and would therefore be harmful to character and appearance.

Summary

15. Therefore, taking into account the multiple harms identified, the proposed development would be considerably harmful to the character and appearance of the area, including with regard to trees. Consequently, it would be contrary to Policies DM10 and DM28 of the CLP and Policies D3 and D4 of the LP. As well as the details set out above these policies require that development should respect heritage assets that contribute towards local character, deliver good design, and should not permit development that results in the loss of trees that make a contribution to the character of the area.
16. Policy DM13 of the CLP relates to the detail of refuse and recycling storage and Policy DM27 of the CLP relates to biodiversity. Therefore, the policies set out above are more relevant to this main issue.

Daylight and Sunlight

17. The evidence before me shows that the ground floor, side window on the back addition of 1 Station Approach is the only window serving a kitchen. The layout

of this property follows a traditional terraced layout with a side window to a back addition, and as such I do not find this window to be unneighbourly. I have been provided with detailed calculations based on the BRE guidance (2011) which shows that this window would achieve a vertical sky component (VSC) of around 16% which is 0.6 times its former value. It would therefore not pass the VSC and no sky line tests.

18. I understand that the Mayor of London's Housing SPG (2016) acknowledges that the interpretation of whether a kitchen is a habitable room varies, and can be dependent on size. Nevertheless, a kitchen is a room where light is needed for day to day tasks. Therefore, even though the room in question is small, it is reasonable that it should continue to receive appropriate levels of natural light.
19. BRE guidelines should be interpreted flexibly. Indeed this was the case for appeal APP/E5900/W/17/3171437, and in the draft advice in the 'Good Quality Homes for Londoners' – The Mayor of London (October 2020) which includes reference to VSC levels of 13%-18%, along with a consideration that where the BRE VSC levels are not achieved, levels should not be less than 0.8 times their former value.
20. Even so, as a result of the proposed development there is likely to be a significantly noticeable reduction in light to the kitchen at 1 Station Approach. Given that a single window to a kitchen is affected, and interpreting the guidance flexibly, the overall scale of the harm would be small. Nevertheless, this would represent an unacceptable effect on the living conditions of the occupiers of this property.
21. There are other windows to this property that would be subject to a reduction in light levels. However, these are secondary windows and therefore the rooms would be sufficiently well lit.
22. Consequently, the proposed development would have a harmful effect on the living conditions of neighbouring occupiers with reference to light to 1 Station Approach. As such it would be contrary to Policy DM10.6 of the CLP which requires that development should not result in significant loss of existing light levels to adjoining occupiers.

Family Housing

23. Policy SP2.7 of the CLP sets a strategic target for 30% of new homes to have three or more bedrooms. The advice in the Croydon Opportunity Area Planning Framework (2013) sets a target of 45% to be three bedroom plus. Policy DM1.1b provides further advice on the implementation of this policy and advises that after February 2021 2-bed 4-person units should not be considered as family units. The proposed development would provide 1 out of the 5 units as three bedroom accommodation (20%).
24. 30% is a strategic target, however there is nothing before me that satisfies me that this target is being exceeded elsewhere. This is a small scheme, and whilst reference is made to the fact that provision of additional family units would compromise viability I do not have convincing evidence in this regard.
25. I have been provided with examples of planning permissions² elsewhere in the borough which do not provide 30% 3-bedroom units, some of which include

² 20/00534, 20/00108/FUL, 18/03621/FUL, 19/03839, 19/04915, 21/03370/FUL, 18/04264/FUL

consideration of the provision of 2 bedroom 4 person units. However, I understand all but one of these decisions were made prior to February 2021 and therefore the requirements of Policy SP2.7 of the CLP at that time were different to the considerations before me now. The other scheme was an extension to an existing building and the development was considered to be minor in nature. This is also clearly different to the new build development of the appeal scheme. Consequently, this does not alter my conclusions.

26. Therefore, the proposed development would not provide an appropriate mix of housing with particular regard to family housing. As such, it would be contrary to Policy SP2.7 of the CLP, the aims of which are set out above.

Quality of Accommodation

27. Each of the residential units has access to a private balcony and has adequate internal floorspace. Policy DM10.5 of the CLP requires that for new flatted development communal outdoor amenity space would also be required. Whilst balconies would provide suitable space for sitting out, they would not provide a flexible and multifunctional space, for example, for play space, which is particularly relevant given the provision of a family unit. Whilst Farthing Downs is nearby, this would not provide the same function as on site communal open space. Consequently, the proposed development would provide inadequate amenity space for future occupiers.
28. The proposed ground floor layout provides access to the residential units from Brighton Road. Access is via a lobby, then through two doors to the lift and stair core. Although it may be undesirable for residents to pass through two sets of doors before entering and exiting this would not be so harmful as to result in poor quality living conditions. Given that I do not identify harm in this regard, revised ground floor plans are not necessary. Nor am I provided with detail that the west facing, single aspect, one bedroom units would be so poorly lit and ventilated as to result in inadequate living conditions for future occupiers.
29. Whilst I do not find harm with regard to light, ventilation or accessibility of the proposed units, this does not overcome the harm with regard to the inadequate open space. Consequently, the proposed development would result in poor quality living conditions for future occupiers with particular regard to amenity space. Therefore, it would be contrary to Policies D4 of the LP and DM10 of the CLP. Together, in addition to the requirements set out above, these seek to maintain design quality.
30. Policy D2 of the LP mainly relates to infrastructure requirements, and Policy SP4 of the CLP, to urban design and local character. Therefore, the policies set out above are more relevant to this main issue.

Sustainable Transport

31. The proposed development would provide a suitably sized cycle store. It would be located between the entrance and the core and accessed via two sets of doors. Although passing through multiple sets of doors may be inconvenient, this does not persuade me that overall the scheme would provide unsuitable cycle parking provision that would not be used.
32. Therefore, the proposed development would provide suitable cycle parking provision and consequently would promote sustainable transport modes. As

such it would be in accordance with Policies SP8, DM29 and DM30 of the CLP and Policy T5 of the LP. Together these seek to improve cycle infrastructure through the provision of cycle parking which is fit for purpose and well located.

Fire Safety

33. The Fire Statement includes details of the escape routes and alarms. Specific detail of outside space for fire appliances and evacuation assembly and suitable access for firefighting equipment are not shown, however the site is located directly adjacent to two roads. Acknowledging that full details would be required for Building Regulations, the level of information provided satisfies me that appropriate fire safety could be achieved.
34. Therefore the proposed development would be in accordance with policy D12 of the LP which, amongst other things, requires that developments should ensure that they include details to achieve the highest standards of fire safety.

Other Matters

District Centre

35. Policy DM4 of the CLP seeks to maintain the vitality and viability of district centres. In this location, in order to avoid units being left empty, a specific end user must be identified or a free fitting out of the unit should be provided. During the appeal process the appellant has confirmed that the applicant (Crown Coast Coulsdon Limited) would be the end occupier. The Council has stated that this would comply with Local Plan policy DM4.3 and overcome refusal reason 1. Consequently, I am satisfied that the vitality and viability of Coulsdon would be maintained.

Pre-Application advice

36. The National Planning Policy Framework (2021) is supportive of early engagement and I have noted the appellant's concerns regarding the Council's pre-application advice. However, this does not alter my assessment of the planning merits of the proposal.

Planning Balance

37. The proposed development would provide the social and economic benefits associated with the provision of 5 new homes, including a family unit, in an accessible location. It would be a more efficient use of this brownfield site. These are important benefits of the scheme, however given the size of the development (5 units) they are modest in their scale.
38. On the other hand I have identified multiple harms with regard to the considerable harm to character and appearance. As well as the inadequate quality of the accommodation provided with regard to amenity space, the unacceptable mix of housing with regard to family housing along with the small scale harm to the living conditions of neighbouring occupiers. Taken together these result in considerable harm. As such the modest benefits do not outweigh the considerable harm contrary to the development plan identified above.

Conclusion

39. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR