



Appeal Decision

Site visit made on 7 March 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 21 APRIL 2023

Appeal Ref: APP/L5240/W/22/3309069

Land to the rear of 81 and 83 Lansdowne Road, Croydon CR0 2BF

- 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 Mr M Mehta against the Council of the London Borough of Croydon.
 - The application Ref 22/02882/FUL, is dated 7 July 2022.
 - The development proposed is erection of new floor level, to provide 1 flat (Use Class C3). Provision of cycle parking, refuse storage, hard and soft landscaping, and other associated development works.
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Decision

1. The appeal is dismissed and planning permission for the erection of new floor level, to provide 1 flat (Use Class C3), provision of cycle parking, refuse storage, hard and soft landscaping, and other associated development works is refused.

Preliminary Matters

2. I have taken the site address above from the 'description of proposal' section of the application form which better reflects the location of the appeal site.
3. Whilst on site I noted that the building referred to by the Council as 79 Lansdowne Road is identified as 79B Lansdowne Road on the building itself. I have therefore, in the interests of clarity, referred to it as 79B in this decision.

Background and Main Issues

4. The appeal follows the failure of the Council to determine the planning application within the prescribed period. The Council has indicated that had it determined the application, it would have refused it for various reasons. Having regard to the evidence submitted by all parties, including local residents, I consider that the main issues are:
 - the effect of the proposal on the character and appearance of the host building and the area;
 - the effect on the living conditions of the occupiers of neighbouring properties (Nos 81, 83 and 85 Lansdowne Road) with particular regard to outlook and privacy, the occupiers of neighbouring flats located in 79B Lansdowne Road with regard to outlook, sunlight and daylight and the occupiers of the first floor flats within the host building in terms of external amenity area and light; and

- whether suitable provision for refuse facilities and cycle parking is made.

Reasons

Character and appearance

5. The appeal site comprises an existing two storey flat roofed building, located in a backland position to the rear of Nos 81 and 83 Lansdowne Road, a pair of two storey semi-detached properties. The surrounding area is mainly residential, however there are commercial uses to the rear of the appeal site that are accessed from Sydenham Road. There are a mixture of building types ranging from 2 to 4 storeys in height that front onto Lansdowne Road which form the prominent built form when viewing from the road. The appeal site is not subject to any heritage designations.
6. To the north of the appeal site and to the south of the adjacent property, No 79B, the character of the area is more open with rear garden spaces, communal external spaces and car park areas serving dwellings that front onto Lansdowne Road, adding a more spacious feel to the area, with only limited built form present in the form of single storey outbuildings. To the west are buildings situated in a backland position accessed from Sydenham Road, that are single or two storey in scale. Further along Sydenham Road is a new development under construction with two blocks of flatted development. The rear block is a storey lower than the one situated along the frontage. The prevailing character is therefore more spacious than the frontage of both Lansdowne Road and Sydenham Road, and where built form is situated in a backland location, it is clearly lower in height which results in a subservient relationship with the built form along the frontage.
7. The proposal would introduce an additional storey to the flat roofed two storey existing building, providing a three bedroom flat. There would be no change to the footprint of the building and the existing outdoor amenity spaces would be retained. The design of the additional floor would be in keeping with and sympathetic to the appearance and form of the existing building. The submitted drawings identify that the proposed extension would result in the building remaining slightly lower than the ridge height of No 81 and No 83.
8. Given the height of the extended building it would visually compete with nearby dwellings on Lansdowne Road and Sydenham Road. Although not particularly visible from either of these roads, the development would be visible from the rear of nearby properties, from nearby car parks and communal amenity spaces, where the scale of development would be in stark contrast with nearby subservient development and significantly at odds with the low rise backland development nearby.
9. Whilst the design of the extension would not be harmful to the character and appearance of the host building in isolation, given the overall height and scale of the proposal in relation to the surrounding buildings in combination with the backland position, the proposal would not be in keeping with the character and appearance of the area and would therefore be harmful to it. It would conflict with policy D4 of The London Plan March 2021 (TLP) and policy DM10 of the Croydon Local Plan 2018 (LP). These policies seek, amongst other things, to ensure the maintenance of design quality in later decisions and to ensure that proposals are of high quality and enhance and respect local character.

Living conditions

10. The separation distance between the rear elevations of No 83, No 85 and to a greater extent No 81 and the front elevation of the existing building on the appeal site is already relatively limited. However, the provision of an additional floor, given the proposed set back from these neighbouring properties would not have a significant additional impact on the sense of enclosure, levels of overlooking or the outlooks from the rear windows or the rear garden space in comparison to the existing situation.
11. The proposed additional floor would increase the height of the building where it directly abuts the neighbouring building No 79B. The submitted cross section shows that the flats contained within No 79B provide kitchen spaces to the rear of the flats, which are served by rooflights. The levels of sunlight reaching the rooflights would be unlikely to be affected due to the orientation of the proposal in relation to the roofscape of the neighbouring building. However, given the close proximity and the additional height and massing of the proposed built form, outlooks from and the levels of daylight reaching those rooflights would be affected, in that they would be reduced. The change would be noticeable by the occupiers of those neighbouring flats and would be likely to make the kitchen space less pleasant to spend time in as a result.
12. The Council indicated that a further reason for refusal would have been included relating to the effect of the proposal on the size of the balcony spaces and the provision of light into the windows of the existing first floor flats in the host building. Given the proposal sits directly above the existing footprint of the host building it would not have an adverse effect on the amount of sunlight or daylight reaching the windows of the existing first floor flats. The design and positioning of the upward extension also means that the existing balcony spaces serving the first floor flats would not need to be reduced as a result of the proposal. If the previous schemes relating to the first floor flats have not been built in accordance with the previously approved details in relation to the balcony spaces, the Council are able to act on that as a separate matter.
13. Given the above, I conclude that the proposal would be harmful to the living conditions of the occupiers of the flats within 79B Lansdowne Road in conflict with policy DM10 of the LP which seeks, amongst other things, to ensure that the amenity of the occupiers of adjoining buildings are protected and that proposals do not result in significant loss of the existing daylight levels of adjoining occupiers.
14. Policy D4 of TLP is referenced in the Council's statement, however, this relates to design analysis and development certainty, design scrutiny and maintaining design quality rather than living conditions and is therefore not directly relevant to this matter. Policy SP2 of the LP is also identified, however, this refers to the quantity, location, mix, quality and standard of new homes. It is therefore not specifically relevant to this main issue.

Refuse facilities and cycle parking provision

15. Policy DM13 of the LP requires that refuse storage facilities are visually screened, conveniently located, easily accessible and designed to be sensitively integrated into new developments. Policies T5 of TLP and DM30 of the LP require that cycle parking is provided in order to promote cycling as a form of sustainable transportation. The proposed ground floor plan shows the

additional bin and cycle storage within the existing communal area. Whilst this appears to be reasonably convenient and accessible and in keeping with the existing arrangements of the area, it is limited in detail and I find that further information is required in order to ensure they meet the policy requirements. However, I consider that these matters can be overcome by the imposition of planning conditions.

16. The proposal, subject to conditions, would therefore comply with policies T4 and T5 of TLP and policies SP8, DM13, DM29 and DM30 of the LP. These policies seek, amongst other things, that cycling is promoted, cycle parking is provided in an appropriate way and that refuse and recycling facilities are treated as an integral element of the overall design. Policy T6 of TLP is referenced in the Council's statement, however, this relates to car parking and is therefore not directly relevant to this main issue.

Other Matters

17. My attention has been drawn to an appeal decision at 72 Woodside Green which was allowed for a similar proposal at a different site within the same local authority area. Based on the information before me however, the proposal was not of the same design and the site context was different to that in this appeal. Consequently, I attach limited weight to this.
18. I note that the appeal site is located in an area with access to public transport and that the appellant is willing to enter into an obligation to secure a car free development in accordance with TLP Policy T6. Whilst there is no mechanism before me to secure this, had the proposal been otherwise acceptable, I would have raised this matter with the main parties. Accordingly, the appeal does not fall on this matter.
19. The proposal would provide an additional three bedroom flat, which would contribute to the housing supply. However, given the scale of the scheme, the contribution to the housing supply would be small. The proposal would provide economic benefits through the construction of the development and the additional contributions of the occupiers to the local economy. I note the intention to maximise innovative construction technologies, provide ecological enhancements through the provision of bird boxes and that it is proposed to provide additional green infrastructure on site, albeit how green infrastructure would be enhanced is not identified. Given the scale of the proposal, these contributions would be modest and therefore attribute limited weight.
20. The appellant asserts that the appeal site benefits from good transport links, that the proposal would optimise the use of the site, contribute to the number of small sites coming forward, provide living accommodation in line with space standards and provide sufficient private amenity space. Many of these matters would be expected of any well designed and located development thus attract limited weight in favour of the proposal. The site has already been developed and the contribution of an additional unit of accommodation to it would be limited. I note the letter of support from an occupier of a neighbouring property, however, this has not led me to a different conclusion on the planning merits of the appeal.
21. The Council failed to determine the application within the prescribed period or within an agreed extension of time period and I understand that the appellant feels that the Council have not provided appropriate communication on the

matter. Be that as it may and whilst this is unfortunate, it is not something that weighs in favour of the proposal.

Conclusion

22. The proposal is contrary to the development plan as a whole and there are no material considerations which indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

G Dring

INSPECTOR