



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: 27 April 2023

Appeal Ref: APP/L5240/W/22/3302661

Braeside and Tree Tops, Firs Road, Kenley, Croydon, London CR8 5LD

- 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 Indigo Scott Firs Road LLP against the decision of London Borough of Croydon.
 - The application Ref 21/06318/FUL, dated 21 December 2021, was refused by notice dated 28 June 2022.
 - The development proposed is demolition of two existing bungalows (Use Class C3) and the erection of four 2-storey plus roof level buildings comprising 8 self-contained dwellinghouses (Use Class C3) and associated landscaping, car and cycle parking and refuse storage.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Indigo Scott Firs Road LLP against London Borough of Croydon. This application is the subject of a separate decision.

Preliminary Matters

3. A Unilateral Undertaking (UU) has been submitted which includes a mechanism to contribute towards sustainable transport improvements. I will return to this matter later in this decision.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area and the effect on the transport network with regard to car parking.

Reasons

Character and Appearance

5. The Appeal site is on the corner of Firs Road and Wattendon Road. It is occupied by two bungalows which both have vehicle access from Firs Road. Wattendon Road inclines from the junction with Firs Road. It is characterised by detached and semi-detached bungalows with pitched, hipped roofs with open, commonly soft landscaped front gardens set in spacious plots with generous rear gardens. The main buildings are generally separated by flat roofed single storey garages set back from the front building line. These subservient

structures result in a sense of separation between buildings, particularly at first floor level. This separation along with the generous front gardens and overall low height and modest built form therefore result in a strong sense of spaciousness in this area. Brick and tile are common materials and although the detailing of the properties is somewhat varied, the common pattern of development provides consistency. This continues along the Southern side of Firs Road between the appeal site and the junction with Cullesden Road.

6. On the Eastern side of the site, Firs Road joins with Hayes Lane. This part of the streetscene is characterised by more substantial detached two storey dwellings. Although taller than the nearby bungalows their detached nature, pitched and hipped roofs and generous plots also result in a sense of spaciousness, albeit that the built form is more prominent. Whilst there are some examples of front facing gable roofs nearby, these are uncommon in the immediate vicinity and do not form an overriding part of the character and appearance of this area.
7. The proposed development would introduce 8 semi detached dwellings up to three storeys in height. Two pairs would front Firs Road and two pairs would front Wattendon Road. They are designed with a front gable feature accommodating a third floor mainly within the roof.
8. The gable feature and substantial bulk at roof level would mean that the second floor accommodation would be clearly apparent. Even taking into account the land levels and proposed pitched roof features the increase in massing at first floor and roof level from 1 Wattendon Road and its neighbours would be pronounced and visually jarring. I understand that the spacing between properties has increased following pre-application advice. However, these dwellings would nonetheless be closely spaced at first floor and would appear cramped relative to the surroundings. Consequently, the proposed eight, closely spaced, dwellings with substantial accommodation at roof level fronting Wattendon Road would be wholly at odds with the modest and spacious character of this area.
9. To Firs Road, the development is seen in the context of the adjoining two storey dwellings and therefore the change in bulk at roof level is less pronounced. Nevertheless, the extent and pitch of the roof, necessitated by the three storey gable end features would be a dominant feature in this context.
10. Policy DM10.1 of the Croydon Local Plan (2018) (CLP) seeks to achieve a minimum height of 3 storeys. However this should respect the development pattern, scale, height and massing amongst other things. For the reasons above this is not the case for this development.
11. The proposed materials of red brick and clay tiles across these eight properties would be broadly in keeping with the materials found in the surrounding area and I do not find harm in this regard. Soft landscaping is proposed and this would be necessary to ensure the properties would be appropriate to the character and appearance of the area. Therefore any benefit in this regard is negligible.
12. Consequently the proposed development would be harmful to the character and appearance of the area. As such it would be contrary to Policies SP4.2, DM10.1 and DM10.7 of the CLP and Policy D3 of the London Plan (2021) (LP). In addition to the requirements set out above, together these policies seek a

design led approach with high quality design that enhances local character and distinctiveness, and that roof forms should be sympathetic to the local context.

13. Policy DM10.10 of the CLP requires that development should minimise blank and inactive frontages. Therefore, the policies set out above are more relevant to this main issue.

Transport

14. Policies T6 and T6.1 of the LP and Policies DM10 and SP8.17 of the CLP require this development to provide a maximum of 12 car parking spaces. A total of 9 spaces are proposed. The site is said to be 700m from Kenley Station as the crow flies, but nevertheless is classified as being within an area of extremely poor public transport accessibility. Cycle parking spaces are proposed which would reduce demand for car ownership, nevertheless, some limited overspill on street parking may occur.
15. The majority of the properties nearby have private off street parking. Whilst there are some roads nearby, such as part of Hayes Lane, which are unsuitable for parking there are locations that could provide safe and convenient on street parking. A parking stress survey demonstrates low parking stress levels of 9%. Notwithstanding the site's public transport accessibility level, this evidence is directly relevant to the appeal scheme.
16. As such the limited amount of on street parking that may occur would be unlikely to be harmful to highway safety or the free flow of traffic. Nor do I have detailed evidence that there is any proposed development nearby which may alter this situation. Whilst an increase in on street parking may be undesirable for neighbours it would not result in significant harm to living conditions.
17. Therefore the proposed development would have an acceptable effect on the transport network with regard to car parking. As such it would not be contrary to policy SP8.17 and DM30 of the CLP and Policies T.6 and T6.1 of the LP. In addition to the aims set out above these require that the minimum necessary car parking is provided, that highway safety is not compromised by car parking and that the movement of pedestrians, cycles, public transport and emergency vehicles are not impeded by the provision of parking.

Other Matters

18. I am provided with details of other applications for the erection of new homes within Kenley¹. These are not located in close proximity to the appeal site and therefore the character and appearance of their surroundings are different to the development before me now. As such these do not alter my conclusions.
19. I am provided with a UU that includes a contribution towards sustainable transport measures including traffic orders, signing, car clubs, electric vehicle charging points and improvements to walking and cycling routes. I have limited information as to how this amount is reasonably related in scale and kind to this development. As such I do not have evidence that satisfies me that it

¹ 19/04042/CONR (Cena House 23 Park Road Kenley CR8 5AS) 19/03839/FUL (1 The Grange, Firs Road, Kenley, CR8 5LH 19/05955/FUL (13 Abbots Lane Kenley CR8 5JB) - 19/03959/FUL (12 Abbots Lane Kenley CR8 5JH) - 19/04441/OUT (10 Welcomes Road, Kenley, CR8 5HD) 21/01699/FUL (8 Abbots Lane Kenley CR8 5JH)

passes the tests and consequently I am unable to take it into account in determining this appeal.

20. There would be modest social and economic benefits associated with the provision of 8 family homes including one wheelchair accessible dwelling. The proposed development would also include some minor benefits to biodiversity through the proposed landscaping. It would do this without causing harm to the transport network. However, I have found that the proposal would cause harm to the character and appearance of the area. These modest benefits therefore would not outweigh the public and permanent harm to character and appearance contrary to the development plan, leading me to conclude that the scheme is unacceptable.

Conclusion

21. 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 set out above, this appeal should be dismissed.

H Miles

INSPECTOR