



Appeal Decision

Site visit made on 18 April 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 MAY 2023

Appeal Ref: APP/L5240/W/22/3306267

Hartley Court, Hartley Down, Purley CR8 4EA

- 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 Buxworth Homes against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/01422/FUL, dated 31 March 2022, was refused by notice dated 13 July 2022.
 - The development proposed is described as the demolition of existing dwellings and garages; erection of a detached three-storey block comprising six flats; erection of a detached three and a half storey block comprising ten flats; formation of a parking basement for fourteen cars; provision of refuse and recycling stores and secure cycle storage; provision of communal landscaped space; and formation of new access onto Hartley Down.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the refusal of planning permission, the appellant submitted further information relating to site drainage. With regard to the 'Wheatcroft Principles' established under *Bernard Wheatcroft Ltd v SSE 1982*, the further information provides more details in this regard and to my mind does not fundamentally change the development.
3. The Council confirms the Lead Local Flood Authority has considered the additional evidence and has withdrawn its objection, the Council therefore no longer contests reason for refusal no 2.
4. I have considered the concerns about drainage and flooding raised by interested parties. However, there are no reasons to reach a different conclusion to the Council having regard to the professional Lead Flood Authority's advice, my observations made at the site visit, and all other relevant considerations.
5. I conclude that the proposal would not conflict with Policies SI12 and SI13 of the London Plan 2021 (the London Plan) and Policies SP6.4 and DM25.3 of the Croydon Local Plan 2018 (the Local Plan) which set out flood risk and drainage management considerations.
6. Since the Council made its decision, the Croydon Suburban Design Guide Supplementary Planning Document (2019) has been revoked with immediate effect. Therefore, any reference to this SPD is no longer relevant and in reaching my decision I have not had regard to it.

7. The Council has confirmed that work on the Draft Local Plan has ceased following a change in political administration. There is also limited evidence before me to suggest it is likely to be adopted in its current format or the near future. While I have had regard to it, it carries very limited weight.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

9. The appeal site sits on higher land than the adjoining highway, Hartley Down. It comprises two detached dwellings and is bounded by the highway, a railway and the shared boundary with a recently redeveloped site formally known as Crackell End.
10. The local street scene broadly features residential dwellings which are either single or two storey. Crackell End also reads as a two-storey building, however it has a third storey under a crown pitched roof with lower eaves. Local materials in this street scene primarily comprise red brick or render under tile roofs.
11. Block A would have a narrow frontage with a deeper setback to create an L shaped building. This is not objectionable as the balconies create interest and articulation. In addition, any visual impact caused by the proximity to the rear boundary would be reduced given the separation from public vantage points screening and the railway line.
12. However, Block A would be a fully expressed three-storey building under a shallow pitched roof with high eaves / parapet walls. It would also incorporate a gable front and a gable side facing Block B. Apart from the balconies there would be modest relief across the highway facing elevations.
13. Proposed development should work within the broad parameters of the existing local character. Existing roof designs are broadly more traditional in this area with lower eaves, reducing upper floor bulk and mass. It has not been clearly demonstrated how Block A responds to these local features. While some features would be incorporated to reduce the perceived mass and bulk of Block A, these do not go far enough.
14. For the same reasons it has not been clearly shown how the materials proposed for Block A, in particular the different brick detailing/bonds, would respond to local distinctiveness or how they have been reinterpreted as part of the proposed development.
15. While a 3-storey building may be acceptable in this location, Block A would be experienced as a dominant structure of significant bulk and mass which would not satisfactorily integrate into the established street scene. It sits in a prominent, elevated position and this would highlight its significant bulk and mass in contrast to the more modest existing buildings.
16. Block B would follow a similar theme to Block A in respect to its materials and design. A building of this height on a corner may be appropriate, subject to its design and integration into the established street scene. There would also be

limited visibility of the proposed development from the rear given the screening and the railway.

17. It is, however, unclear how the angular and somewhat random shapes and design of the roof responds to the existing street scene. In the same way as Block A, Block B would also feature different brick detailing/bonds which have not clearly been shown to reflect local distinctiveness.
18. While some attempts to relate the building to Block A would be proposed, Block B sits in an elevated position when experienced from Hartley Down. Block B would also feature steps in some of the proposed elevations, however, it would be of significant mass and this would be experienced as a dominant block of substantial bulk and mass when viewed against existing buildings. For these reasons, Block B would also not respond to or satisfactorily integrate into the established street scene.
19. While my attention is drawn to other development elsewhere, these examples do not sit within the immediate locality of the site. I have considered the appeal on its own merits having regard for the local street scene and the context in which the proposed development would sit.
20. Although the Council has some concerns with the fenestration, given the contemporary design of the proposed development I do not consider the mix of openings to generate unacceptable harm. However, this would not outweigh the other harm I have identified in relation to this main issue.
21. I acknowledge that character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. Spacing between the proposed and existing buildings would be appropriate and landscaping would be enhanced and managed. I also note that parking would be situated away from public vantage points at basement level.
22. Nevertheless, when viewed in its totality, the proposed development would not represent a place-specific design response. Consequently, for the reasons given above it would unacceptably harm the character and appearance of the area. As such, it would conflict with the relevant provisions of Policies D3 and D4 of the London Plan and Policies SP4.1, SP4.2 and DM10 of the Local Plan. These, amongst other things, seek to promote high quality design which responds to local distinctiveness.

Other Matters

23. The proposal would optimise housing delivery on a small windfall site in an urban area served by public transport and services. It would provide a mix of unit types and sizes including affordable units and family housing. Small sites can be built out quickly and it would be an efficient use of the site making a positive contribution toward housing delivery. Given the quantum of development proposed, I ascribe these benefits moderate weight.
24. I have not found the appeal scheme to conflict with the development plan in regard to flooding and drainage. The appellant also points out the development is compliant with the development plan in other regards. However, the absence of harm is a neutral matter that weighs neither for nor against the proposal.
25. Nevertheless, the weight attributable to the harm, in respect of the character and appearance of the area would attract significant weight and would not be

outweighed by the benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.

26. I have also considered the various other concerns raised by interested parties. However, none of the other matters raised outweigh or alter my conclusion on the main issue.
27. A Section 106 Legal Agreement has been submitted which makes provision for: affordable housing; local employment and training; carbon offsetting; air quality; sustainable transport and highway alterations. The legal agreement has been submitted to address the matters included in refusal reason no 3. However, given my findings in relation to the main issue it is not necessary for me to consider its acceptability further.

Conclusion

28. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR