



Appeal Decision

Site visit made on 5 April 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/L5240/W/22/3305717

21 Downsvie Road, Upper Norwood, London SE19 3XD

- 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 MortonScarr Architects against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/05015/FUL, dated 28 September 2021, was refused by notice dated 26 July 2022.
 - The development proposed is demolition of existing dwelling house and construction of new replacement building comprising 9 residential flats with associated cycle/vehicle parking, waste stores and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area and ii) the living conditions of existing and future occupiers of 19 and 23 Downsvie Road with regard to dominance and the privacy of their outdoor space.

Reasons

Character and appearance

3. Downsvie Road slopes downhill quite steeply from its junction with Beulah Hill. Due to its wide road, footpaths and grass verges and dwellings on both sides of the road being set back behind front gardens and parking areas, the street has a very open and spacious feel. There are large, detached bungalows and dormer bungalows along one side, which are set within large spacious plots that slope upwards above the level of the road. The opposite side of the road comprises mostly of large detached two-storey houses, sited closer together. On both sides of the road, the dwellings sit on the natural ground level and gradually step down in height, each by a similar level, resulting in a consistent streetscape and roofscape that reflects the topography of the area. This makes a positive contribution to the local distinctiveness of the area.
4. The appeal site comprises a modest hipped roof bungalow with a rear dormer. It has a small detached single garage to the front, which is level with, but set back from the pavement, and is partially submerged beneath the large sloping front garden, minimising its visual impact. Except for the recently approved apartment block at adjacent No.19, which has not yet been constructed, the existing dwelling reflects the height, scale and design of other properties along

this side of the road. Where other properties have been developed to the sides with extensions or detached outbuildings, they have retained the same or a lower roof line, which preserves the transitional stepping down of properties.

5. The proposed development would have a substantially larger footprint than the existing building, projecting both further forward and back from the building line of adjacent No.23 and closer to both side boundaries. The eaves and ridge height would not be noticeably stepped down from those of the approved development at No.19 and would be substantially higher than those at No.23. Indeed, the eaves height alone would be noticeably higher than the ridge height of No.23. At least two thirds of the front garden would be excavated and replaced with car parking and external stairs. The resultant three storey building with rooms in the roof space, due to its height and engineered appearance, would be visually prominent in the streetscene and would harmfully detract from its local distinctiveness.
6. Whilst the catslide roof is not a typical feature of properties in Downsvie Road, where the majority of roofs are hipped with gable features, this design element of the proposal would not result in any harm, although its flat top does draw attention to the flat roof. The vertical emphasis of the windows, the prominent front staircase and the large undercroft are also incongruous features that detract from the traditional character and appearance of the area. Whilst other forecourt and frontage parking is present in the area and some garages have been cut into the hillside, these developments and engineering works are materially different in scale and visual impact to those before me in this appeal.
7. I acknowledge that a similar development has been approved on the adjoining site of No.19 Downsvie Road. However, the appeal proposal, despite being further downhill from No.19, has not been stepped down in height and thus when measured from road level, the proposal would be taller than the approved scheme at No.19. The cumulative impact of allowing multiple developments of this scale and nature along the road would harmfully detract from its open, spacious, traditional character and local distinctiveness.
8. I therefore conclude that the proposal would be detrimental to the character and appearance of the area contrary to Policies D3 and D4 of the London Plan (2021) and Policies SP4 and DM10 of the Croydon Local Plan (2018) (the Local Plan), which seek amongst other things to ensure that development is of high quality and, whilst seeking to achieve a minimum height of three storeys, should respect the scale, height, massing, appearance and built and natural features of the surrounding area as informed by its distinctive qualities, identity and topography.

Living conditions

9. The proposed building would be much larger than the one it would replace. It would be closer to the site boundaries, although a reasonable amount of space would be retained between the proposal and the existing and approved adjacent buildings. The proposal would also extend further back into the site than the existing dwelling and it would be visible from the rear gardens of the adjacent properties. However, as the rear of the proposed building would only be two-storeys above the existing ground level, it would not appear overly dominant despite its position uphill from No.23.

10. The existing dwelling already has a large dormer window to the rear. Although the proposed development would be higher and would contain the windows and balconies of multiple flats, suitable mitigation measures have been included in the design, which could be secured by planning conditions, and which would prevent any direct overlooking of the adjacent rear gardens.
11. Future occupiers of the rear upper floor flats would have oblique views over the gardens of Nos.19 and 23. However, some overlooking of rear gardens is not unusual and would not result in an unacceptable loss of privacy. Securing the retention of the existing boundary landscaping with suitably worded conditions would prevent overlooking between gardens and from occupiers of ground floor level flats.
12. I therefore conclude that the proposal would not result in harm to the living conditions of existing and future occupiers of 19 and 23 Downsvie Road with regard to dominance and the privacy of their outdoor space. The proposal therefore accords with Policy D3 of the London Plan and Policy DM10.6 of the Local Plan, which seek to ensure that new development protects the amenity of occupiers of adjacent buildings and does not result in direct overlooking of private outdoor space.

Other Matters

13. I have been advised that the Suburban Design Guide Supplementary Planning Document was revoked in July 2022. Consequently, I have had no regard to this in reaching my decision.
14. A completed planning obligation has been submitted with the appeal, which would secure measures to mitigate the effect of the development in relation to transportation matters. It is not necessary for me to consider this in further detail given that the proposal is unacceptable for other reasons.
15. I note the support of planning officers at pre-application stage and the recommendation of approval presented to the planning committee. However, the effect of a development on the character and appearance of an area and on occupiers of adjacent properties is subjective, and the planning committee were entitled to reach a different view on such matters.
16. My attention has been drawn to developments approved by the Council at Nos. 1 and 19 Downsvie Road. Whilst these approved schemes demonstrate the acceptability in principle for some intensified residential development in this area, they were considered by the Council to be acceptable in terms of their effect on the character and appearance of the area, where as this scheme was not. Figure 2.3 of the appellant's statement demonstrates that the approved replacement building at No.1 was only marginally higher and wider than the one it replaced, and it retained the gradual stepped appearance. I have been provided with limited detail of the approved scheme at No.19, what existed previously on that site or the circumstances leading to its approval. In any event I have determined this case on its own merits.

Planning Balance and Conclusion

17. The proposal would make more efficient use of the site and would provide much needed smaller homes that could be delivered relatively quickly, boosting the housing land supply, and helping to meet the local plan housing requirement. I afford these benefits significant weight. However, the

intensification of the site could be achieved in a more sympathetic manner that better reflects the character and appearance of the area. Consequently, and despite my conclusion on the matter of living conditions, the benefits of the proposal do not outweigh the harm. Whilst I have had regard to the policies in the Framework that I have been referred to, these do not lead me to a different decision.

18. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and no material considerations have been presented to me which indicate a decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

R Bartlett

INSPECTOR