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# Appeal Decision

Site visit made on 15 May 2023

**by M Ollerenshaw BSc (Hons) MTPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 JUNE 2023**

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**Appeal Ref: APP/L5240/W/22/3306993**

**9 Northwood Avenue, Purley CR8 2ER**

- 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 Mr Michael Overton of Hambridge Homes against the decision of the Council of the London Borough of Croydon.
  - The application Ref 21/05998/FUL, dated 29 November 2021, was refused by notice dated 18 August 2022.
  - The development proposed is demolition of existing dwelling house and construction of new replacement building comprising 5 residential flats with associated cycle/vehicle parking, waste stores and landscaping.
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## Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling house and construction of new replacement building comprising 5 residential flats with associated cycle/vehicle parking, waste stores and landscaping at 9 Northwood Avenue, Purley CR8 2ER in accordance with the terms of the application, Ref 21/05998/FUL, dated 29 November 2021, subject to the conditions set out in the schedule at the end of this decision.

## Preliminary Matters

2. The Council confirm in their statement that the fifth reason for refusal relating to fire safety is not being contested. I have not considered this matter further.

## Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the area;
  - whether the proposal would provide an appropriate mix of housing;
  - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to outlook, odour and noise; and
  - the effect of the proposal on the living conditions of the occupiers of 7 and 11 Northwood Avenue, with particular regard to outlook, sense of enclosure and privacy.

## Reasons

### *Character and appearance*

4. The appeal site relates to a detached bungalow which is situated in a row of bungalows on the south western side of Northwood Avenue. The property is

located on a good-sized plot and is set back from the road behind a walled frontage and driveway with a larger rear garden. It is elevated from the road in common with many other properties on this side of the road. The property has a steep hipped roof and includes accommodation within the roof space.

5. The surrounding area is residential and is characterised by a mix of single storey and two storey dwellings which are generally set back from the road and follow linear building lines. Notwithstanding the variation in the size and style of properties, there is a pleasant spacious and suburban character and appearance which contributes positively to the area.
6. The proposal would replace the existing detached bungalow with a part two/three storey building comprising five flats. The front building line of the proposal, its overall width and separation from the side boundaries would largely reflect the adjacent properties.
7. The scale, bulk and massing of the proposal would, however, be notably greater than the adjacent properties with the eaves and ridge height markedly higher than the bungalows. Consequently, its scale and massing would be substantial relative to the neighbouring bungalows. However, the scale, massing, height and plot coverage of the proposal would be comparable to the two/three storey development that has recently been constructed at 3 Northwood Avenue only a short distance further along and on the same side of the road. Like the appeal site, that development is also flanked by bungalows on either side. The visual relationship of the proposal to the neighbouring bungalows would be little different to that at No 3.
8. The Council argues that the development at No 3 was permitted prior to the revocation of the Suburban Design Guide (2019), which the Council says promoted the intensification of such sites within the suburbs of Croydon and buildings of at least one storey taller than their neighbours. Nevertheless, the development at No 3 was deemed acceptable by the Council when assessed against the current policies of the Local Plan, including those relating to design and character. I note also that Policy DM10.1 of the Croydon Local Plan (2018) (Local Plan) indicates support for proposals achieving a minimum height of three storeys. The development at No 3 is now a feature of the street scene which provides context to the appeal site and is a material consideration of some weight. In this context, I do not consider that the height, scale and massing of the appeal proposal would be unacceptable or that it would disrupt the rhythm of the street scene.
9. The proposed building would extend further to the rear than the neighbouring bungalows on either side but this greater depth and the stepped arrangement of the rear building line would not be dissimilar to the development at No 3 and would be unlikely to have a significant effect on the street scene.
10. The roof form of the proposal would include a dual gable frontage and a crown roof. The gable frontage, whilst prominently located and clearly at variance to the roof designs of the adjacent bungalows, would broadly reflect the roof form of No 3. The proposed crown roof would not be readily apparent from road level, where the roof would be seen as a series of hips and gables. Moreover, there are a range of roof types in the surrounding area, such that the roof form of the development would be acceptable.

11. Concerns have been raised by the Council in relation to the proposed fenestration, construction materials and design of the front entrance. During my site visit I observed that properties in the surrounding area display a variety of window sizes and designs. Whilst some have windows arranged horizontally, others have windows with a more vertical emphasis. Therefore, the use of vertical windows to the proposed building would not be inappropriate or harmful to the character of the area. Moreover, the positioning of the windows to the front and rear, in particular, would break up the massing of the building. The centrally positioned front entrance would be of small scale, domestic appearance, rather than of a commercial nature, as alleged by the Council. The limited use of metals to the elevations would not be inappropriate in principle and the final details of materials can be agreed by condition to ensure that these are sympathetic.
12. Although the proposed cycle and refuse stores would be located at the front of the building and thus clearly visible within the street scene, the submitted details indicate that these would be low-lying structures of sympathetic design and materials.
13. Bearing in mind the factors I have outlined above, and subject to conditions relating to materials and landscaping, I conclude that the proposal would not be harmful to the character and appearance of the area. Thus, it would comply with Policies SP4 and DM10 of the Local Plan and Policy D3 of the London Plan (2021). Amongst other things, these policies seek to ensure that development proposals are of a high quality of design with appropriate scale, height and massing which respects local character and distinctiveness. The Council's reason for refusal also refers to a conflict with London Plan Policy D2. However, this policy relates to infrastructure requirements which is of little relevance to this issue and I have identified no conflict with it.

#### *Housing mix*

14. The proposal would deliver a mix of units comprising one 3-bedroom unit, two 2-bedroom units and two 1-bedroom units.
15. Local Plan Policy SP2.7 relates to mix of homes by size and sets out that the Council will seek to ensure that a choice of homes is available in the borough that will address the borough's need for homes of different sizes, and that this will be achieved by, amongst other things, setting a strategic target for 30% of all new homes up to 2036 to have 3 bedrooms or more. This part of the policy relates to the provision of new dwellings rather than setting a presumption against the loss of existing dwellings.
16. The proposal would provide only one 3-bedroom unit which equates to 20% of the total, and therefore slightly below the 30% requirement set out under Policy SP2.7. However, that policy is expressed as a strategic target rather than a site specific requirement. I do not have details of whether the 30% overall target in Policy SP2.7 will be met from allocated sites, or what percentage has thus far been delivered.
17. There is no substantive evidence before me to demonstrate an overriding need for 3-bedroom dwellings in this particular case. Policy SP2.7 also seeks to ensure that homes of different sizes are provided in association with new developments. Whilst the proposal would result in the loss of the existing family dwelling, it would create a new 3-bedroom unit and, together with the 2-

bedroom units, would provide accommodation suitable for occupation by smaller families. Given the size of the site and the scale of development, the proposed mix is not unreasonable. It would make a positive contribution to the choice of housing and address the borough's need for homes of different sizes.

18. For these reasons, I consider that the proposal would provide an appropriate housing mix. As a strategic target I do not find the shortfall in provision of 3-bedroom units would conflict with the Council's housing mix objective for the borough as whole. It would be in general conformity with Local Plan Policy SP2.7, as set out above.

*Living conditions of future occupiers*

19. The cycle and refuse stores would be located at the entrance to the site. The occupiers of flat 1 would have ground floor windows on the front elevation of the building facing towards these stores. Whilst relatively close to the windows, the cycle and refuse stores would be positioned below window level such that views from these windows would be largely over the store roofs. The stores would be constructed from high quality materials and their positioning is unlikely to be any more restrictive of outlook than the frontage car parking approved to the front elevation of the development at 2 Northwood Avenue. Therefore, the cycle and refuse stores would not unduly impinge on the views from the windows of flat 1 and the outlook would be acceptable.
20. Whilst the cycle and refuse stores would be close to the ground floor windows, given the limited size and capacity of the stores, I do not consider that the use of these facilities would be likely to lead to such a high number of movements that would result in significant disruption to the occupiers of flat 1 as to justify refusal on these grounds. With regard to odour, it would not be possible to leave bin lids open due to the height of the refuse store. Moreover, the enclosure of the stores with doors, walls and roofs would help to minimise any noise and odour. A condition can be imposed to ensure that the final design details are appropriate.
21. For these reasons, I consider that the proposal would provide satisfactory living conditions for future occupiers of the development, having regard to outlook, odour and noise. The proposal would therefore not conflict with Local Plan Policy DM10 or London Plan Policy D6, which, amongst other things, seek to ensure that development is of high quality design which provides comfortable and functional layouts which are fit for purpose. The Council also refers to a conflict with London Plan Policy D7, however that policy relates to accessible housing and is of little relevance to this main issue.

*Living conditions of neighbouring occupiers*

22. The proposal would be situated a comfortable distance away from the properties on the other side of Northwood Avenue. The Council's concern relates to the effect on the adjoining bungalows on either side, Nos 7 and 11. The Council has not contested the appellant's analysis which shows that the proposed building would not significantly encroach beyond a 45 degree angle from the nearest windows in the rear elevations of the neighbouring properties. This suggests that the proposal would not significantly harm the living conditions of the neighbouring occupiers in respect of daylight.

23. However, the Council's concern is that the depth and height of the proposal would be overbearing and harm the outlook of the occupiers of both neighbouring properties. I acknowledge that the proposed building would have relatively long flank walls which would project some distance beyond the rear of both neighbouring properties. However, the proposal would maintain reasonable separation from the sides of the neighbouring properties the principal windows of which are either front or rear facing rather than directly towards the appeal site. Views of the proposed development from the neighbours' main windows would be of an oblique nature which I do not consider would be significantly harmful to the neighbours' outlook or create an unacceptable sense of enclosure.
24. Moreover, the relationship of the proposal to the neighbouring properties on either side would be comparable in terms of its proximity and building depth to that which exists between the development at No 3 and the bungalows on either side of it, which was found acceptable by the Council.
25. The number of windows to the side elevations of the building have been minimised and those that are proposed would be obscure glazed. The proposed upper floor amenity spaces would be appropriately screened. Therefore, the proposal would not result in significant loss of privacy to the neighbours.
26. For the above reasons, I conclude that the appeal scheme would not be significantly harmful to the living conditions of the neighbouring occupiers of 7 and 11 Northwood Avenue, with particular regard to outlook, sense of enclosure and privacy. Consequently, it would not be contrary to Local Plan Policy DM10, where this seeks to ensure that development protects the amenity of the occupiers of adjoining buildings.

### **Other Matters**

27. Comments have been made by interested parties in relation to a range of other matters, including the effect on highway safety, parking and local infrastructure and whether there is a need for the proposal. These matters do not form part of the Council's reasons for refusal and I have no reason to reach a different conclusion based on the evidence before me and my own observations. There is no substantive evidence before me to suggest that the proposal would pose an unacceptable risk to highway safety or exacerbate parking stress in the area. Any disruption caused during the construction phase would be for a temporary period only and could be appropriately mitigated by a condition requiring submission and implementation of a Construction Logistics Plan.

### **Conditions**

28. I have had regard to the conditions suggested by the Council. In imposing conditions, I have had regard to the relevant tests in the National Planning Policy Framework (the Framework), Planning Practice Guidance and of statute. In that context I have modified the wording of some of the conditions proposed for consistency and clarity.
29. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty.
30. To protect the living conditions of neighbouring residents and safeguard highway safety, a pre-commencement condition is necessary to agree the details of a Construction Logistics Plan. Also to protect the neighbours' living

conditions, I have attached conditions relating to additional windows in the side facing windows of the development and the use of obscure glazing.

31. In the interests of the character and appearance of the area, conditions requiring samples or details of external materials and hard and soft landscaping are necessary.
32. A condition is necessary to secure details of cycle and refuse storage arrangements in order to ensure satisfactory provision in the interests of future occupiers of the development.
33. A condition requiring the provision of wheelchair accessible and adaptable units is required so as to provide accessible units and a suitable mix of housing. Compliance with a water efficiency standard is also needed in order to secure an efficient use of water.
34. A condition to secure the implementation of the proposed drainage strategy is required to ensure satisfactory drainage of the site. I have also attached a condition requiring the development to be carried out in accordance with the submitted Outline Fire Safety Strategy to ensure that the development incorporates the necessary fire safety measures.
35. The Council proposed a condition relating to visibility splays. However, the proposal is intended to be a car-free development. Therefore, this proposed condition is not required.

### **Conclusion**

36. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed subject to conditions.

*M Ollerenshaw*

INSPECTOR



### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing / Proposed Site Location Plan and Block Plans 2282(10)100; Existing Site Plan 2282(10)101; Proposed Site Plan 2282(11)100 Rev B; Proposed Site Roof Plan 2282(11)100 Rev B; Existing Floor Plans 2282(20)100; Proposed Ground Floor Plan 2282(21)100 Rev C; Proposed First Floor Plan 2282(21)101 Rev C; Proposed Second Floor Plan 2282(21)102 Rev C; Proposed Roof Plan 2282(21)103 Rev C; Existing Elevations 2282(30)100; Existing Contextual Street Elevation 2282(30)101; Proposed Elevations 01 2282(31)100 Rev D; Proposed Elevations 02 2282(31)101 Rev D; Proposed Contextual Street Elevation 2282(31)102 Rev A; Proposed Section AA 2282(41)100 Rev A; Proposed 3d Visual 01 2282(80)100; and Proposed 3d Visual 02 2282(80)101.

#### *Before development commences*

- 3) Prior to the commencement of development (including demolition), a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development: a) Hours of construction; b) Hours of deliveries; c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors; d) Facilities for the loading and unloading of plant and materials; e) Swept paths for manoeuvring and turning of large vehicles inside the site; to leave the site in forward gear; f) Details of any site hoardings; g) Details of the precautions to guard against the deposit of mud and substances on the public highway; h) Dust control methods. All construction phases of the development shall be carried out strictly in accordance with the details so approved.

#### *Before work above ground*

- 4) Prior to commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: a) External facing materials including specifications and/or samples of all facing materials and finishes shown on elevational drawings; b) Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings in external walls. The development shall be carried out strictly in accordance with the details approved.
- 5) Prior to commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: a) Hard landscaping materials (including samples as appropriate); b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees; c) Boundary treatments; d) Bulky waste goods; e) A maintenance/management plan for all aspects of the hard and soft landscaping, including the child play and communal amenity spaces; f) Biodiversity enhancements.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, with the exception of new planting which shall be provided and completed in accordance with this

condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted. The landscaping, play and amenity spaces shall thereafter be maintained for the lifetime of the development.

*Before occupation or other stage conditions*

- 6) Notwithstanding the details shown on the approved plans, full details including elevations of the cycle parking and refuse storage, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The approved measures shall be provided and completed in accordance with this condition prior to the first occupation of the development and maintained for the lifetime of the development.
- 7) All of the residential units within the development hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable', or the optional requirement M4(3)(2)(a) 'wheelchair adaptable', or the optional requirement M4(3)(2)(b) 'wheelchair accessible'. Such provision shall be reasonably maintained for the lifetime of the development.
- 8) The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day.
- 9) All side windows at first floor level in the development hereby approved shall be fitted with obscured glass and shall be permanently so retained. The windows shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the finished floor level of the room in which the window is installed and shall be permanently so retained.
- 10) Notwithstanding the provisions of the Town and Country Planning, (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no additional windows or similar openings shall be constructed in the side elevations of the building hereby approved except for any which may be shown on the approved drawings.
- 11) The development hereby approved shall be carried out in accordance with the Surface Water Drainage Assessment dated November 2021.
- 12) The development hereby approved shall be carried out in accordance with the provisions of the Fire Statement dated November 2021.

END OF SCHEDULE