

Appeal Decision

Site visit made on 5 June 2023

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 JUNE 2023

Appeal Ref: APP/L5240/W/22/3312012

16A Higher Drive, Purley, Croydon CR8 2HE

- 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 M Ahmed against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02576/FUL, dated 17 June 2022, was refused by notice dated 6 October 2022.
 - The development proposed is conversion of existing dwelling into 3No self-contained flats including two storey rear extension, raising roof and insertion of rooflights.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the neighbouring occupiers of 16 and 18 Higher Drive, with particular regard to daylight, sunlight and outlook;
 - whether the proposal would provide for satisfactory living conditions for future occupiers, with particular regard to external amenity space, floor to ceiling heights and outlook;
 - whether the proposal would make adequate provision for refuse and cycle storage; and
 - the effect on the highway network, having regard to parking provision.

Reasons

Character and appearance

3. The appeal site relates to a two storey detached dwelling which is located in a linear row of properties on the western side of Higher Drive within a residential area. The site includes a paved driveway to the front and a larger, private garden to the rear. The appeal property is bounded to the north by No 16 and by No 18 to the south. There is a notable slope along Higher Drive such that the appeal property is on higher ground than No 16 but is lower than No 18.

4. Higher Drive is characterised predominantly by detached and semi-detached two storey dwellings which are set back from the road with small front gardens or driveways and private rear gardens. The appeal property has a hipped roof which is a common feature of other properties in the surrounding area. Properties are arranged in a linear fashion with consistent building lines. Together with the trees and shrubs in the front gardens and street trees, this positively contributes to a spacious and verdant character to the area.
5. The proposal includes raising the ridge height of the building to create second floor accommodation. The increased height of the building would not adversely affect the character of the street scene due to the stepped rooflines of the appeal property and those on either side of the site.
6. The proposed two storey rear extension would be of substantial size and scale and incorporates a gable end. During my visit I noted that gable ends are not an uncommon feature of properties in this area. I also accept that there is some variation in the sizes and styles of properties on Higher Drive. However, the use of a gable here, together with the substantial depth and width of the extension, would significantly increase the building's scale and massing. The result would be an excessively bulky addition which would be out of proportion in relation to the size of the host property and the plot. Whilst the two storey extension would be positioned to the rear, the increased scale and massing of the building would be partially visible within the street scene in the gaps between the property and Nos 16 and 18.
7. The appellant contends that a gable end extension to the property could be built under permitted development rights. However, the appeal proposal would be significantly larger than any gable roof extension erected in this location under permitted development rights. I afford little weight to this consideration.
8. The subdivision of the existing rear garden to form a communal garden, a separate garden for Flat 1 and an enclosed cycle and refuse area, together with associated new boundary treatments and likely new hard surfacing, would reduce the spaciousness and verdant character of the garden and fail to reflect the prevailing pattern of development in the area where properties generally have generously sized, landscaped rear gardens. Whilst the subdivision of the garden would not be prominent from public vantage points, it would be readily visible from within the appeal site itself and from neighbouring properties.
9. For the above reasons, I conclude that the proposed development would be significantly harmful to the character and appearance of the area. It would be 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). Amongst other things, these policies seek to ensure that development proposals are of a high quality design, which respect and enhance Croydon's varied local character.

Living conditions of neighbouring occupiers

10. Due to the slope on Higher Drive the appeal proposal would occupy higher ground than No 16 and be close to the boundary with that property. The proposed two storey rear extension would project a substantial distance from the existing rear elevation and well beyond the rear of both adjacent neighbouring properties.

11. Given its scale, massing, gabled roof form and proximity to this neighbouring property, the two storey extension would be an imposing feature when viewed from the rear windows of No 16, particularly the ground floor windows, and the neighbour's rear patio. This would significantly reduce the neighbour's outlook resulting in an overbearing impact and an uncomfortable sense of enclosure.
12. Having regard to the factors set out above, I consider that the proposal would be likely to result in some loss of daylight and sunlight to this neighbour's rear windows, particularly those situated close to the site boundary, as well as the neighbour's patio. The effect on the neighbour's daylight and sunlight would be exacerbated by the position of the development to the south of No 16.
13. The appellant has provided details to show that the two storey extension would comply with the '45-degree test' when drawn on plan. However, the drawing does not show whether the 45-degree line drawn on the elevations of the properties would be breached. Even if the proposal does accord with the 45-degree test, consideration still needs to be given to the site specific circumstances and relationship of the properties, including such factors as orientation and difference in levels. In this instance, I find that the proposal would be harmful irrespective of whether it complies with the 45-degree test.
14. Taking into account the elevated position of No 18 relative to the appeal property, the slightly greater separation between the two properties, and their orientation, I consider that the proposal would not result in significant loss of daylight, sunlight or outlook to the occupiers of this neighbouring property.
15. The Council have raised no concerns in relation to loss of privacy to the neighbouring occupiers and I have no reason to disagree with that assessment based on the evidence before me and my observations on site.
16. For the reasons set out above I conclude that, whilst the proposal would not cause harm to the living conditions of the occupiers of No 18, it would result in significant harm to the living conditions of the neighbouring occupiers of No 16 in terms of daylight, sunlight and outlook. It would be contrary to Policy D3 of the London Plan and Policy DM10 of the Local Plan which, amongst other things, seek to ensure that development protects the amenity of neighbours.

Living conditions of future occupiers

17. The external amenity space for the proposed development would be located primarily to the rear and would consist of a private garden for the occupants of Flat 1, which would be accessed from the rear elevation, and a communal area for Flats 2 and 3 accessible via the pathway along the northern side of the building. Whilst the garden for Flat 1 would be of limited size, it would provide a conveniently located and sufficiently useable outside space in my view. Subject to appropriate boundary treatment, it would be possible to afford this external area adequate privacy.
18. However, the future occupiers of Flats 2 and 3 would not have access to any private garden space area. That would not provide high quality living conditions for future occupiers and would be contrary to the requirements of Policy DM10.4 of the Local Plan, which states that new residential development will need to provide a minimum amount of private amenity space of 5m² per 1-2 person unit and an extra 1m² per extra occupant thereafter.

19. The 'Technical housing standards – nationally described space standard'¹ requires a minimum floor to ceiling height of 2.3m for at least 75% of the Gross Internal Area of a dwelling. No sections through the proposed development have been provided to demonstrate the floor to ceiling heights within any of the flats. Flats 1 and 2 would be located on the ground and first floors respectively where there would appear to be sufficient headroom. However, Flat 3 on the second floor would be formed within the extended roof space of the building. Given the steep pitch of the roof on both sides and to the front, it is likely that this space would feel unacceptably cramped and uncomfortable for occupants due to the low ceiling height. Having regard to this, insufficient details have been supplied to demonstrate that Flat 3 would provide acceptable floor to ceiling heights.
20. The open plan kitchen and living / dining room for Flat 3 would be served by a window to the rear face of the building which would provide an adequate outlook. The two bedrooms within that unit would each be served by two rooflights. However, the rooflights would be relatively low within the roof pitch and would afford some outlook from the bedrooms which would be satisfactory.
21. However, the proposal would fail to provide acceptable living conditions for future occupiers, having regard to the proposed external amenity space and floor to ceiling heights. In this respect, the proposal would conflict with Policies D3 and D6 of the London Plan and Policy DM10 of the Local Plan, which, amongst other things, seek to ensure that development is of high quality design which provides adequate internal and external amenity space.

Refuse and cycle storage

22. The cycle parking and refuse storage for the development is proposed within the space at the end of the rear garden. I am satisfied that there would be enough space at the rear to provide sufficient cycle parking and refuse storage. However, the provision should be convenient and accessible. Both cycle parking and refuse storage would be a considerable distance from the road. In order to move bicycles or bins from the rear of the site to the front, future occupiers would have to negotiate the pathway to the southern side of the building which is relatively long and narrow, and possibly also a series of steps or up a slope given the topography of the site. The refuse and cycle parking provision would not therefore be well located in terms of accessibility or convenience.
23. Whilst the appellant suggests that the refuse and cycle parking provision could be positioned anywhere within the site, it is unclear whether there would be sufficient space for these facilities elsewhere, particularly as the space to the site frontage would be largely occupied by parking spaces. Accordingly, it would not be appropriate to leave such matters to planning conditions.
24. For the reasons given above I find that the proposal would not make suitable provision for refuse and cycle storage. It would fail to accord with Policy T5 of the London Plan and Policies SP8, DM13, DM29 and DM30 of the Local Plan, which collectively seek to secure adequate cycle parking and refuse provision.

Parking provision

25. Policy DM30 of the Local Plan requires minor residential development to provide car parking spaces in accordance with the standards set out in Table 10.1. In this case, the three flats would require three parking spaces, one for each flat.

¹ Department for Communities and Local Government, March 2015

The appellant says that one parking space would be allocated per flat, but only two spaces are indicated on the plans. The driveway would appear to be of insufficient size to accommodate three vehicles without potentially impeding access to the front entrance and the pathways to the sides of the building.

26. This would lead a slight shortfall in off-street parking provision on the site. It is probable that the proposal would result in an increase in demand for on-street car parking in the area. During my site visit I observed that on-street parking on Higher Drive was in very short supply. Although only a snapshot in time, this does indicate that there is a high demand for on-street parking here. However, taking into account the site's medium level of public transport accessibility, with bus stops relatively close by and Purley Railway Station around a ten minute walk away, I consider it likely that this demand would be small and would not lead to a material increase in parking stress in the area.
27. For the above reasons, I consider that the proposal would not adversely affect the highway network, with particular regard to parking provision. Accordingly, it would comply with Policies T4, T6 and T6.1 of the London Plan and Policies SP8, DM29 and DM30 of the Local Plan which seek to ensure that development proposals do not harm highway safety and secure adequate parking provision.

Other Matters

28. Third parties have raised other concerns with the proposal. However, as I have found harm in relation to the main issues it is not necessary for me to consider these further. Those matters raised relating to covenants and a boundary dispute are private matters which do not fall within the remit of this appeal.
29. The appellant notes that a neighbouring occupier submitted comments in support of the proposal. However, there are also objections from neighbouring residents. I have found the proposal to be harmful and therefore the weight of support is not a determinative matter in favour of the proposal.

Conclusion

30. Whilst I have found that the appeal scheme would not adversely affect the highway network, with particular regard to parking provision, I have also identified that it would cause harm to the character and appearance of the area and the living conditions of neighbouring occupiers, fail to provide satisfactory living conditions for future occupiers and would be deficient in terms of refuse and cycle storage provision.
31. I have had regard to the potential benefits of the scheme, including the provision of three new flats, the sustainability of the site relative to services and facilities, employment opportunities created during the construction phase of the development and spending in the local area by future occupiers. However, given the modest scale of the development, the weight attributable to these matters is limited and is not sufficient to outweigh the harm that I have identified.
32. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR