



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: 26 June 2023

Appeal Ref: APP/L5240/W/22/3304153

129 Purley Oaks Road, South Croydon CR2 0NZ

- 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 B3 Homes Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/06031/FUL, dated 2 December 2021, was refused by notice dated 7 June 2022.
 - The development proposed is 'redevelopment of the site to create one detached and two semi-detached dwellinghouses with provision of associated vehicular access and parking, hard and soft landscaping, amenity space and refuse and recycling storage'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted revised plans with the appeal, which include minor alterations to the first floor fenestration of the development, changes to the materials palette, increased size of the side accesses to units 1 and 3, relocation of the cycle storage for unit 2 to the front, and increased refuse storage provision. Updated swept path drawings, a bat emergence and re-entry survey and a fire safety strategy were also submitted. As the revised plans and documents do not change the substance of the proposal that was considered by the Council, having regard to the "Wheatcroft" principles¹ the Council and interested parties would not be prejudiced by my consideration of them.
3. Following the submission of the revised plans and additional information, the Council has confirmed that it is not contesting the reasons for refusal concerning highway safety, cycle storage, refuse facilities and fire safety. I have not considered these matters further in this decision.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to external amenity space; and
 - the effect of the proposal on protected species.

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

Reasons

Character and appearance

5. The appeal site relates to a detached bungalow located on a large plot on the north eastern side of Purley Oaks Road. The property has a wide frontage and is elevated from road level. It is set back from the road with a garage, driveway and garden to the front bounded by a low front wall, and a rear garden comprising a patio and a lawn set at a higher level behind a retaining wall. There are neighbouring detached bungalows on either side of the site.
6. The character of the surrounding area is residential. There are a variety of semi-detached and detached dwellings of varying sizes and designs in the wider area, including bungalows, which are generally set within spacious plots. Properties are arranged in a linear fashion, though there is some variation in the building lines. Mature trees in the gardens of properties and along the road results in a verdant character. There is a pleasant spacious and suburban character and appearance which contributes positively to the area.
7. The proposed development would involve the demolition of the existing building and the subdivision of the plot to accommodate a two storey detached dwelling and a two storey semi-detached pair of dwellings.
8. Whilst there is some variation in the sizes and styles of properties on Purley Oaks Road, the row of bungalows on this stretch of the road of which the appeal property forms part provides a degree of uniformity particularly in terms of their single storey height and wide frontages. Despite lowering the proposed ground floor levels, the two storey height of the proposed buildings means that they would appear as overly tall structures relative to the adjacent bungalows.
9. The gabled design of the front elevations of the buildings, combined with the bulk and massing of the roofs, would emphasise their substantial scale and height relative to the adjoining properties. This would result in an unsympathetic form of development relative to the proportions and form of the existing bungalows on either side of the site and it would appear unduly dominant. I accept that the scale and design of the proposal reflect some of the characteristics of buildings in the wider street scene, however when viewed in its more immediate context I consider it would be visually harmful.
10. I observed there to be some degree of variation of plot sizes in the wider street scene, including those that have been developed further along Purley Oaks Road to the north west. However, on this particular stretch of the road properties are broadly consistent in terms of the generous widths of the properties themselves and the plots on which they sit. The subdivision of the existing site to form smaller and narrower plots than the others observed within this part of the street scene, would result in the development appearing cramped and out of keeping with its immediate setting. The layout of the site includes a shared parking and landscaped area to the site frontage to reduce the perceived subdivision of the plot. However, the narrower proportions of the proposed dwellings would still be clearly evident within the street scene.
11. There would be some slight increase in built coverage across the site as well as increased hard surfacing. Although there are large areas of hardstanding elsewhere on Purley Oaks Road, the extent of new hard surfacing on the site together with the scale, massing and design of the proposal would cumulatively

result in the erosion of the existing suburban character of the site and this part of the road.

12. The Council is concerned that the development would restrict views up to Sanderstead Road to the rear of the site. However, it is likely that partial views towards Sanderstead Road would still be possible in the gaps between the development and the existing properties on either side. The Council also raises a concern that the development would bring the building forward of the building line of neighbouring properties on either side. However, the existing property is already set slightly forward of the neighbouring properties and there is no uniform building line along this side of the road. I also note the proposed crown roof to units 2 and 3, but this feature would not be prominent from road level, and as such would not be significantly harmful.
13. The revised plans detail changes to the design of the buildings in terms of first floor fenestration and palette of materials, which would comprise red brick and white render external finishes. However, these matters would not mitigate the substantial harm to character and appearance that would arise from the scale, massing and overall design of the proposed development.
14. The appellant refers to a number of approved developments nearby, including those at Nos 87, 119 and 121. I do not have the full details of these other developments or the circumstances which led to their approval before me. Nevertheless, I do not consider that the appeal scheme would be comparable to the other developments because they have different contexts to the appeal proposal which would be viewed largely in the context of the immediate neighbouring bungalows, these forming part of a coherent group of properties. In any case, I have determined the appeal on its own merits.
15. The appellant also contends that the proposal would comply with guidance contained in the Council's Suburban Design Guide Supplementary Planning Document (2019) (the SPD), which was supportive of higher buildings including minimum heights of three storeys. However, local and national policies including Policy DM10 of the Croydon Local Plan (2018) (the Local Plan) are clear that developments should respect their surrounding context which the appeal proposal would fail to achieve. Moreover, the SPD has been revoked since the Council's determination of the application and I have had no regard to it in my decision.
16. 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 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 design, which respect and enhance Croydon's varied local character.

Living conditions

17. Policy DM10.4 of the Local Plan sets out that all proposals for new residential development will need to provide private amenity space that is of high quality design and provide a minimum amount of functional private amenity space of 5 sqm per 1-2 person unit. The quantum of private amenity space proposed for each of the flats would accord with the minimum amount stipulated by Policy DM10.4. However, the Council's concern is that the amenity spaces for units 2 and 3 would not be functional or practical due to the banks and retaining walls.

18. The external amenity spaces for units 2 and 3 would consist primarily of rear patios with steps leading up to higher lawned areas. Whilst the external areas would be partly taken up by the retaining walls and planters, they would be of reasonable size, conveniently located and would provide sufficiently useable outside space for future occupiers. I also note that the use of retaining walls and terracing is not uncommon on this side of Purley Oaks Road due to the marked level changes. Subject to appropriate boundary treatments, it would be possible to afford these external areas adequate privacy.
19. I conclude that the proposal would provide acceptable living conditions for future occupiers, having regard to external amenity space. In this respect, the proposal would comply with Policy DM10 of the Local Plan and Policies D3 and D6 of the London Plan, which, amongst other things, seek to ensure that development provides private amenity space that is of sufficient size, functional and of high quality design.

Protected species

20. The Council's sixth reason for refusal relates to insufficient information to demonstrate that the development would not result in unacceptable harm to protected species or habitats. The appellant's preliminary ecological assessment included the recommendation that a bat survey be undertaken but one had not been submitted with the application.
21. The appeal documents include a bat emergence and re-entry survey which was undertaken following refusal of the application. This survey and report conclude that bats are very unlikely to be roosting within the existing building, though commuting bats were observed during the survey. As such, there are not anticipated to be any impacts on bats as a result of the proposal.
22. The survey details a number of recommendations and mitigation measures including a precautionary working method. Had I been minded to allow the appeal, these measures could have been secured by means of an appropriately worded condition, to ensure sufficient safeguards for protected species.
23. I conclude that the proposal would not have an adverse effect upon protected species. Accordingly, the proposal would comply with Policies SP7, DM27 and DM28 of the Local Plan and Policy G6 of the London Plan, which, amongst other matters, require development proposals to have no adverse impact on protected species.

Other Matters

24. A number of comments have been made by interested parties, which include concerns about the proposal's effect on the living conditions of neighbours, including in terms of light and privacy. The Council have not raised objections on these grounds and I have no reason to disagree with this assessment based on the evidence before me and my observations on site. I consider the sizes of the respective buildings, their distances from neighbouring properties and their orientation would not result in loss of outlook, light or privacy to neighbouring properties or their gardens. It is claimed that there is a covenant preventing the development of more than one bungalow on the land. However, such legal agreements are outside the control of the planning system.
25. The appellant contends that the Council's assessment of the scheme contradicts the feedback received at pre-application stage. However, pre-

application advice is not binding on the Council in determining later applications. I also note the appellant's concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Planning Balance and Conclusion

26. I have found that the appeal scheme would provide satisfactory living conditions for future occupiers with particular regard to external amenity space, and would not adversely affect protected species. However, this would be a lack of harm and thus neutral in any balance. I have also identified that the proposal would cause significant harm to the character and appearance of the area.
27. I have had regard to the potential benefits of the scheme, including the provision of three new family dwellings, for which there is an identified need within the borough, and which would provide high quality living accommodation for future occupiers; together with 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. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.
28. 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