



Appeal Decision

Site visit made on 13 June 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/L5240/W/22/3306899
130-132 Portland Road, London SE25 4PT

- 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 J Vigar of Sunstone Properties against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/05784/FUL, dated 17 November 2021, was refused by notice dated 5 July 2022.
 - The development proposed is erection of a two-storey extension to create 2 x two-bedroom flats and internal alterations to the first floor to the existing 2 x one-bedroom flats; associated landscaping, refuse and cycle storage to front and rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is some variation in the appeal site address and the description of the development as given in the submitted documents. I have taken these details in the heading above from the Planning Appeal Form as these accurately represent the proposal.
3. The Council refers to the Suburban Design Guide SPD (the SDG) in its decision. However, the Council has confirmed that the SDG has since been withdrawn. Both main parties have had the opportunity to comment on this. I have proceeded to determine this appeal on that basis.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - Whether the proposal would make suitable provision in respect of car and cycle parking as well as sustainable transport; and
 - Whether the proposal would make suitable provision for waste storage.

Reasons

Character and Appearance

5. The appeal site is located on Portland Road which has a mixed residential and commercial character and which contains a variety of building designs. The site

is in a relatively prominent location at the corner of the junction with Holland Road, which is of a more residential character. Despite its prominent location, the extant building on the site is of an understated appearance. The first floor windows on the front elevation include an attractive arched brickwork feature, but the ground floor façade, other window alterations and the mixture of materials are representative of previous unsympathetic alterations.

6. Terraced buildings of 2-3 storeys high predominate in the area, with many buildings having pitched roofs. That said, a number of buildings including the appeal site have parapets on the main elevations. Despite the mix of building designs, the streetscape is of a relatively traditional character.
7. The proposal would result in a building of 4 storeys, which is greater than the majority of buildings in the area. However, due to the floor heights of the proposal, the overall height of the resultant building would not be significantly different from other 3-storey buildings in the vicinity. Nevertheless, the flat roofed design of the proposal would differ from the predominantly pitched roofs of the higher buildings in this part of the streetscape. This would result in a building of a significant bulk and massing on this prominent corner plot.
8. The Council's officer report refers to concerns in respect of the design of windows, doorways and balconies. As set out in the appellant's Design and Access Statement, the proposal attempts to take a contemporary reinterpretation approach, where the design and placement of windows and balconies seek to reflect the proportion of window openings of the existing building and the other buildings within the streetscape.
9. However, the relatively sporadic placement of windows would give the building an awkward and contrived appearance. The scale of the inset balconies and their apparently random placement would also result in jarring features in an area where balconies on the main elevations of buildings are not common.
10. The placement of doorways would reflect those of the extant building or would not be prominent in views from the public realm. This would be a neutral matter in the consideration of the proposal. However, this would not negate the harm I have identified on this main issue in respect of windows and balconies.
11. The proposal would improve the appearance of relatively non-descript amenity and parking areas to the rear and front of the site. However, this benefit would not be sufficient to outweigh the harm to character and appearance arising from the proposed extension.
12. It may be that a building of a similar scale but of a more traditional design could be acceptable in this location. It may also be the case that a contemporary design could be appropriate within this varied streetscape. However, when considered as a whole, the design, scale and massing of the appeal proposal would lead to an incongruous building on this prominent plot, with significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policy DM10 of the Croydon Local Plan 2018 and Policies D3 and D8 of the London Plan 2021. These policies require a design-led approach to determine the most appropriate form of development that responds to a site's context.
13. Policy SP2 of the Local Plan is not relevant to this main issue as it does not refer to matters of character and appearance. Due to the benefits in respect of

parking and amenity areas, the proposal would also not conflict with Policy D4 of the London Plan regarding the effect on the public realm. However, these considerations do not lead me to a different conclusion on the conflict with other development plan policies.

Parking and Sustainable Transport

14. The proposal would result in the loss of 2 parking spaces to the rear, which are currently used by a nearby business. However, the appellant has confirmed that this is an informal arrangement, and that access could be removed without any intervention in respect of the planning application. The removal of the spaces would also allow the vehicle crossovers to be removed at this point to allow for additional on-street bays to be created. In respect of the existing spaces, the proposal would therefore have a neutral effect on parking provision.
15. However, residents of the proposed flats could also lead to increased demand for parking provision in the area and I observed that there were few on-street spaces available at the time of my visit. I am also mindful that my visit took place during the day when the greatest demand for parking in this primarily residential area is likely to be in the evening and at weekends. This would lead to an increase in demand for on-street parking, with resultant harm to access to on-street parking that nearby residents could reasonably expect.
16. The Council has indicated that the matter of parking demand could be addressed through the submission of a legal agreement to restrict access for residents to parking permits within controlled parking zones and access to Council controlled car parks. Such a legal agreement could also contribute to improvements to sustainable transport including access to car clubs and the expansion of electric vehicle charging points.
17. A draft Unilateral Undertaking (UU) has been provided which seeks to address these issues, although this has not been completed and is therefore of no legal effect. Had I been minded to allow this appeal then I would have given the appellant the opportunity to complete the UU. However, as I have dismissed this appeal for other reasons, I have not progressed this matter so that the parties are not put to unnecessary expense.
18. The Council also refers to cycle parking on the site, including a lack of covered storage, visitor cycle parking spaces and inadequate access. Although cycle parking may be a matter of detail, the area of the site containing the proposed cycle parking is very constrained, including limitations imposed by access stairs and enclosed amenity areas. Given these limitations, I am not persuaded that the provision of cycle parking could be ensured by condition, as the extra space required by improved cycle parking and access could be detrimental to amenity areas and circulation routes.
19. Notwithstanding my conclusions regarding the loss of parking provision within the site, in the absence of a completed UU I conclude that the proposal would not make suitable provision for the parking of future residents' vehicles and for sustainable transport. The proposal would also not make suitable provision for cycle parking. The proposal would therefore be contrary to the transport, cycling and car parking requirements of Policies T3, T4, T5 and T6 of the London Plan; and Policies SP8, DM29 and DM30 of the Local Plan.

Waste Storage

20. The proposal would provide an area of 6sqm for the storage of bulky waste items. The Council states that 10sqm is required for all multi-unit schemes, but it has not specified what this requirement is based on or why 6sqm would be considered inadequate for the scale of the appeal proposal. On the basis of the evidence before me, the Council has not demonstrated that the area provided for the storage of bulky waste would be such that it would lead to material harm.
21. The Council also refers to the width of gates, doors and access routes to waste storage. However, the proposed waste storage areas are located in close proximity to the public highway, and even given the constraints of the site I consider that details of suitable access to waste storage could be ensured by condition.
22. On the basis of the submitted evidence, and subject to an appropriate planning condition, I conclude that the proposal would make suitable provision for waste storage. The proposal would therefore not conflict with Policy DM13 of the Local Plan.

Other Matters

23. I have had regard to the benefits of the proposal, including the provision of further dwellings and the more efficient use of the site. However, it has not been demonstrated that such benefits could not be provided by a scheme of a more suitable design and with appropriate provision in respect of transport matters. Consideration of these benefits does not therefore outweigh the significant harm I have identified.
24. I have had regard to the appellant's concerns regarding the Council's handling of the planning application. I also note that the appellant entered into pre-application discussions with the Council and that amendments were made with a view to finding a solution. However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its merits.

Conclusion

25. Notwithstanding my conclusion in respect of waste storage, I conclude that the proposal would lead to significant harm to the character and appearance of the area and would not make suitable provision in respect of parking and sustainable transport. The proposal would therefore be contrary to the development plan when read as a whole in respect of design and transport matters.
26. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR