



Appeal Decision

Site visit made on 25 July 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2023

Appeal Ref: APP/L5240/W/22/3313739

Farley Croft, 55 Ashburton Road, Croydon CR0 6AQ

- 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 Farleycroft Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/03285/FUL, dated 3 August 2022, was refused by notice dated 28 September 2022.
 - The development proposed is the demolition of existing garages and erection of single storey residential dwelling (Use Class C3) to the north of the site with associated parking, landscaping, cycle parking and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the East India Estate Conservation Area; b) the living conditions of neighbouring occupiers and future residents of the dwelling; and c) on-street parking demand.

Reasons

Character and Appearance

3. The appeal site comprises the rear garages and grounds around Farley Croft, a four storey, purpose built block of flats. The site is within the East India Estate Conservation Area (EIECA), which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
4. The EIECA is predominantly a residential area mainly characterised by large detached and semi-detached dwellings from the late 19th and early 20th centuries, arranged around six parallel roads. Whilst plots are not overly wide, the depth of the rear gardens adds to the spacious quality of the area. The East India Estate Conservation Area Appraisal and Management Plan 2014 (EIECAAMP) notes that Ashburton Road contains a greater variety of building styles than the other principal roads within the conservation area. Indeed, the EIECAAMP highlights the slightly later and less consistent development along this road, pointing out that buildings range from bungalows to four-storey blocks of flats.

5. From what I have read and from what I saw, it seems to me that the significance of the EIECA lies not just in the concentration of historic buildings of architectural quality, but also in the way in which the roads and properties are arranged and the spatial qualities that have resulted from this.
6. Despite Farley Croft's architecture not being characteristic of the wider EIECA, it sits within a site which does positively contribute to the spacious character of the area. The garages to the side and rear of the building, and which would be replaced by the proposed dwelling, are similarly not characteristic of the wider area. However, they are small scale ancillary buildings which have a limited visibility and do not visually compete with the neighbouring buildings. Any harm attributable to their appearance would be limited although their removal would carry some benefit in favour of the scheme.
7. Whilst the front façade of the proposed dwelling would contain few features, it is a building designed to function independently of Farley Croft. Its position, design and appearance would give the building a degree of prominence that the existing garages do not have. It would very clearly be read within the street scene as a separate unit, with separate entrance and its own curtilage as well as a refuse/cycling store set to the front of the building. It would not be viewed as an incidental or ancillary building to Farley Croft.
8. Even if the proposed dwelling is considered to be small in scale, as a separate dwelling the proposed building would appear squeezed in. That it would be subservient to the surrounding context only adds to it appearing at odds with the more substantial buildings around it. It would not be in keeping with the spacious character of the area.
9. In addition to the new dwelling, replacement bin storage for Farley Croft is proposed to the side of this existing building, with new cycle storage proposed to its rear. Whilst not tall structures, they would nonetheless be visually intrusive and would distract from the openness around the existing building. This is a small, added element of harm which would arise from the proposal.
10. The scheme also proposes a revised/more formalised car parking arrangement to the front of the building. This does not appear to result in any increase in hardstanding and as such I am satisfied that this would be a neutral factor in the balance.
11. Overall, I find that whilst the removal of the garages can be seen as a small benefit, the addition of the proposed dwelling would represent a harmful incursion into the area. The proposed dwelling would not merely represent change but one that adversely affects the spacious qualities of the conservation area and outweighs the removal of the garages. The bin and cycle storage for Farley Croft would be additional harmful aspects of the scheme. Whilst the overall effect of the proposal would be limited and localised, I find that there would be harm to the character and appearance of the area and to the EIECA in particular.
12. As such, there would be conflict with Policies D3, D4 and HC1 of the London Plan 2021 (LP) and Policies SP4, DM10, DM13 and DM18 of the Croydon Local Plan 2018 (CLP). These policies seek, amongst other things, to ensure that development is of an appropriate form and design that enhances or maintains the context of the area, the space around buildings and respects the character and appearance of a Conservation Area.

13. For similar reasons the proposal would be contrary to the Council's Conservation Area General Guidance 2013 and the EIECAAMP.
14. In terms of the National Planning Policy Framework (the Framework), the harm I have identified would be 'less than substantial'. Paragraph 202 of the Framework requires that such harm should be weighed against the public benefits of the proposal. However, the totality of harm to designated heritage assets is a matter to which I should give considerable weight and importance in the overall planning balance. I return to this matter below.

Living Conditions

15. The proposed dwelling would be positioned close to the north-western corner of Farley Croft. There are existing windows at ground, first, second and third floors on the north elevation of this existing building which would be in close proximity to the new dwelling. However, there would not be any room windows on the dwelling's southern elevation and the use of obscure glazing and hit-and-miss brickwork would help to minimise the effect of the hallway on these neighbouring windows.
16. The outlook from the existing Farley Croft windows is currently towards a garage courtyard. The changed outlook to a new dwelling and gardens would not represent an overall diminution of outlook, despite the new building being in places closer and higher than the garages it would replace. I also note that there would be no substantive loss of light to existing or proposed windows.
17. Nonetheless, the proximity of the two buildings to one another would result in the proposed dwelling being extensively overlooked from the windows in the north elevation of Farley Croft. Similarly, whilst the proposed dwelling would not have habitable room windows facing towards Farley Croft, its entrance and front garden would be close to the existing building and in particular its ground floor windows. Any comings and goings to the building and any use of the front garden is likely to result in a reduction in the privacy these neighbours currently experience, to the detriment of their living conditions.
18. Whilst these existing windows would currently be subject to some potential disturbance from people accessing the garages and the bins, it would be occasional, especially at present given the appellant's evidence regarding the use of the garages. In contrast, a three bed dwelling would be able to accommodate a family and so could involve multiple comings and goings during the course of the day as well as the use of the front garden.
19. There is disagreement between the main parties as to the likely efficacy of planting and landscaping to the front garden, in overcoming such concerns. However, given the nature of the concerns I have identified above, I do not consider that a landscaping scheme would overcome what is, in my opinion, an inherently unneighbourly relationship between the two buildings.
20. The placement of the cycle and refuse storage facilities around Farley Croft would see a small loss of the grassed area around that building. However, it seems unlikely that this would unduly diminish existing resident's ability to make use of the space around the building and so would not adversely affect their living conditions.
21. Overall, I find that the living conditions of neighbouring occupiers and future residents of the dwelling would be harmed. The proposal would therefore be

contrary to Policy D3 of the LP and Policies DM10 and SP4 of the CLP which, amongst other things require developments to be of a high quality and deliver appropriate privacy, avoid direct overlooking of outdoor space, achieve indoor and outdoor environments that are comfortable and inviting for people to use.

Parking Demand

22. Although the Officer Report suggests the site to be within a controlled parking zone (CPZ), there was nothing to indicate this when I undertook my site visit. Furthermore, the Council's appeal statement makes no reference to the CPZ, instead suggesting that the existing hardstanding should be remodelled to be two spaces rather than three. There is also a desire for the appellant to enter into a legal agreement to secure undefined measures to mitigate the impacts of the development upon on-street parking.
23. However, the planning application included a parking stress survey which indicated that there would be sufficient capacity for any overspill parking, were this to occur. There was also a Transport Statement that included data around likely car ownership levels. The Council does not appear to dispute the findings of the parking stress surveys or Transport Statement as such but does appear to consider the submission tainted in some way because of there being three spaces within the site rather than only two.
24. It is unclear from the Council's evidence what harm there would be to highway safety by there being three rather than two spaces on site, particularly as there appears to be more than sufficient capacity within 200m of the site for any overspill parking, should it occur. It is also not clear on what basis the Council is seeking a legal agreement or what provisions it would include.
25. Therefore, based on the evidence before me, the proposal would accord with Policy T6 of the LP and Policies SP6, DM29 and DM30 of the CLP which, amongst other things require developments to have an appropriate level of car parking and not have a detrimental impact on highway safety.

Heritage Balance

26. The proposal would accord with the Framework's support for windfall sites and wider objective to significantly boost the supply of housing. The development could also be said to make efficient use of land.
27. The proposal would make only a small numerical contribution towards housing supply. There would be associated economic benefits from the construction phase, albeit temporary. In the longer-term future occupiers may make a more general economic contribution to the wider areas. However, given the scale of the development the amount of expenditure is unlikely to be high.
28. The proposal would also see improved refuse and cycle storage provision for existing residents. Whilst these are predominantly private benefits, there are some public benefits particularly in there being an increased opportunity for more sustainable forms of transport and in achieving wider sustainability objectives. I therefore attribute some positive weight to these factors.
29. Whilst the delivery of a new dwelling and the associated benefits of the scheme should be afforded moderate positive weight, the strength of the heritage objection would be greater. Therefore, I conclude that the public benefits would

not, either individually or collectively, be sufficient to outweigh the harm to the heritage asset which would result from the development.

Other Matters

30. The proposal includes improved bin and new cycle storage provision for Farley Croft. These are identified as benefits of the scheme and I have assessed the proposal on that basis. Although the appellant has invited me to consider lesser provision for bin storage and revised provision for cycle storage, I am mindful that an appeal is not the forum to evolve a scheme and that such revisions have not been subject to consultation.
31. Furthermore, it would not be appropriate to omit a bin store entirely and at the very least the existing bin storage provision should be re-provided. Whilst a reduced bin storage area would be less harmful to the character and appearance of the area, and even if I were to conclude that the provision of the cycle parking was unnecessary, such revisions would not change the overall outcome of this appeal.
32. The main parties disagree on whether the development should be considered 'backland' and refer me to other developments in the vicinity to support their position. However, regardless of whether the development is considered to be 'backland' I have found it to be harmful to the EIECA.
33. I understand that this is a revised scheme intended to overcome the previous reasons for refusal. Although I have not been provided with the full details of the previous scheme, I have found a number of the reasons for refusal in relation to the current proposal to be well founded.
34. I have not had further regard in this decision to concerns over how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Planning Balance

35. Whilst there would be some beneficial aspects of the scheme, I have not found there to be justification for permitting the less than substantial harm to the heritage asset. Furthermore, I have found harm in relation to living conditions of existing residents and future occupiers of the dwelling. Whilst I have not found harm in relation to on-street parking demand, this finding would be neutral within the overall balance.
36. For these reasons, the proposal would conflict with the development plan taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.

Conclusion

37. For the reasons given, and having taken into account all matters raised, I conclude that the appeal should be dismissed.

Stewart Glassar
INSPECTOR