



Appeal Decision

Site visit made on 26 May 2023

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2023

Appeal Ref: APP/L5240/W/22/3307979

Land to the rear of 14-18 Castlemaine Avenue, South Croydon CR2 7HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J Hannah, Woodlands Park Limited, against the Council of the London Borough of Croydon.
 - The application Ref 22/02848/FUL, dated 4 July 2022.
 - The development proposed is the demolition of the existing garage and swimming pool adjacent to No.18 and the formation of vehicular access to the rear, and the erection of two pairs of semi-detached, 3-bed houses, together with associated access, parking, amenity space and landscaping.
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Decision

1. The appeal is dismissed and planning permission for the demolition of the existing garage and swimming pool adjacent to No.18 and the formation of vehicular access to the rear, and the erection of two pairs of semi-detached, 3-bed houses, together with associated access, parking, amenity space and landscaping is refused.

Procedural Matter

2. The appellant has referred to the Council's Supplementary Planning Document '*Suburban Design Guide*' (2019). This document was revoked by the Council in July 2022 and is not therefore a matter to which I can attach weight in the consideration of this appeal.

Application for costs

3. An application for costs was made by Mr J Hannah, Woodlands Park Limited, against the Council of the London Borough of Croydon. This application is the subject of a separate Decision.

Main Issues

4. This appeal was lodged following the Council's failure to determine the planning application within the statutory timescale. The Council has provided an Officer Report that sets out the reasons why planning permission would have been refused had the Council retained powers to do so. Based on the Officer Report I consider the main issues to be:
 - (i) the effect of the proposal on the character and appearance of surrounding area, with particular regard to trees and landscaping;

(ii) whether the proposal would adequately promote sustainable modes of travel; and

(iii) the effect of the proposal on highway safety, with particular regard to pedestrians.

Reasons

Character and Appearance

5. The appeal site comprises garden land to the rear of 14, 16 and 18 Castlemaine Avenue together with a strip of land to the side of No. 18 which is currently occupied by a garage and a swimming pool building. The site is bounded to the sides by the rear gardens of 12 and 20 Castlemaine Avenue, and to the rear by the rear gardens of properties in Melville Avenue. The main part of the site comprises lawn surrounded by hedges, mature vegetation and trees. The immediate surroundings are similar. As a result of these characteristics, and the site's separation from nearby roads, the site and surroundings have a notably tranquil, pleasant and verdant character.
6. The proposal would involve the demolition of the garage and swimming pool building to enable the formation of an access road to a car parking area to the rear of No. 18 and the erection of 2 pairs of semi-detached, 2-storey, 3-bedroom houses to the rear of Nos. 14 and 16. The houses would face the Castlemaine Avenue houses and would have private gardens to the rear.
7. Due to the verdant and domestic nature of the site and its surroundings, and the absence of any existing garden development of any size, the proposal would be an entirely alien form of development at odds with the prevailing pattern of development in the immediate locality. Whilst the proposed dwellings may reflect the characteristics of street-facing properties in the wider area, due to their form, scale and appearance they would be an entirely alien and incongruous element in a backland, garden context.
8. The urbanisation of the site and its surroundings would be exacerbated by the provision of a large car parking area and the loss of trees. Whilst I note that some of the trees needing removal are of low value and the appellant has advised that space is available for compensatory planting within the site, it is not apparent from the information before me how this can be achieved given the extent of hard-surfacing proposed and the close vicinity of the proposed dwellings to the site's boundaries.
9. For these reasons I conclude that, due to its size, form, siting and appearance, the extent of hard-surfacing and the loss of trees, the proposal would have an unacceptable effect on the character and appearance of the surrounding area. It therefore fails to accord with Policy DM10 of the Croydon Local Plan (2018) (CLP) and Policy D4 of the London Plan (2021) (LP). Together, and among other things, these policies seek to ensure that development is well-designed and respects the scale, massing and built features of its surroundings. There is also conflict with CLP Policy DM28 and LP Policy G7. The former seeks to protect and enhance the borough's woodlands, trees and hedgerows whilst the latter states that if planning permission is granted that necessitates the removal of trees there should be adequate replacement.

Sustainable travel

10. LP Policy T6 states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. Similarly, the aim of CLP Policy DM30 is to reduce the impact of car parking in any development located in areas of good public transport accessibility. The London Plan and CLP indicate that proposals for 3-bedroom houses in this location should provide a maximum of 1 parking space per dwelling. The proposal would provide 8 spaces, double the level deemed appropriate in this location.
11. I note that future occupiers of the dwellings may from time to time have visitors who would travel by car. In the absence of any clear evidence that such sporadic parking demand could not be accommodated within the street, I see no reason why the proposal needs on-site car parking that exceeds the maximum standard.
12. I conclude on this matter that the proposal would not adequately promote sustainable modes of travel and therefore fails to accord with the aforementioned policies.
13. The appellant has suggested that this matter could be dealt with by way of a planning condition requiring approval of a revised car parking arrangement with fewer spaces. Planning Practice Guidance¹ stipulates that imposing a planning condition that modifies a development in a way that makes it substantially different from that set out in the application is not appropriate. Halving the amount of car parking and therefore reducing the amount of hard-surfacing and levels of traffic within the site would result in a proposal that is substantially different from that applied for.

Highway Safety

14. The level of car parking proposed would lead to a significant increase in traffic entering and leaving the application site. At present visibility for drivers of vehicles leaving the site is impeded to a degree by a fence on the boundary shared with No. 20. The proposal would include the widening of the vehicular access point to improve visibility in this respect. Visibility to the south is currently unimpeded. Whilst the retained front garden of No. 18 is not within the appeal site, I find no good reason to believe it would be developed in such a way that would reduce visibility in the long-term. In any event, in these particular circumstances scope exists to ensure adequate long-term visibility is provided by way of a planning condition.
15. The proposal would result in the loss of off-street parking for the occupiers of No. 18, which I note in the long-term could lead to the re-provision of spaces within the front or rear gardens in the future. In the short term at least, the proposal would result in some increase in on-street parking close to the site. On the basis of my observations during my site visit, I am satisfied that this increased demand for on-street car parking would not lead to undue parking stress in the area or have highway safety implications.
16. For these reasons I am satisfied that the proposal would not have an unacceptable effect on highway safety. It therefore accords with CLP Policies DM29 and DM30 that, amongst other matters, seek to ensure that highway

¹ Use of planning conditions, Paragraph: 012 Reference ID: 21a-012-20140306

safety is not compromised by the provision of car parking. As LP Policy T5 relates to cycling, and adequate provision of storage for cycles could be secured by a planning condition, compliance with this policy would also be secured.

Conclusion

17. For the reasons set under the first and second main issues, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR