



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/22/3308760

Creative Education House, 4 Avon Path, South Croydon CR2 6AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ehsan Amouzandeh, Engineering Force (UK) Ltd, against the Council of the London Borough of Croydon.
 - The application Ref 22/03382/FUL, dated 10 August 2022.
 - The development proposed is the part demolition of the existing building and the erection of a single-storey warehouse unit.
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Decision

1. The appeal is dismissed and planning permission for the part demolition of the existing building and the erection of a single-storey warehouse unit is refused.

Procedural Matter

2. This appeal was made on the basis of the Council's failure to determine the planning application within the statutory timescale. The Council has provided a statement explaining the reasons why it would have refused planning permission had it been able to do so. The main issues below are therefore taken from the Council's statement.

Main Issues

3. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the surrounding area,
 - (ii) the effect of the proposal on highway safety, with particular regard to traffic generation, and
 - (iii) whether the proposal would provide adequate fire safety measures.

Reasons

Character and Appearance

4. The appeal site comprises land to the rear of 47 and 49 Avondale Road. It is accessed via Avon Path, a lane that serves a variety of garages and workshops. The information before me suggests that Avon Path originally provided access to residential garages to the rear of the properties on Avondale Road and

Brighton Road and over time these garages have become used for a mix of light industrial and storage purposes and have been expanded or, in some case, redeveloped. The area therefore has a generally ram-shackled, informal and ad-hoc appearance and the buildings are generally small and single-storey. As such they are subordinate in height and scale to the nearby houses. The appeal site is somewhat larger than many elsewhere in the lane and is closer to the houses in Avondale Road than is the case elsewhere.

5. The proposal would comprise the demolition of the majority of the existing single-storey building on the site and its replacement with a more substantial workshop/storage building. This would occupy almost the entirety of the site and include a small office and parking area at the front. The main part of the building would be about 6m in height to eaves and its design would not look out of place in a light industrial estate. However, in this particular location, where buildings are informal and generally small, and in the context of the nearby houses, the scale, bulk, massing, height and appearance of the proposal would be overly dominant and out-of-keeping.
6. For these reasons the proposal would have an unacceptable effect on the character and appearance of the area. It therefore fails to comply with Policies SP4 and DM10 of the Croydon Local Plan (2018) (CLP) and Policy D4 of the London Plan (2021) (LP) which, amongst other matters, seek to ensure that development is well-designed and respects the scale, massing and built features of its surroundings.

Highway Safety

7. The proposal would result in an uplift in floorspace on the site and, given its height, potentially provide scope for the installation of a mezzanine floor. Its design and layout would clearly enable a more intensive use of the site compared to the existing building which has a cellular internal layout. The proposal is therefore likely to lead to a material increase in traffic generation, together with potentially larger vehicles attempting to access the site.
8. Vehicular access to the appeal site is via a narrow lane from a busy main road. This narrow lane also provides one of the two means of accessing the site on foot. Parking in the area is ad-hoc and uncontrolled and potholes make the lane far from ideal for pedestrians and cyclists. Given these factors, and the absence of any evidence to the contrary, I conclude that due to a likely increase in traffic generation, the appeal proposal would have a harmful effect on highway safety in the area.
9. For these reasons the proposal fails to accord with CLP Policies DM16, DM30 and SP8 and LP Policy T4, which, amongst other matters, seek to ensure developments in general, and parking/access arrangements in particular, do not increase road danger or have a detrimental impact on highway safety.

Fire Safety

10. LP Policy D12 requires all development proposals to achieve the highest standards of fire safety. This includes ensuring that they identify suitable outdoor space for fire appliances and assembly points; incorporate appropriate fire safety features; minimise the risk of fire spread; provide suitable and convenient means of escape (including a robust strategy for evacuation); and suitable access and equipment for firefighting.

11. The appellant has failed to demonstrate through the submission of an appropriate fire strategy, especially in light of the challenges of the site, that the development proposals would achieve adequate standards of fire safety. As such the proposal conflicts with LP Policy D12.

Conclusions

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR