



Appeal Decision

Site visit made on 30 June 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023.

Appeal Ref: APP/L5240/W/23/3314406

39 Grimwade Avenue, Croydon CR0 5DJ

- 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 Parvez against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/00182/FUL, dated 17 January 2022, was refused by notice dated 5 December 2022.
 - The development proposed is demolition of remaining structure and construction of a new 7 bedroom dwelling comprising basement, ground and first floor with accommodation in the roof space; dormers to the rear; together with landscaping and car parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of remaining structure and construction of a new 7 bedroom dwelling comprising basement, ground and first floor with accommodation in the roof space; dormers to the rear; together with landscaping and car parking and associated works at 39 Grimwade Avenue, Croydon CR0 5DJ in accordance with the terms of the application, Ref 22/00182/FUL, dated 17 January 2022, subject to the conditions set out in the schedule at the end of this decision.

Main Issues

2. The main issues are the effect of the proposal on i) the character and appearance of the area and ii) the living conditions of the occupiers of 37 Grimwade Avenue, with particular regard to outlook, privacy and light.

Reasons

Character and appearance

3. The appeal site comprises a vacant rectangular plot of land in a residential street. Though smaller than some neighbouring plots, it is of considerable length and generously sized. The detached 4-bedroom 2-storey dwelling previously on site has been largely demolished.
4. The surrounding area is residential in nature. It is primarily characterised by large 2-storey detached dwellings situated in similar sized, elongated plots. Some dwellings feature accommodation in the roof space, denoted by roof lights and dormer windows. Spacing between dwellings varies, though they often sit close to side boundaries. The architecture is varied, though common features include front facing gables, hipped roofs, dormer windows and chimneys. Finishing materials include brown or red brick, red vertical hanging

tiles, timber beams and white render. The street is wide, and tree lined, with the footpath set back behind a grass verge. There is a largely consistent building line with dwellings sited behind generous driveways and front gardens.

5. The proposed dwelling would front onto the street, set back behind a landscaped front garden and driveway. Its siting would reflect the local pattern of development. It would be set across four levels, though two of these would be comprise of a basement level and accommodation in the roof. This would somewhat conceal its overall size from public views.
6. A gap to the side boundaries and adequate separation to the neighbouring dwelling would be maintained, comparable to existing relationships elsewhere in the street. A generous rear garden would also be provided, and the dwelling would not appear unduly large in the context of the plot size. The narrower width of the site in relation to neighbouring plots, and its lower ground level, would also moderate its prominence in the street scene and give it a relatively subservient appearance in its context.
7. While the overall floorspace of the proposed dwelling is significant, and appreciably larger than the house it replaces, there are many examples of dwellings of substantial size in the immediate area. Most are noticeably wider than the appeal proposal, and some are of comparable depth. There is no compelling evidence before me to demonstrate the dimensions or overall floorspace of the proposed dwelling would be uncharacteristically large in comparison to other dwellings in the immediate area.
8. I recognise that basements may not be common locally. However, given their subterranean nature and the extent to which dwellings are set back from the street, it's unlikely in this context that they would be prominent features in any event. The absence or otherwise of basements is therefore not a prevailing characteristic of the area. Moreover, the proposed basement in this instance does not feature any lightwells to the front and so would be largely imperceptible in public views. The provision of a large basement would therefore not detract from the prevailing character and appearance of the area.
9. Both front and rear elevations of the dwelling would be symmetrical, with proportionate and well-detailed fenestration. The proposed use of red brick, white render and timber beams would be in keeping with finishing materials found in the surrounding area. The front facing gable feature would also be characteristic of the area, as would the use of dormer windows and roof lights at second floor level.
10. While the proposed dwelling would not have a hipped roof, the proposed dual-pitched design, with side facing gables, would be in keeping with its immediate neighbour. Overall, the design would be of a high quality that positively responds to local distinctiveness and enhances the local context.
11. I therefore conclude that the proposal would not unduly harm the character and appearance of the area. As such, it would accord with Policy DM10 of the Croydon Local Plan 2018 (the Local Plan) and Policies D3 and D4 of the London Plan 2021 (the London Plan) in this regard. These policies, among other provisions, seek to ensure proposals respect the design and character of the surrounding area, having regard to various factors including layout, orientation, massing, scale, appearance and shape, and meet the design requirements of the London Plan.

12. It would also comply with Paragraphs 126, 130 and 134 of the National Planning Policy Framework (the Framework). Among other provisions, these paragraphs seek to ensure that development is well designed, will add to the overall quality of the area, is visually attractive, is sympathetic to local character and maintains a strong sense of place.

Living conditions

13. The appeal site sits opposite a T-junction, with a car park and parkland adjacent. The neighbouring dwelling at 37 Grimwade Avenue sits on higher ground to the east.
14. The full height blank gable of the proposed dwelling would face No 37. This differs from the cat slide design of the roof on the previous dwelling. However, No 37 features no openings in the side elevation directly facing the appeal site. Furthermore, due to the difference in levels, the eaves and ridge height of the main roof of the proposed dwelling would remain lower than those of No 37.
15. At first floor level, the proposed dwelling would project further forward than the principal front elevation of No 37, and further back beyond its first-floor rear elevation. However, the extent of this is limited. Any harmful effect on the outlook from No 37 would be adequately mitigated by the appreciable gap maintained between the two dwellings.
16. The proposal includes a large single storey rear offshoot. This projects beyond the ground floor rear elevation of No 37. However, the extent of this is also limited. The gap between the two dwellings, combined with the flat roof design of this element of the proposal and the difference in levels, would adequately mitigate any impact on the outlook from No 37. Notably, the proposed dwelling would not infringe upon a 45-degree line drawn from the centre of the closest rear windows at either ground or first floor within No 37.
17. The proposed dwelling would be prominent in views from the rear garden of No 37 when looking across the side boundary or back towards the rear elevation of No 37. However, the difference in levels and the gap between the dwellings would again assist in mitigating any overbearing effect. Moreover, such a relationship is not uncommon locally, nor in this type of suburban setting.
18. In terms of privacy, there would be several rear facing windows at first and second floor with the propose dwelling. These would primarily overlook the rear garden area of the appeal site, though some views would be achievable across the rear garden of No 37, including its associated outdoor swimming pool. I also recognise these windows sit closer to the shared boundary than those of the previous dwelling on this site.
19. The closest first floor windows to the boundary would serve a bathroom and wardrobe. These are rooms in which future occupiers are likely to spend limited time and are likely to seek mutual privacy when in use. At second floor, the closest dormer window to the shared boundary serves a bedroom, though this is set in from the eaves. Ultimately, however, views from all of these windows towards the rear garden of No 37 would be oblique. Such relationships are found across the wider area and are not uncommon in a suburban setting.
20. The proposed dwelling would feature large, glazed doors across the rear elevation at ground floor level. However, any oblique views towards the rear garden of No 37 would be substantially obscured by existing boundary

treatments. This screening is amplified by the difference in levels between the two plots.

21. The site layout plan as proposed¹ indicatively shows tree planting and other soft landscaping along the shared boundary to the rear of the proposed dwelling. In time, this will also mutually enhance privacy between the two plots, as is common throughout the wider area.
22. The submitted daylight, sunlight, and overshadowing assessment demonstrates that the proposal would have negligible impact on daylight and sunlight to windows within No 37. It also concludes that the proposal would have no undue impact on the amount of overshadowing experienced within the rear garden of No 37. The Council does not appear to dispute the findings of this assessment. There is no compelling evidence before me to conclude otherwise.
23. I therefore conclude that the proposal would not unduly harm the living conditions of the occupiers of 37 Grimwade Avenue, with particular regard to outlook, privacy and light. It would therefore accord with Policy DM10 of the Local Plan and Policies D3 and D4 of the London Plan in this regard. These policies, among other provisions, seek to ensure proposals protect the amenity of the occupiers of adjoining buildings and do not result in direct overlooking of private outdoor space, deliver appropriate outlook, privacy and amenity, and meet the design requirements of the London Plan.
24. It would also comply with Paragraphs 126, 130 and 134 of the National Planning Policy Framework (the Framework) in this regard. Among other provisions, these paragraphs seek to ensure that development is well designed and creates places with a high standard of amenity for existing and future users. I have identified no conflict with Paragraph 132 of the Framework, which seeks to ensure design quality is considered throughout the evolution and assessment of proposals and encourages community engagement.

Other Matters

25. Disruption from construction activity, including noise and other disturbances, will be temporary and limited due to the small scale of the development. This can nevertheless be managed through the implementation of a construction logistics plan in the interests of the living conditions of neighbouring residents. Final details of this can be secured by planning condition, as suggested by the Council, prior to commencement of development.
26. There are trees to the front and rear of the property, and the proposal is supported by an Arboricultural Impact Assessment (AIA). The AIA identifies 11 trees in connection to the main development on the site, several of which would require removal. The AIA is supportive of the proposal, subject to phasing of works, service runs and a tree planting scheme. The details before me indicate the proposal would include the planting of 18 new trees.
27. The Council has not raised any concerns in respect of proposed pruning works, tree removal, protection measures and replanting. Details of proposed soft landscaping and tree protection measures do not appear to have been updated to account for amendments to the layout of the site during the application. Nevertheless, final details of tree protection measures, additional planting and other soft landscaping can be secured by planning condition.

¹ PL 700.00 PP03 (PROPOSED PLANS)

28. The Council suggest a condition to secure a Biodiversity Enhancement Strategy for Protected and Priority species. However, the Officer Report highlights that there is no opportunity for ecology to be present in existing buildings given the site has been cleared. Furthermore, the main trees with ecological potential are located to the rear of the site where work to construct a rear outbuilding has already been approved. It has therefore not been demonstrated that this is necessary, nor is it clear where the requirements of the suggested condition derive from. There is no compelling evidence before me to indicate the proposal would otherwise be unacceptable in regard to its effect on ecology.
29. The proposal is supported by a Flood Risk Assessment (FRA) and drainage strategy. The evidence indicates that the appeal site is at low risk of fluvial or surface water flooding. The submitted Basement Impact Assessment (BIA) also concludes that the area of the proposed basement is unlikely to have any issues with water ingress or flooding. The Council do not dispute the findings of these documents and have not raised any concerns with respect to drainage proposals. There is no compelling evidence to lead me to a different conclusion. Final details of surface water drainage measures can be secured by condition.
30. Concerns have been expressed that the proposal has not addressed issues raised at pre-application stage. The evidence indicates the appeal proposal is materially different to the pre-application scheme. Such advice is also given without prejudice to the outcome of any formal submission and is not binding on any future decision. I have assessed the proposal based on the information before me and my own observations. This does not therefore lead me to a different conclusion on the main issues.

Conditions

31. The Council has suggested conditions should the appeal be successful. I have considered these and amended where necessary to accord with the Planning Practice Guidance (PPG) and the tests for conditions set out in Paragraph 56 of the Framework.
32. In addition to those conditions already referred to above and the standard time limit condition, it is necessary to specify the approved plans as this provides certainty. Conditions to ensure compliance with the submitted AIA, fire safety strategy, BIA, FRA and drainage strategy are required for the same reason.
33. Conditions regarding materials, boundary treatments and hard landscaping will safeguard the character of the area. Full details of cycle parking and refuse storage facilities are required to ensure the provision is of an adequate standard and in the interests of the character of the area.
34. The proposed dwelling would be served by a heat pump. A condition to secure details of this and any other external energy generation measures is therefore necessary in the interests of the character of the area and the living conditions of neighbours.
35. A condition to secure electric vehicle charging points is required to enable charging of plug-in and other ultra-low emission vehicles, in accordance with Paragraph 112 of the Framework. A condition to ensure the development complies with Building Regulations M4(2) is required to ensure the provision of an accessible and adaptable dwelling.

36. The Council has also requested further details of windows, dormers, roof details, ridge detail, terrace parapet walls, main entrance, rooflights, joinery openings, architectural key junctions, rainwater goods, ventilation extracts and exterior lighting. However, this would not be proportionate having regard to the nature and context of the development. It is not clear where these prescriptive requirements are derived from, and no justification has otherwise been provided.
37. The Council has suggested a condition to ensure the development achieves a minimum water efficiency standard of 110/litres/person/day. However, it is also not clear from the evidence where the prescriptive requirements of this condition are derived from, nor that this would be enforceable.

Conclusion

38. The proposed development would adhere to the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

PL 700.00 PP01 REVISIONS: 1 22/10/16 (PROPOSED PLANS)
PL 700.00 PP02 (PROPOSED PLANS)
PL 700.00 PP03 REVISIONS: 1 22/10/16 (PROPOSED PLANS)
PL 700.13 (PROPOSED ELEVATIONS)
PL 700.15 (PROPOSED FRONT ELEVATION)
- 3) No development shall take place, including any works of demolition, until a Construction Logistics Plan (CLP) has been submitted to, and approved in writing by the local planning authority. The CLP shall provide for:
 - a) Hours of construction;
 - b) Hours of deliveries;
 - c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
 - d) Facilities for the loading and unloading of plant and materials,
 - e) Details of any site hoardings;
 - f) Details of the precautions to guard against the deposit of mud and substances on the public highway;
 - g) Dust control methods; and
 - h) Access arrangements to the site during the demolition and construction periods.

The approved CLP shall be adhered to throughout the demolition and construction period for the development.

- 4) Notwithstanding condition No 11, prior to the commencement of development, details of a Tree Protection Methodology Plan to be undertaken to include suitable temporary ground protection for tree roots to neighbouring boundary trees to properties including use of hand-dig approach and root protection areas and tree maintenance, shall be submitted to the local planning authority for approval in writing, and the approved details shall be implemented in accordance with the approved plan thereafter.
- 5) Notwithstanding condition No 14, no development above finished ground floor level shall take place until a detailed surface water drainage scheme incorporating the following measures has been submitted to and approved in writing by the local planning authority:
 - a) Calculation of the existing and proposed run-off rate (which should achieve greenfield run-off rates unless an alternative rate is adequately justified and achieved);
 - b) Confirmation of the impermeable and permeable site areas used for the infiltration calculations;
 - c) Details of on-site any infiltration drainage;
 - d) Details of on-site any attenuation tank;
 - e) Details of further sustainable drainage measures;
 - f) An updated layout plan (to scale) of the proposed drainage scheme; and
 - g) Details of the ownership and / or maintenance agreement for any SUDS on the site.

The approved scheme shall be implemented prior to the first occupation of the development and maintained thereafter.

- 6) No development above finished ground floor level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 7) Notwithstanding condition No 2, no development above finished ground floor level shall take place until full details of the following have been submitted to and approved in writing by the local planning authority:
 - a) Hard landscaping materials (including permeable samples as appropriate) to front and rear gardens, access routes and parking spaces;
 - b) Soft landscaping details, including landscaped private gardens, paving surfaces, new planting including species, size and density, maintenance and 18 new trees; and
 - c) Boundary treatments to all boundaries of the site.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and maintained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is

removed within that period shall be replaced by planting of a similar size and species to that originally planted.

- 8) Notwithstanding condition No 2, no development above finished ground floor level shall take place until full details of the following have been submitted to and approved in writing by the local planning authority:
- a) Full details of the cycle parking provision including the type of cycle stands; and
 - b) Full details of the refuse store, including the size and number of bins, as well as a dedicated area for the storage of bulky waste.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and maintained for the lifetime of the development.

- 9) The development hereby permitted shall not be occupied until at least one of the spaces have been fitted with Electric Vehicle Charging Points (EVCP's), with passive provision (cable routing) fitted for all other spaces. The EVCP's shall be maintained (unless replaced with at equivalent or uprated replacements) for the lifetime of the development.
- 10) Prior to the occupation of the development hereby permitted full details of any external energy generation measures (i.e. Air Source Heat Pumps, Photovoltaic Panels etc.) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the details thus approved.
- 11) The development must be carried out in accordance with the provisions of the Arboricultural Impact Assessment BS5837:2012.
- 12) The development must be carried out in accordance with the provisions of the fire safety strategy contained within the Design and Access Statement and Planning Statement dated January 2022.
- 13) The development must be carried out in accordance with the Basement Impact Assessment received 18th January 2022.
- 14) The development must be carried out in accordance with the Flood Risk and Drainage Strategy 2.0 dated 14th July 2021.
- 15) The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall thereafter be permanently retained as such.

END