



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: 14 August 2023

Appeal Ref: APP/L5240/W/22/3307870

159 Shirley Church Road, Croydon CR0 5AJ

- 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 Patel, on behalf of Croham Park Properties, against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/06057/FUL, dated 15 November 2019, was refused by notice dated 29 March 2022.
 - The development proposed is demolition of existing building; erection of two storey block of 8 flats with accommodation in roof space; provision of new vehicle access to frontage, provision of 7 car parking spaces and new landscaping to front and rear of site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the Suburban Design Guide (2019) has been revoked in the time since the decision was issued. This document is therefore no longer relevant.
3. In their Statement of Case, the Council has also indicated that they no longer wish to contest reason for refusal No 5 due to the trees in question having already been removed. I have considered the appeal accordingly.
4. As part of the appeal submission, the Appellant has provided an updated plan showing swept path details. I am satisfied that this does not change the development to such a degree that to consider it would deprive those who should have been consulted on the change the opportunity of such consultation. In this case, the Council has had an opportunity to comment on the amended plan through the appeal process and so would not be prejudiced by consideration of it. I have therefore determined the appeal taking into account the amended plan.
5. The Council advised that they are in the process of adding the host dwelling to their list of non-designated heritage assets (NDHA). The Appellant has also raised concerns that the Council had introduced an additional issue pertaining to the effect of the proposal on the open character of the Metropolitan Green Belt through their Statement of Case. However, the Council has clarified that they agree that these should not be treated as new substantive issues, and that they do not wish to pursue harm to the Green Belt or NDHA as additional reasons for refusal. I have therefore considered the appeal on this basis.

Main Issues

6. The main issues are:

- The effect of the proposal on the character and appearance of the area;
- Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to outlook and light, the quality of external amenity space and fire safety;
- Whether the proposal would include adequate provision for car parking and alternative sustainable travel options, and the effect on highway safety;
- Whether the proposal would provide adequate refuse storage arrangements; and
- Whether the proposal would contribute to meeting housing need, with particular regard to the need for family sized homes;

Reasons

Character and appearance

7. The appeal site comprises a detached bungalow and its associated curtilage. The bungalow sits within the northern part of the plot, perpendicular to the road and set back from site boundaries. It is modest in size and traditional in appearance, with features including timber framing, decorative barge boards, a projecting covered porch and bay, and distinctive chimney designs.
8. The area to the north and west of the appeal site is residential in nature. Shirley Church Road is tree lined, with a generous grass verge providing a sense of spaciousness to the street. Dwellings in the vicinity of the appeal site typically feature front gardens with low enclosures. Though most accommodate private driveways, many still provide opportunities for soft landscaping.
9. On the appeal site's side of the road, the street is flanked by traditional detached and semi-detached two storey dwellings, with woodland to the rear. Plot sizes are often generous, with elongated gardens common. A similar pattern of development can be found in neighbouring streets. Opposite the appeal site are bungalows and more woodland. To the southeast, development along Shirley Church Road becomes more sporadic, with increasing tree cover.
10. The proliferation of woodland, mature trees, shrubs and other soft landscaping in this area therefore considerably soften the influence of built development on its character and give it a verdant appearance. Its sense of spaciousness and decreasing density are characteristic of its position towards the edge of a built-up area. While the age and appearance of the existing bungalow appears somewhat unique, its modest scale and its traditional design, combined with the relative spaciousness and greenery of the plot, contribute positively to the street scene and pattern of development.
11. The proposal would result in the complete loss of the existing bungalow along with a considerable proportion of the garden space surrounding it. Its replacement would comprise a large two storey residential building with accommodation in the roof space and hard surfacing to the front. The proposed building would fill most of the width of the plot and extend a considerable distance to the rear. The junction with the adjacent private access provides

open views across to the site from the street, and so the building would be prominent in the street scene, particularly when travelling south-east.

12. Finishing materials and some design features would reflect characteristics of the area, and the orientation of the building would align more closely with others on the street. However, the overall size of the building and its proximity to site boundaries would give it an uncharacteristically bulky appearance, out of keeping with neighbouring dwellings. Prominent front facing gable features would further emphasise this. Despite some limited screening provided by site boundary planting, the provision of an expanse of car parking to the front of the site would limit opportunities for any meaningful soft landscaping.
13. Overall, the proposal would considerably erode the contribution the site currently makes to the character and appearance of the area described above. The resulting development would detract from the sense of space and verdant appearance of the street scene. It would be appreciably more urban in character than the modest bungalow it replaces and the existing developments in the surrounding area. It would therefore appear incongruous in its setting.
14. I conclude that the proposal would harm the character and appearance of the area. It is therefore contrary to Policies D3 and D4 of the London Plan March 2021 (the London Plan) and Policy DM10 of the Croydon Local Plan 2018 (the Local Plan). These policies, among other provisions, seek to ensure proposals are of a high quality, 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.

Living conditions for future occupiers

15. In terms of fire safety, no information has been provided to demonstrate how the proposal would comply with the provisions of Policy D12 of the London Plan. I cannot be sure on the basis of the information before me that the proposal would, or could be made to, comply with the provisions of Policy D12. The use of a planning condition to secure details in respect of this would therefore not be appropriate. I find that the proposal would fail to provide adequate living conditions for future occupiers, with regard to fire safety.
16. The proposed accommodation would be split across 7 flats on 3 floors. Flat 1 would be on the ground floor and would feature an open plan living / dining / kitchen room to the rear. This room features a glazed door and glazed floor to ceiling windows that wrap around the corner of the room. These face towards the private garden space of the unit, with the shared garden area beyond. Given the size of these openings and their dual aspect, this would be sufficient to provide future occupiers with adequate outlook and light.
17. Flat 3 is also located on the ground floor and features two bedrooms. Each of these have a window in the side elevation of the building, facing towards the side boundary of the site. The distance between these windows and the boundary is modest. The details before me indicate this boundary would be screened by fencing and/or planting. However, there is no built development immediately adjacent to the boundary and several intervening trees between the site and the nearest dwelling, which is on the other side of the adjacent private access road. I am satisfied that the outlook and light provided would not be unduly harmful to the living conditions of future occupiers of this flat.

18. Flat 2 would also feature two ground floor bedrooms with front facing windows. The outlook from these windows would be across the private parking area. While there would be limited defensible space, a small area of planting would be provided in front of these windows and outlook and light for these rooms would be adequate. I have not identified any other development plan conflict in respect of this. I therefore do not find that this would be harmful to the living conditions of future occupiers.
19. Flat 5 would be located on the first floor and feature a roof terrace accessed via the open plan living / dining / kitchen room. This would be set within the sloping roof above the proposed integral bin store. The plans demonstrate that this cut-out space would incorporate a 1.2-metre-high parapet, which users of this space could see over and therefore would have a satisfactory outlook.
20. The plans before me demonstrate the bedroom in Flat 7 would be served by a front facing window, in addition to a rooflight. Outlook from this second-floor room would therefore be unobstructed and satisfactory. Though the roof terraces serving Flats 7 and 8 would be adjacent to one another, these would be separated by a privacy screen and the provision of terraces or balconies alongside each other is characteristic of residential development of this nature. This would therefore not be harmful to the living conditions of future occupiers, in terms of privacy or noise.
21. While I have not identified any undue harm with regard to outlook and light, or the quality of external amenity space, this does not outweigh the identified harm and development plan conflict in respect of fire safety. I conclude that the proposal would fail to provide adequate living conditions for future occupiers. It would be contrary to Policies D4 and D12 of the London Plan. These policies, among other provisions, require that proposals demonstrate that they meet the design requirements of the London Plan, ensure the safety of all building users and achieve the highest standards of fire safety.
22. I have not identified any direct conflict with Policies SP4 and DM10 of the Local Plan in respect of this issue. These policies concern urban design and local character, and seek to ensure proposals provide adequate sunlight and daylight to potential future occupants and provide adequate private amenity space, among other provisions. I have also not identified any conflict with Policy D2 of the London Plan, which concerns infrastructure requirements.
23. I have also not identified any conflict with the Technical Housing Standards – Nationally Described Space Standard 2015, which set out minimum gross internal floor areas and storage space requirements.

Car parking, sustainable travel and highway safety

24. Policy DM30 of the Local Plan requires parking provision in new development to comply with the standards set out in the London Plan. London Plan Policy T6 sets out a maximum parking provision for outer London locations with a Public Transport Accessibility Level (PTAL) of 0-1, of up to 1.5 spaces per dwelling. This would equate to 12 spaces in this instance. However, these are maximum standards. There is no policy before me requiring minimum on site provision.
25. The appeal proposal would provide 7 car parking spaces on site. However, I recognise that the site has a low PTAL, demonstrating poor access to public transport. Reliance on the private car by future occupiers is therefore likely to

- be relatively high. Additionally, the Appellant's own Parking Stress Survey (PSS) considered the capacity of Shirley Church Road for on street car parking and identified it as "Not Safe" for this purpose. I did not observe any cars parked along Shirley Church Road, in the vicinity of the appeal site.
26. Even discounting Shirley Church Road, the submitted PSS identifies that there remains space for additional on-street parking in other neighbouring streets within 200 metres walking distance of the site. I consider this a reasonable distance. I observed during my site visit that many properties close to the appeal site in these neighbouring streets feature private driveways, thereby limiting the demand for on street car parking to some extent. Representations from the Council's Transportation Team acknowledges the findings of the PSS and that this shows that there is on street parking availability for parking overspill from the site.
27. There is no compelling evidence before me to demonstrate that the proposed level of car parking provision would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Furthermore, I have not identified any development plan conflict with respect to the proposed level of car parking.
28. I am satisfied based on the submitted plans, including swept path details, that there is sufficient space within the site for a 4.8-metre-long vehicle to manoeuvre within the site and to access the proposed parking spaces, allowing for exit from the site in a forward gear.
29. The submitted plans also demonstrate visibility splays for vehicles exiting the site. The Council contend vehicle sightlines shown do not meet their requirements, though no further information with respect to this has been provided. The site is served by an existing access, and I saw during my site visit that there are few obstructions for vehicles exiting the site that are not within the Appellant's control. Based on the evidence before me and my own observations, I am therefore satisfied that adequate sightlines could be achieved. Final details of these could be secured by planning condition, as suggested by the Council.
30. The main parties agree that final details of cycle parking provision could also be secured through use of a planning condition. The Council state however that a financial contribution to secure improved sustainable transport options at the site would have been sought had the scheme been acceptable, in line with planning policy. There is however no mechanism before me to secure this.
31. Nevertheless, little information has been provided to demonstrate on what basis a contribution is required, the level of contribution that would be required, and what this would aim to deliver. I therefore cannot conclude that this would meet the tests for planning obligations set out in Paragraph 57 of the National Planning Policy Framework (the Framework) and Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended).
32. I therefore conclude that the proposal would include adequate provision for car parking and alternative sustainable travel options and would not have a harmful effect on highway safety. I have not identified any conflict with Policies T4 and T6 of the London Plan, or Policies SP8, DM29 and DM30 of the Local Plan. These policies, among other provisions, support improvements to transport and communication, set out car parking standards, and seek to

ensure development proposals have regard to the effect on the transport network, do not have a detrimental impact on highway safety, and promote public transport use, cycling and walking.

Refuse storage

33. Policy DM13 of the Local Plan states that development sensitively integrates refuse and recycling facilities within the building envelope, provides adequate space for the temporary storage of waste (including bulky waste) materials generated by the development and provide layouts that ensure facilities are safe, conveniently located and easily accessible.
34. The appeal proposal would provide a 16m² bin and refuse storage area at ground floor level within the building envelope. This would be served by double doors that sit immediately opposite the site access. The Council's Transportation Team advised that a 10m² area is required for storage of bulky goods. The Council contend that the proposal does not depict this.
35. Policy DM13 does not set out a requirement for a bulky goods storage area of this size. Even so, based on the plans before me, I am satisfied that there is sufficient space provided within the proposed bin and refuse storage area to temporarily store bulky goods before collection.
36. I therefore find that the proposal would provide adequate refuse storage arrangements. I have not identified any conflict with Policy DM13 of the Local Plan, which seeks to ensure that the location and design of refuse and recycling facilities are treated as an integral element of the overall design, and existing and future waste can be sustainably and efficiently managed.

Housing need

37. Policy SP2 of the Local Plan sets a strategic target for 30% of all new homes up to 2036 to have 3 or more bedrooms. The proposal would include the provision of two 1-bedroom flats, four 2-bedroom flats and two 3-bedroom flats. This would equate to 25% of the proposed dwellings having 3 or more bedrooms.
38. However, this target is a strategic aim, and there is nothing in the policy wording that indicates this must be achieved on every site. There is no compelling evidence before me to indicate this target is not being achieved Boroughwide, and so no reason to believe the modest shortfall on this site would not be made up on others. Moreover, the Appellant highlights that the Strategic Housing Market Assessment (SHMA) indicated there was a greater need for 2-bedroom units, and this does not appear to be disputed by the Council. Additionally, were the scheme to provide three 3-bedroom units, this would result in provision considerably above the strategic target level.
39. The Council has referred to Policy DM1 of the Local Plan, and specifically the provision which seeks to resist redevelopment of residential units where it does not result in the net loss of 3-bedroom homes. The proposal would result in a net increase in 3-bedroom units, and so I do not find any conflict with this policy in this respect.
40. I therefore find that the proposal would contribute to meeting housing need, with particular regard to the need for family sized homes. I do not find any conflict with Policy SP2 of the Local Plan. This policy, among other provisions,

seeks to ensure that a choice of homes is available in the borough that will address the need for homes of different sizes.

Other Matters

41. The proposal would reuse previously developed land in an existing urban area. It would therefore benefit from a degree of access to services and public transport, though it has a poor PTAL. It would contribute to meeting the housing target, and small sites are often built-out relatively quickly. This would support the Government's objective of significantly boosting the supply of homes, as set out in Paragraph 60 of the Framework. However, these benefits would be modest, given the small scale and context of the development.
42. Paragraphs 69 and 120 of the Framework indicate that planning decisions should give weight to the benefits of using suitable windfall and brownfield sites within settlements for homes. Chapter 11 of the Framework advocates for the effective use of land. However, given the harm identified, it has not been demonstrated that the appeal site is a suitable site for development in the form proposed, or that the proposal would be an effective use of land.
43. In addition to where I have set out above, the proposal would also comply with other relevant parts of the development plan and national policy, including through the provision of accessible homes. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.
44. I understand that the proposals for this site have been amended, including following pre-application discussions with the Council. The Framework acknowledges the benefits of early engagement and good quality pre-application discussion. Such advice is however 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.

Conclusion

45. The proposal would result in significant harm and development plan conflict with respect to its effect on the character and appearance of the area and the living conditions of future occupiers, with particular regard to fire safety. While I have found the proposal to be acceptable with respect to car parking, sustainable travel, highway safety, refuse storage arrangements, and housing need, this does not outweigh the identified harm and development plan conflict. I therefore find that the proposals would be contrary to the development plan, taken as a whole.
46. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR