



Appeal Decision

Site visit made on 3 July 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/L5240/W/22/3309970

Rear of 35 & 37 Croham Valley Road, South Croydon CR2 7JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Justin Owens of Silverleaf Group against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/05664/OUT, dated 10 November 2021, was refused by notice dated 6 September 2022.
 - The development proposed is erection of two buildings comprising of a total of 4 semi-detached houses. Provision of associated parking.
-

Decision

1. The appeal is allowed and outline planning permission is granted for erection of two buildings comprising of a total of 4 semi-detached houses and provision of associated parking at Rear of 35 & 37 Croham Valley Road, South Croydon CR2 7JF in accordance with the terms of the application, Ref 21/05664/OUT, dated 10 November 2021 and subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal is for outline planning permission with approval sought at this stage for access, appearance, layout and scale, with landscaping reserved for future approval. While the proposed plans show how landscaping may be laid out, I have treated details of landscaping as indicative and not formally as part of the scheme.
3. Both parties have referred to a pending planning application on the same site for 8 flats (ref: 21/02346/OUT). The Council has confirmed that this application was refused on 11 November 2022.

Main Issues

4. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area; and,
 - (ii) whether the proposed development would provide acceptable living conditions for occupants of 35 and 37 Croham Valley Road (Nos 35 & 37), with particular regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises of garden land, which lies to the rear of Nos 35 & 37. The land levels rise to the rear of Nos 35 & 37 and consequently, the appeal site is on higher level land than these neighbouring dwellings. There is a modest sized, single storey outbuilding on the appeal site. The site is accessed via Ballards Rise, which is a small cul-de-sac. The surrounding area is residential in character and consists of a variety of house types including detached, semi-detached, terraced houses and apartment buildings. Properties in the locality vary in height from one to 5 storeys and many have accommodation in the roof space. The area contains a mix of traditional and contemporary architecture, set within plots of varying sizes. The neighbouring dwellings contain features such as gables and catslide roofs.
6. The properties in the immediate locality that front onto Croham Valley Road are primarily large, detached dwellings, set within large plots. Two nos. 2 storey buildings, with accommodation in the roof, comprising of 8 flats have recently been constructed on the opposite side of Ballards Rise within the rear gardens of 31 and 33 Croham Valley Road (Nos 31 & 33). The proposed layout would reflect the development opposite. The relationship of the proposed development to its boundaries would also be similar to the development opposite, but the proposed scheme would benefit from additional space to the rear boundary.
7. The proposed development would step down in height to respond to the changing topography. The proposed dwellings would be set back from the highway, with a parking court to the front. The proposed dwellings would be largely screened from Croham Valley Road by the existing dwellings. The scale, massing and design of the proposed development would be in keeping with the adjacent large, detached dwellings and the apartment buildings opposite. The proposed dwellings would incorporate features such as gables and a catslide roof, which would complement the architecture of adjacent dwellings. The proposed dwellings would be well designed and be a modern interpretation of the more traditional design found in the locality. The use of light buff brick, clay roof and hanging tiles would respect the local vernacular.
8. The proposed forecourt parking area would also reflect the development opposite. The proposed scheme would provide half the number of units compared with the development opposite and as a result fewer parking spaces are proposed, which enables more space to be set aside for soft landscaping. Although landscaping is a reserved matter, the indicative plans show sufficient space for soft landscaping, which would help to soften the appearance of the development and partially screen the parking area, ensuring that it is not a prominent feature in the street scene.
9. Including the roof space accommodation, the proposal would provide 3 storeys of accommodation. Policy DM10 of the Croydon Local Plan (CLP) 2018 requires that new development achieves a minimum height of 3 storeys. The number of storeys proposed would adhere to the minimum standard. While the proposed development would have a higher ridge height than Nos 35 & 37, it would not be significantly higher. The building that would be sited closest to Nos 35 & 37 would have a catslide roof, which helps to minimise its bulk at roof level and responds well to the changing topography. As a result, the proposal would not

be excessive in size, nor appear unduly cramped or result in overdevelopment of the site. The layout, scale and design of the proposed development would also respect adjacent development and preserve the character and appearance of the area.

10. I conclude that the proposal would comply with Policies SP4 and DM10 of the CLP and Policies D3 and D4 of The London Plan (LP) March 2021. These policies among other things require that development makes the best use of a site; is of high quality design, which respects and enhances Croydon's varied local character; that proposals seek to achieve a minimum height of 3 storeys and respect the development pattern of the surrounding area in terms of layout, siting, scale, height, mass, density, appearance and materials; and, that incremental densification is encouraged.

Living conditions

11. Although the proposed development would be sited on higher level land than Nos 35 & 37 and visible from the rear of these properties, Nos 35 & 37 would retain good sized rear gardens. Furthermore, given the distance between the proposed dwellings and the rear elevations of Nos 35 & 37 and the fact that the proposal has been designed with a lower roof form adjacent to this boundary, means that the proposed development would not appear unduly overbearing or result in a harmful loss of outlook to occupants of Nos 35 & 37. In addition, the proposed development would be sited slightly further away from Nos 35 & 37 than compared to the relationship of the development opposite with Nos 31 & 33, which the Council previously found acceptable.
12. For the reasons given above, I conclude that the proposed development would not be harmful to the living conditions of Nos 35 & 37, with particular regard to outlook. The proposed development would comply with Policy DM10.6 of the CLP and Policy D3 of the LP. These policies among other things require that the amenity of occupiers of adjoining buildings is protected and that proposals deliver appropriate outlook.

Other Matters

13. Concerns have been raised by third parties in respect of matters not addressed above, including increased traffic congestion; harm to highway and pedestrian safety; poor visibility from the access; flood risk; harm to wildlife/biodiversity; traffic/disruption caused by construction traffic; insufficient parking for future residents, delivery drivers and construction workers; loss of trees; noise and air pollution; impact on local infrastructure; lack of public transport; lack of open space; loss of privacy; and, loss of sunlight. Based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion to the Council on these matters.
14. The local highway authority request contributions towards sustainable transport, car clubs and a Traffic Regulation Order. No Section 106 agreement has been submitted with this appeal. The Council raise no objections to this appeal on highway grounds and there is no reason for refusal relating to the lack of planning obligation. Paragraph 57 of the National Planning Policy Framework (the Framework) requires that planning obligations meet 3 tests, including that they are necessary to make the development acceptable in planning terms. Given that no conflict with the development plan has been

identified in respect to highway matters, I find that a planning obligation would not meet the relevant tests.

15. Third parties consider that as the Council's Suburban Design Guide Supplementary Planning Document (SPD) was revoked in the latter half of 2022 that there has been a material change to planning policy. SPDs do not form part of the development plan, but instead provide more detailed advice or guidance on policies in an adopted local plan. The development plan has not changed since the scheme opposite was approved by the Council in June 2020.

Conditions

16. In addition to the standard time limit condition and in the interests of certainty and fire safety, I have included a condition requiring the development to be carried out in accordance with the approved plans and the Fire Strategy Statement.
17. Given that landscaping is a reserved matter, further details of landscaping are required. A Construction Method Statement is required in order to minimise the impact of construction/demolition works on the highway and the occupants of neighbouring residential properties. As the site is located in an area at high risk of surface water flooding, further details of surface water drainage are required. These pre-commencement conditions have been agreed with the appellant.
18. In order to protect the character and appearance of the area, I have imposed a condition regarding external materials. In the interests of highway safety and to ensure adequate parking, refuse and cycle storage are provided and retained on site, conditions regarding visibility splays, parking, refuse storage and cycle parking are required. In the interests of maximising resource efficiency, a condition is required regarding water consumption. Biodiversity mitigation and enhancement conditions are required in order to protect existing species and enhance biodiversity on site.
19. A condition requiring obscure glazing is not necessary, as the development is required to be carried out in accordance with the approved plans, which show obscure glazing to windows on the flank elevations. Given the scale of the development proposed, a separate vehicle loading space and refuse management plan are not necessary. As the ecological surveys found no evidence of protected species on site and concluded that the site has a low ecological value, a Construction Environmental Management Plan is not necessary for this relatively small-scale development. A condition requiring replacement landscaping on the verge is not necessary, as details of landscaping along the front boundary can be dealt with under the standard landscaping condition. There is no clear justification before me to demonstrate why it is necessary to remove permitted development rights and accordingly such a condition would fail to comply with paragraph 54 of the Framework.
20. It is not necessary to have a condition that requires an improvement to the dwelling emission rate set out within the Building Regulations 2013, given that an improved standard is required as a result of the amended Building Regulations 2021. A condition securing electric vehicle charging points is also not necessary, as this is required under separate legislation.

Conclusion

21. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

INSPECTOR

Schedule of Conditions

- 1) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the reserved matters.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 340-OBA-00-ZZ-DR-A-0100: Location & Block Plan; 340-OBA-00-ZZ-DR-A-0102/A: Site Plan Proposed; 340-OBA-XX-00-DR-A-0251/A: Ground Floor GA Plan Proposed; 340-OBA-XX-01-DR-A-0252: First Floor GA Plan Proposed; 340-OBA-XX-02-DR-A-0253: Second Floor GA Plan Proposed; 340-OBA-00-R1-DR-A-0254: Roof GA Plan Proposed; 340-OBA-00-ZZ-DR-A-0350: Building Site Section AA; 340-OBA-00-ZZ-DR-A-0351: Building Site Section BB; 340-OBA-00-ZZ-DR-A-0352: Sections through transition strip; 340-OBA-00-ZZ-DR-A-0353/A: Proposed Site Section CC; 340-OBA-00-ZZ-DR-A-0354: Proposed Site Section DD; 340-OBA-00-ZZ-DR-A-0450: Front (North West) Elevation; 340-OBA-00-ZZ-DR-A-0451: Rear (South East) Elevation; 340-OBA-00-ZZ-DR-A-0452: Side Elevations (Units 1 & 2); 340-OBA-00-ZZ-DR-A-0453: Side Elevations (Units 3 & 4); 340-OBA-00-ZZ-DR-A-0454: Proposed Side (North East) Elevation (Units 1 & 2); 340-OBA-00-ZZ-DR-A-0455: Proposed South West Elevation (Units 3 & 4); 340-OBA-00-ZZ-DR-A-0456: Detail Study 1; 340-OBA-00-ZZ-DR-A-0457: Detail Study 2; 340-OBA-00-ZZ-VS-A-0501/A: Refuse Storage and Pickup; 2103091-01/A: Proposed Access Arrangements and Visibility Splays; Fire Strategy Statement Rev 0 dated November 2021; and, Preliminary Ecological Appraisal and Preliminary Roost Assessment by Arbtech dated February 2022.
- 5) No development shall take place until details of both hard and soft landscape works, required by Condition 1 have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) boundary treatments;
 - ii) hard surfacing materials;
 - iii) soft landscaping details, including existing trees to be retained, and the species, size and density of proposed new planting, as well as the dimensions of new trees;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) No development shall take place until details of surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to the commencement of above ground works, details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 9) The site access shall be provided with visibility splays, in accordance with drawing number 2103091-01/A: Proposed Access Arrangements and Visibility Splays, prior to the first occupation of the development and shall thereafter be maintained to that standard.
- 10) Prior to the first occupation of the development hereby approved, space shall be laid out within the site in accordance with drawing no. 340-OBA-00-ZZ-DR-A-0102/A for 6 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
- 11) Prior to the first occupation of the development hereby approved, the cycle parking and refuse stores shall be implemented in accordance with the approved plans and thereafter retained.
- 12) Prior to the first occupation of the development hereby approved, details demonstrating that the proposed dwellings can achieve maximum water consumption of no more than 110 litres per person per day shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 13) All construction / demolition works shall be carried out in accordance with the precautionary working method as set out in Table 7 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment by Arbtech dated February 2022.
- 14) Prior to the first occupation of the development hereby approved, a Biodiversity Enhancement Strategy for protected and Priority species

shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans;
- d) persons responsible for implementing the enhancement measures;
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details prior to occupation and shall be thereafter retained.