



Appeal Decision

Site visit made on 11 July 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal Ref: APP/L5240/W/22/3312410

46 Grasmere Road, Purley CR8 1DU

- 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 C Chauhan of Zamora UK Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/00292/FUL, dated 17 January 2022, was refused by notice dated 4 July 2022.
 - The development proposed is described as 'The proposed works are to demolish the existing two-storey building and garage and redevelop the site into a 2/3 storey block of 5 x apartments (1x 1 bedroom, 3x 2 bedrooms, 1x 3 bedrooms) with associated parking and amenity space and a new vehicular access point from Grasmere Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In its decision, the Council refers to the Suburban Design Guide SPD 2019 (the SDG). However, the Council subsequently wrote to confirm that the SDG has been revoked, and this letter forms part of the Council's appeal submission. Accordingly, the appellant has had the opportunity to comment on this revocation. I have proceeded to determine the appeal on that basis and have therefore not had regard to the SDG.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposal would create satisfactory living conditions for future occupiers in respect of outlook, privacy and private outdoor amenity space;
 - whether the proposal would provide a suitable housing mix to meet local housing needs;
 - the effect of the proposed development on the living conditions of the occupiers of 44 Grasmere Road in respect of privacy;
 - the effect of the proposal on highway safety with particular regard to safe vehicular manoeuvring within the site; and
 - the effect of the proposed development on trees.

Reasons

Character and appearance

4. 46 Grasmere Road forms part of a traditional suburban residential area which comprises primarily semi-detached houses on either side of the road of mostly similar age. White painted render and dark red roof tiles are the dominant external materials, but there is variety in the external finishes and architectural detailing which adds interest to this pleasant well-established residential area. Regularly spaced small street trees add to the quality of the area by providing a pleasing verdant appearance to the generally spacious character of Grasmere Road.
5. The road slopes gently downwards from its junction with Warren Road reaching a short plateau between 30 Grasmere Road and the appeal site. As a result of this topography, the dwellings up to No 30 appear as tall three-storey buildings, most having stepped access up to their front doors, some having undercroft space and garages in front of and below the houses. However, from No 30 to the appeal site the ground floors and main entrances of the houses are generally level with, or raised only slightly above, the highway to the front.
6. The appeal site contains a detached two-storey house situated on a generally triangular shaped prominent corner plot at the junction with Downs Road, a cul-de-sac of dwellings similar in appearance to those on Grasmere Road but set at a higher level due to the steeply sloping ground upwards from Grasmere Road. The existing dwelling would be replaced by a stepped three-storey building which would be set partially into the slope of the plot thereby appearing as a two-storey structure in part when seen from the highway junction with Downs Road and from the rear.
7. There have been several recent previous proposals for redevelopment at the appeal site, all of which have been refused planning permission. I have reviewed the evolution of those recent proposals for development on the appeal site as described in the appellant's Design Statement. I note the Council's concerns associated with those previous schemes appear to have been addressed in part in respect of the height and appearance of the current proposal as it would address Grasmere Road. However, the Officer Report raises concerns specifically in respect of the layout, design and scale of the proposal where it fronts Downs Road.
8. The proposal would be positioned close to the boundary with the footway to Downs Road and would introduce what would appear as tall two-storey elevations to that site frontage, along with substantial flat-roofed projections, including balconies at the side and rear of the proposed building. The neighbouring dwellings on Downs Road, while sitting at an angle to the highway, are set back further from the highway than the proposed building would be and are substantially more modest in scale. Thus, through its contrasting positioning, scale and detailing it would be a prominent and incongruous feature of the street scene.
9. The removal of existing tall hedging and its replacement by open railings would reveal the scale of the proposed development. Notwithstanding proposals for replacement planting, which would take some time to establish, these facets of the proposal would exacerbate its effects on the street scene.

10. Subject to caveats, the development plan provides support in this location for three-storey buildings. I recognise that it is a common architectural method to 'bookend' the end of a terrace or corner plot with additional height, and that relatively taller buildings can provide a focal point in streetscapes. However, in this case, due to the scale, mass, design and positioning of the building within the plot, the proposal would not achieve such aims in a satisfactory or sympathetic manner.
11. The appellant refers to a recently constructed block of flats at 28 Grasmere Road as having a height and massing similar to the appeal proposal. However, from what I saw of the context of that building, due to its location within the street in respect of the change in topography I have noted above and the associated height of dwellings adjacent to No 28, and its design and general relationship with the neighbouring dwellings, that building is not directly comparable to the context of this appeal proposal. I have, in any event, determined the appeal on its own merits and the example provided by the appellant does not weigh significantly in favour of the proposal before me.
12. Overall, due to the scale, mass, bulk, design and positioning of the proposed building on the plot and its proximity to the site boundary with Downs Road, the visually intrusive nature of this incongruent building would fail to assimilate comfortably with those dwellings with which it would be most closely experienced.
13. For these reasons, the proposed development would be unacceptably harmful to the character and appearance of the area. Accordingly, it would conflict with Policy D3 of The London Plan (March 2021) and Policies SP4.1, DM10.1 and DM10.7 of the Croydon Local Plan 2018 (the Local Plan) which, amongst other things, require high quality development which respects and enhances local character, contributes positively to townscape and responds to local context and distinctiveness.

Living conditions for future occupiers

14. The proposal would create five flats all of which meet or exceed the minimum internal space standards required by the development plan. However, the dimensions and areas of each of the proposed private outdoor amenity spaces have not been shown on the plans and are not given elsewhere in the information I have seen.
15. The appellants Appeal Statement provides an annotated extract of the proposed first floor plan showing a balcony at the rear of Unit 3 covering an area of some 5 sq.m. and having a depth of around 1 metre. Notwithstanding that the balcony would be regularly shaped, and that generally such private outdoor spaces provide a benefit to occupiers of flats, in this case its dimensions would not accord with development plan policies that establish a minimum requirement for the width and depth of private amenity space to be at least 1.5 metres.
16. The information provided does not confirm the size or dimensions of balconies proposed at the remaining units. While I note the Council's comments concerning the ground floor flat and Units 2 and 4, I have insufficient information to form a view about the extent to which the private outdoor space at Unit 5 would meet the requirements of the development plan. However, it is clear from the information before me that the private outdoor space proposed

to serve Unit 3 would not accord with the development plan and this would lead to there being unacceptably inadequate private amenity space to serve the occupiers of that dwelling.

17. Whilst not specifically referenced in its reasons for refusal, the Officer Report notes, in referring to private amenity space proposed for Unit 3 that '*...as the terrace area is not set off the edge it fails to mitigate direct overlooking into the unit below*'. The plans show balconies (or 'terrace areas') to the rear of Units 3 and 5 positioned above the private terrace and sunken garden proposed as private amenity space for the ground floor unit. Those balconies would have direct views close to and from above into that proposed private amenity space. This would result in there being unacceptably inadequate privacy to future occupiers of the proposed ground floor flat while using their private outdoor amenity areas.
18. Units 3 and 5 have bedroom windows in the side elevation of the proposed building. That side elevation is close to the neighbouring house, 44 Grasmere Road. The plans fail to show the specific relationship that would exist between those bedroom windows and the gable wall of No 44. However, from my observations during my site visit, it appeared that the bedroom window in Unit 3 would face the rear extent of the gable of No 44. In such circumstances the outlook from the only window serving bedroom 2 in Unit 3 would be unacceptably inadequate.
19. The window in bedroom 2 of Unit 5 would face over the rear roof slope of No 44 and have nearby views from height into the rear garden of that property. In such circumstances it would be necessary to prevent overlooking, ordinarily using obscure glazing. However, mitigation using obscure glazing would be inappropriate since this would create a poor living environment within this habitable room for future occupiers.
20. I note the Council's concerns regarding the amount of light that would be afforded to those bedrooms. However, the windows proposed extend to the full height of each floor and I am satisfied from my observations on site that, given their overall size, notwithstanding their proximity to the neighbouring dwelling, adequate light would be afforded to those bedrooms in Units 3 and 5. However, for the reasons I have explained, the layout proposed would create unacceptably oppressive living conditions in those rooms in respect of their outlook.
21. The Council's reasons for refusal refer to conflict with Policy DM10.5 of the Local Plan which requires the provision of high quality communal outdoor amenity space. Whilst I note its concern relates to the potential for overlooking into Units 2 and 3 from the proposed communal amenity space, I am satisfied that this matter could be addressed through planning conditions requiring appropriate screening were the appeal to be allowed. I therefore do not find conflict with Policy DM10.5 of the Local Plan in this respect.
22. For these reasons, the proposal would not create satisfactory living conditions for future occupiers in respect of outlook, privacy and private amenity space. It therefore conflicts with Policy D6 of the London Plan and Policies SP4, DM10.4, and DM10.6 of the Local Plan which, in summary, seek to ensure housing development is of high quality design providing comfortable and functional layouts that are fit for purpose, seek to enhance well-being, prevent direct

overlooking of private amenity space, and ensure the provision of private amenity space at specified minimum dimensions.

Housing mix

23. The proposal would include one flat having three bedrooms, with the remaining four flats having fewer bedrooms. Policy SP2.7 of the Local Plan sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms. The proposal would be located in an area where the provision of family homes would be appropriate, and it would fail to contribute sufficiently towards this target by some margin.
24. The appellant refers to policy H10 of the London Plan 2021 which expects housing schemes to consist of a range of unit sizes having regard to the aim to optimise housing potential on sites, reduce pressure on conversion, subdivision and amalgamation of existing stock, and have regard to the need for additional family housing and the role of one and two bed units in freeing up existing family housing. While the proposal would contribute towards these aims, it nevertheless falls short in its contribution towards meeting the strategic target for 3-bedroom homes. Furthermore, the requirement in the London Plan to provide schemes having a range of unit sizes does not negate the aims of the Local Plan in respect of larger dwellings.
25. I am not persuaded by the appellants suggestion that the provision of one 3-bedroom unit in this scheme meets the strategic target when the calculation is rounded. Such an approach would encourage a more general rounding down of the strategic target which could ultimately lead to an under provision of family homes when assessed against the strategic target. Such an outcome would fail to meet the intentions of the policy approach set out in the development plan and would thereby hinder its implementation in respect of housing delivery.
26. I recognise that 2-bedroom homes provide an important role in the housing mix. However, this does not address the requirement of policy SP2.7. The appellant contends that an alteration to the plan form to provide an additional 3-bedroom home would compromise the scheme and, this may result in fewer homes being provided on this site. However, no substantive evidence is provided to demonstrate why, in this case, given the space available within the appeal site, the proposal cannot make the necessary contribution towards meeting the strategic target in accordance with the expectation of Policy SP2.7 of the Local Plan.
27. For these reasons, I find that whilst the proposal would provide one 3-bedroom home, it would not provide a suitable housing mix necessary to meet local housing needs. Accordingly, the proposal conflicts with the requirements of Policy SP2.7 of the Local Plan which seeks to ensure that a choice of homes is available that will address the need for homes of different sizes by setting a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms.
28. The Council's reasons for refusal refer to conflict with Policy DM1.2. However, the Officer Report confirms that the existing building has four bedrooms as originally built and is therefore not protected by Policy DM1.2 which supports the redevelopment of such dwellings. Accordingly, Policy DM1.2 is not directly relevant to this main issue.

Living conditions of the occupiers of 44 Grasmere Road

29. The Council's concern as expressed in the Officer Report in respect of the effect of the proposal on the privacy of neighbouring residents at No 44 relates to the use of the proposed private balconies at first and second floor. Those balconies could be appropriately screened to prevent direct overlooking and I am satisfied that such measures could be secured by planning condition were the appeal to be allowed.
30. However, the Council also indicates that the bedroom windows to bedroom 2 in Units 3 and 5 would need to be obscure glazed. Those windows would face towards the gable wall and rear garden of No 44 and it would be appropriate to prevent overlooking from those sources were the appeal to be allowed.
31. For the reasons given above in respect of the living conditions for future occupiers of those flats, the use of obscure glazing to the only window serving a habitable room would result in the creation of an unacceptably poor living environment for any future occupiers. It would therefore be inappropriate to require obscure glazing as a means of mitigating any loss of privacy. Accordingly, the proposed windows in those bedrooms facing towards No 44 would result in an unacceptable loss of privacy, including through the perception of being overlooked when the occupiers of that property were using their rear garden.
32. For these reasons, while the effects of overlooking from the proposed balconies could be mitigated through appropriate screening, as a result of the positioning of windows to bedrooms facing towards the rear garden of No 44, the proposed development would result in an unacceptably harmful effect on the living conditions of the occupiers of 44 Grasmere Road in respect of privacy. It would therefore conflict with Policy D3 of the London Plan and Policies SP4.2 and DM10.6 of the Local Plan which, in summary, require development to deliver appropriate outlook, privacy and amenity, enhance well-being, and ensure that the amenity of the occupiers of adjoining buildings are protected.

Vehicular manoeuvring

33. There is no dispute between the main parties regarding the amount of car parking proposed to serve the development, or the effect of the development on local on-street parking provision. A plan showing swept path movements for cars leaving each of the five parking spaces has been provided. However, the information provided does not identify the size of car used in this modelling exercise. Furthermore, no details have been provided showing swept paths for cars entering the site.
34. These details are necessary to ensure safe, adequate, and useable car parking provision can be made on site before the proposal could be supported. I am not persuaded by the appellants suggestion that this matter could be addressed through planning conditions.
35. Accordingly, I find that the proposal fails to provide adequate information to demonstrate safe vehicular manoeuvring within the site. Thus, I cannot be satisfied that the scheme would not compromise highway safety and therefore conflict with Policy DM30 of the Local Plan which requires new development to ensure that the movement of pedestrians and cycles is not impeded by the provision of car parking, and that highway safety is not compromised.

Trees

36. An Arboricultural Impact Assessment, Protection Plan and Method Statement (15 March 2022) (the Tree Survey) has been provided demonstrating the need to remove only one tree, a Norway Maple close to the back edge of the footway to Downs Road, and a group of Leyland Cypress in the front garden of the appeal site. The Tree Survey has been carried out following a recognised methodology. Provided the methodology set out in the Tree Survey is followed, it concludes that the proposed development would not have adverse impacts on the long-term vitality of the retained trees.
37. The Norway Maple tree proposed for removal appeared to have been felled at the time of my site visit and I am therefore unable to express an opinion about the contribution that tree may have made to the appearance of the area.
38. The expectation given in paragraph 131 of the National Planning Policy Framework is that existing trees are retained wherever possible. However, from what I saw of the remaining group of Leyland Cypress trees proposed for removal, they appeared to contribute little to the appearance of the area and were largely obscured from public vantage points by more mature trees in the appeal site and the street trees adjacent to it on the corner of Downs Road and Grasmere Road. I also note that the Council's Tree and Woodland Officer raised no objection to the proposal in respect of street trees.
39. Having regard to the recommendations made in the Tree Survey, and the ability to require additional appropriate tree planting through planning conditions had the appeal been allowed, I find that adequate consideration has been given in the proposal to the effect of the development on trees.
40. For these reasons, the effect of the proposal on trees would not be unduly harmful. The proposal would therefore accord with Policies G6 and G7 of the London Plan, and Policies DM27 and DM28 of the Local Plan which collectively require proposals to incorporate biodiversity on development sites to enhance local flora and fauna, comply with the requirements of BS5837:2012, and ensure that, wherever possible, existing trees of value are retained.

Other Matters

41. Notwithstanding my findings in respect of the housing mix, the proposal would make effective use of the site, providing a net gain of four dwellings which would contribute towards the supply of housing locally. This would be a relatively small but important contribution, recognising the acute shortage of homes in the area, and I attribute moderate weight to this benefit. I also note that the site is in a reasonably accessible location in relation to public transport and this would be a benefit to which I attribute moderate weight.
42. However, these benefits would not outweigh the significant harm that would arise from the proposal to the character and appearance of the area, the living conditions of the occupiers of 44 Grasmere Road, the inadequate living conditions that would be created for future occupiers of the proposed flats, and the risk to highway safety associated with use of the proposed car parking area.

Conclusion

43. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

David English

INSPECTOR