



Appeal Decision

Site visit made on 18 July 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/L5240/W/22/3313227

r/o 3-7 Julien Road, Coulsdon CR5 2DN

- 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 A Elshaw of Beaufort Homes Ltd against the Council of the London Borough of Croydon.
 - The application Ref 22/02125/FUL, is dated 10 June 2022.
 - The development proposed is the construction of three detached houses including access road, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of three detached houses including access road, parking and landscaping at r/o 3-7 Julien Road, Coulsdon CR5 2DN in accordance with the terms of the application, Ref 22/02125/FUL, dated 10 June 2022, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The appeal follows the Council's failure to determine the respective planning application. In response to the lodging of the appeal, the Council confirms that had it determined the application it would have refused it on three grounds. The appellant has had the opportunity to respond to these grounds in their final comments, therefore they would not be prejudiced by my taking such matters into account and for them forming the main issues.
3. In the interests of clarity and accuracy, I have used the site address from the appeal form rather the planning application form.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on highway safety, with particular regard to the adequacy of the width of the access and lack of pedestrian footway; and
 - Whether the development would expose future occupiers to an unacceptable fire safety risk, with particular regard to the site access.

Reasons

Character and appearance

5. The surrounding area comprises detached houses of similar age and appearance, with established landscaped front gardens of a high quality, suburban character. The area is further characterised by relatively long rear gardens. The gardens of the properties on the appeal site side of Julien Road are particularly long as they include a further section that sits in a broadly central position between such properties and Southwood Road. This area is separated from the remainder of the gardens by mature landscaping.
6. The appeal site comprises the end section, including the separate central area, of the rear gardens of 3 dwellings on Julien Road. The rear gardens, and overall plot size, would be less spacious than that prevailing in the area. Nonetheless, the separation distance that would be achieved to the existing dwellings would ensure that the proposed buildings would not appear cramped or visually and unacceptably dominant in views from them. Furthermore, the spacing between the proposed and existing dwellings would be similar to that between the existing dwellings on the adjoining streets.
7. The appellant has drawn my attention to nearby developments and approvals. In this regard, it is apparent there are several backland dwellings in the surrounding area and that these can be successfully accommodated on appropriate sites.
8. The findings of the submitted Arboricultural Report are not disputed by the Council. It identifies that trees, hedges and other planting that would be removed to accommodate the development, all of which are within the appeal site, are not important trees or otherwise have negligible amenity value. My observations on site support this. In the absence of any substantive evidence that demonstrates that the conclusions of the report are not robust, I agree that the arboricultural impacts of the proposal would be moderately low and therefore acceptable. A condition could be imposed to secure suitable replacement planting which would soften the appearance of the development, including the proposed boundary fence, assisting in the assimilation of the proposed development into its surroundings.
9. Consequently, the appeal proposal would not result in an incongruous form of backland development that would be out of keeping and harmful to the prevailing pattern of frontage development in the surrounding area. Overall, the design and siting of the proposal is an appropriate response to the existing character of the place it is within.
10. Therefore, the proposal would not harm the character and appearance of the area. As such, it would not be contrary to Policy D3, D4 and D5 of the London Plan (2021) (LP) and Policies SP4 and DM10 of Croydon Local Plan 2018 (CLP). Such policies, amongst other things, require that development adheres to high standards of design which contribute positively to the townscape and respects local context.

Vehicle and pedestrian safety

11. The parties agree that the width of the proposed access would not allow two vehicles to pass. Nevertheless, the number of trips generated by the proposal, including those associated with the parking spaces proposed for 7 Julien Road

- and during the peak periods, would be unlikely to result in vehicles frequently entering and leaving the site at the same time.
12. Even if that were the case, the access has good visibility along its entire length and there is sufficient manoeuvring space on site to enable a driver to safely reverse into it, to give way to an oncoming vehicle. The position of the unrestricted parking bays and single yellow lines on Julien Road would also ensure that should a driver need to reverse from the proposed access, the visibility of any other vehicles or pedestrians travelling along Julien Road would be good. As such, the highway users would be able to anticipate each other's movements and stop as appropriate even with the retention of the lamppost adjacent to the access crossover. Any waiting on the highway to allow for a vehicle to exit the access would be for a short period. Accordingly, despite the restricted access width, the proposal would not result in conflict with users of Julien Road to the detriment of highway safety.
 13. The proposed access does not include a dedicated footway or passing places. As such, any pedestrian or cyclist would share the same surface as vehicles. Given the level of vehicle movements associated with the proposed development set out in the Transport Statement the potential for such conflict is relatively low. Furthermore, any vehicle using the access would be travelling at slow speeds. In such circumstances, the provision of waiting and passing points, at intervals along the access, which widen the access to the maximum possible width, would ensure that a vehicle could safely pass a pedestrian or cyclist. In the absence of any substantive evidence to the contrary and subject to a suitable condition to secure such waiting and passing points, I am satisfied that the proposal would not result in conflict between vehicles and pedestrians/cyclists to the detriment of highway safety.
 14. Whilst the parking standards as set out in LP Policy T6.1 have not been provided, both parties confirm that a maximum parking requirement of one parking space for each dwelling, as proposed, is required. Parking spaces are also proposed to compensate for the removal of the garage and driveway of No 7. In addition, the appeal plans show that existing on street parking provision would not be reduced as a consequence of the proposal.
 15. Notwithstanding the concerns of interested parties about the adequacy of parking provision, no compelling case has been advanced to indicate that the proposal would lead to occupants choosing or being forced to park in a manner that would result in any material harm to highway safety. Therefore, there is no basis upon which to conclude that the proposal would result in on street parking to the detriment of highway safety.
 16. The Council has stated that in the event that the appeal is allowed, a financial contribution of £2,000 per unit should be secured through a S106 agreement would be required towards mitigation measures identified in the Kenley Transport Study. However, despite a request for the Study it has not been provided. It is therefore unclear as to its relevance to the proposed development on Julien Road.
 17. Therefore, it has not been demonstrated that a financial contribution in this regard is necessary to make the development acceptable in planning terms or that it would be fairly and reasonably related in scale and kind to the development. I am not, therefore, satisfied that it is justified and would meet the tests set out in paragraph 57 of the National Planning Policy Framework.

Consequently, the absence of a planning obligation is not a determinative factor in my decision.

18. I conclude that the proposal would not harm highway safety, with particular regard to the adequacy of width of the access and lack of pedestrian footway. The proposal would therefore accord with CLP Policies SP8, DM29 and DM30 and LP Policy T6 which seek to enhance pedestrian and cyclist experience and ensure development does not have a detrimental impact on highway safety.

Fire safety

19. LP Policy D12 requires all development proposal to achieve the highest standards of fire safety and ensure that they provide, amongst other things, suitable access and equipment for firefighting which is appropriate to the size and use of the development.
20. Due to the restricted access width and absence of vehicle passing places, concerns have been raised that a fire tender get within 45m of the proposed dwellings, which is a requirement of Building Regulations and Manual for Streets. Should a fire occur on the appeal site, it is possible that the occupants of all the dwellings would exit the site at a similar time on foot or by car to get away from any danger, leading to greater than typical movements. Nonetheless, it is reasonable to assume that in an emergency, blue lights and sirens will be in use, alerting all to quickly clear the way. Furthermore, there is nothing before me that suggests that the number of such movements or the time it would take to clear the route would prevent, or unacceptably delay, access in an emergency. In the absence of a detailed objection that clarifies why emergency vehicles would not be able to access the site, I find that the proposals would be satisfactory in this respect.
21. Accordingly, the development would not expose future occupiers to an unacceptable fire safety risk, with particular regard to the site access and would therefore accord with LP Policy D12.

Other Matters

22. I have had regard to the other matters raised by interested parties, including damage to a historic parish boundary feature, loss of privacy, levels, increased noise and activity, light and glare from headlights, impact on biodiversity, waste collection and risk of flooding. However, I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions on these matters and determine that the proposal would result in material harm sufficient to justify dismissing this appeal.
23. For the reasons set out above, I consider that the scheme is acceptable, and I can see no reason why it would set a precedent leading to harmful developments on other sites. Moreover, each case should be assessed on its own merits.

Conditions

24. The Council has suggested a number of conditions which I have considered against the National Planning Policy Framework and Planning Practice Guidance. As a result, I have made some amendments to the wording for clarity, consistency and to avoid duplication.

25. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying that the development is carried out in accordance with approved plans.
26. I include a condition which requires Construction Management and Construction Logistics Plans so that the construction process is suitably controlled and minimises its effects on the surroundings. This is a pre-commencement condition to ensure that appropriate controls are in place before development commences.
27. To ensure the satisfactory appearance of the proposed development, I have considered it necessary to attach conditions relating to the facing materials, elevational details, hard and soft landscaping and boundary treatments.
28. In the interests of biodiversity and protected species, a condition is necessary to secure the recommendations of the submitted Preliminary Ecological Appraisal.
29. I have included conditions relating to the provision of visibility splays, manoeuvring area for the car parking spaces, and waiting/passing places to ensure that the development does result in issues of highway safety. It is also reasonable to require cycle parking spaces and refuse stores to be provided within the development to promote sustainable forms of development and ensure an appropriate level of provision for the appeal proposal.
30. A condition requiring the approval of a surface water drainage scheme is necessary to ensure the site is suitably and correctly drained to prevent flooding. Compliance with a water efficiency standard is also needed in order to secure an efficient use of water.
31. A condition requiring the provision and implementation of a fire safety strategy is required to ensure the development is safe. In addition, the provision of accessible and adaptable units is required to ensure suitable housing and genuine choice for all, including disabled people.

Conclusion

32. For the reasons given above I conclude that the appeal should be allowed.

Elaine Moulton

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:
 - 2014A/PL 01 Location Plan
 - 2014A/PL 02A Block Plan
 - 2014A/PL 03A Site Plan As Proposed
 - 2014A/PL 04A Proposed Floor Plans Plots 1 & 3
 - 2014A/PL 05A Proposed Floor Plans Plot 2
 - 2014A/PL 06A Elevations Plots 1 & 3
 - 2014A/PL 07A Elevations Plot 2
 - 2014A/PL 08A Elevations Street Elevation
 - 2014A/PL 09A Perspective View
 - 2014A/PL 10A Site Sections
 - 2014A/PL 11A Floor Plans Part M Compliance
 - 2014A/PL 12 Block Plan Showing Dwelling Footprints
 - 2014A/PL 15 No. 7 Julien Road Plans & South Elevation As Proposed
- 3) Prior to the commencement of development (including demolition) a Construction Management Plan (CMP) and Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the local planning authority. These shall include the following information for all construction phases of the development:
 - 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 the storage facilities for any plant and materials;
 - f) The siting of any site huts and other temporary structures, including site hoardings;
 - g) Details of the proposed security arrangements for the site;
 - h) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway;
 - i) Details demonstrating compliance with the non-road machinery (NRMM) regulations 2015;
 - j) Details confirming that all delivery vehicles are registered under the Freight Operators Recognition Scheme (FORS) achieving a minimum of silver status.

All construction phases of the development shall be carried out strictly in accordance with the details so approved.
- 4) Prior to the commencement of above ground works a 'Planning Fire Safety Strategy' 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.
- 5) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the local planning authority:
 - a) External facing materials including samples;

- b) Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings in external walls.

The development shall be carried out strictly in accordance with the details thus approved.

- 6) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal including Preliminary Roost Assessment for Bats by David Archer Associates, September 2021 as already submitted and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 7) Pedestrian and vehicle visibility splays on either side of the vehicular access on Julien Road and manoeuvring swept paths for the car parking spaces shall be provided in accordance with Drawing No. 020.0857.002 and 020.0757.003 of the Transport Statement (May 2022) prior to the first occupation of the development and maintained for the lifetime of the development.
- 8) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the local planning authority:
 - a) Full details of cycle parking provision (comprising no less than 2 spaces per dwelling) including the type of cycle stands.
 - b) Full details of the refuse stores, including the size and number of bins and the positioning of the bin stores outside of the vehicle manoeuvring areas.
 - c) Full details of a minimum of 2 waiting/passing places along the access utilising its maximum width.The details shall be provided and completed in accordance with approved details prior to the first occupation, and maintained for the lifetime of the development.
- 9) Prior to the commencement of above ground works, a finalised surface water drainage scheme in accordance with the aims set out in the Flood Risk Assessment and Drainage Strategy, GH Bullard and Associates, September 2021, incorporating the following measures, shall be submitted to and approved in writing by the local planning authority:
 - a) Calculations 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 the on-site infiltration drainage;
 - d) Details of the on-site attenuation tank;
 - e) Details of further sustainable drainage measures;
 - f) An updated layout plan (to scale) of the proposed drainage scheme;
 - g) Details of the ownership and/or maintenance agreement for the SUDS on the site.The approved scheme shall be implemented prior to the first occupation of the development and maintained thereafter.
- 10) Two of the residential units within the development hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as

amended) optional requirement M4(2) 'accessible and adaptable' and one shall be constructed to comply with M4(3) as shown on plan 2014A/PL 11A. Such provision shall be reasonably maintained for the lifetime of the development.

- 11) The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day.
- 12) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the local planning authority;
 - a) Hard landscaping materials (including samples as appropriate);
 - b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees;
 - c) Boundary treatments

The above shall be provided and completed in accordance with the approved details 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.