



# Appeal Decision

Site visit made on 21 July 2023

**by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 September 2023.**

---

## **Appeal Ref: APP/L5240/W/23/3316987**

### **Nos. 9, 11 and 13 Gladeside, Croydon CR0 7RL**

- 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 Aspect Living Ltd against the decision of the Council of the London Borough of Croydon.
  - The application, Ref. 22/03888/FUL, dated 16 September 2022 was refused by notice dated 13 December 2022.
  - The development proposed is for the demolition of 3 No. existing dwellings and the erection of 7 No. two storey dwelling houses with accommodation in the roof space and the provision of 11 No. car parking spaces including 1 No. accessible space plus cycle and refuse storage.
- 

## **Decision**

1. The appeal is allowed and planning permission is granted for the demolition of 3 No. existing dwellings and the erection of 7 No. two storey dwelling houses with accommodation in the roof space and the provision of 11 No. car parking spaces including 1 No. accessible space plus cycle and refuse storage on land at Nos. 9, 11 and 13 Gladeside, Croydon in accordance with the terms of the application, Ref. 22/03888/FUL, dated 16 September 2022 and subject to the conditions in the attached Schedule.

## **Main Issues**

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area, and (ii) the effect on the living conditions for the occupiers of Nos. 7 and 15 Gladeside as regards outlook, privacy and light. Whilst there are also refusal reasons relating to the effect on the highway network, the impact on the biodiversity of the area, and the effect on the flood risk from ground and surface water, I consider for the reasons explained later in this Decision that these issues can be dealt with as 'Other Matters'.
  3. In addressing the main issues, I have noted that the appellant's concern that the planning officer's report includes a number of errors and appears to have been based on the superseded drawings and information from the pre-application. The Council disputes this, but nonetheless I have had regard to the annotated version of the initial site plan: Drawing No. 316-002-225 submitted with the appeal as part of the evidential base. Ostensibly this appears to give some credence to the appellant's view, but even if this is correct it is not a deciding factor in the appeal.
-

## Reasons

### *Character and Appearance*

4. The appeal scheme comprises the demolition of No. 13 Gladeside, a large detached house and Nos. 9 & 11, a pair of semi-detached houses. These would be replaced by three new dwellings, again a semi-detached pair and a single property to either side of the new access drive. The latter would provide access to a row of four further detached dwellings towards the rear of the site and with views over Ashburton Playing Fields. Three existing access gates to the open space would be retained in the redevelopment of the site.
5. As regards the principle of the development, the Council considers that the proposal does not fall within the remit of Section A of Policy H2 of the London Plan 2021 which requires Boroughs to pro-actively support well-designed new homes on small sites, for reasons including in order to significantly increase the contribution of small sites to meeting London's housing needs. In this regard I note that in Table 4.2 of the Plan, Croydon's 10-year target of 6,410 is the second highest of the 35 Planning Authorities in the capital, with only Hammersmith & Fulham requiring (170) more.
6. I acknowledge that there is a cross reference to Table 4.2 in paragraph 4.2.4 of the Plan which explains that '*incremental intensification of existing residential areas*' within PTALs 3-6 or within 800m distance of a station or a town centre is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2. However, whilst the appeal site's PTAL score of 1A is low and the distances to the railway and district service centres are more than 800m, I do not see these factors in themselves as shortcomings that would preclude an opportunity to incrementally contribute to the Borough's housing target.
7. The site is within an established residential area with two train stations, two tram stops and bus routes all within a reasonable walking or cycling distance, as indeed are the retail outlets and medical centre listed on page 38 of the application's Design and Access Statement. However, realistically all the family houses in the appeal proposal will have at least one car but from this location the driving times to the local facilities will be very short.
8. On balance therefore, and in particular noting that the actual increase in dwellings is four rather than seven and that they would be family houses as opposed to flats, I do not regard the appeal site's location as being unsuitable for the development proposed and see no harmful conflict with the aforementioned Policy H2. I also consider it necessary to give great weight to what the appellant describes (in my view correctly) as '*Overarching national, London and local planning Policy (to) encourage a positive approach to residential development*'.
9. The other main area of dispute in the first issue is whether the scheme would satisfactorily integrate with its surroundings, with the Council alleging a cramped development including inadequate separation distances between dwellings of a poor design. However as regards layout, the scheme's departure from the existing post-war linear development along Gladeside to one including four of the proposed dwellings positioned on a staggered building line along the rear boundary offsets the perception of a harmfully congested scheme.

10. The Council is critical of the distances between the proposed houses and their spatial arrangement. However, from my observations of the site and the proposed layout plans including the dimensioned Drawing No. 316-002-222 Rev A, I remain unconvinced that these relationships are uncharacteristic of the area in a contrived form that would appear noticeably out of character. Nor in visual terms would the proposed dwellings appear as being too close to the existing Nos. 7 and 15.
11. Infilling schemes by their nature have a greater density than their surroundings and whilst the Council's appraisal has found fault with this scheme, I consider that the layout has particular merit in respect of the relationship with the Ashburton Playing Fields and would not reasonably be perceived as being of a harmfully excessive density in this location in terms of either its appearance or indeed use by future occupiers. This would not have been the case with the previous draft scheme for 9 units, given the extra two dwellings and the somewhat unimaginative layout.
12. In essence, with a design ethos of introducing '*a restrained and sympathetic contemporary interpretation of traditional two-storey houses*' I consider that the proposal would have an individual identity that would sit comfortably within its context. In my view this is clearly evident in the submitted Proposed Visuals 1-4, albeit that in any infill development where external space is at a premium the quality and future maintenance of the landscaping has a vital role to play post occupation. This can be secured by a condition on a permission supported in the longer term by enforcement if and when necessary.
13. On this issue I therefore conclude overall that the proposed development would not have an adverse effect on the character and appearance of the area and that there would be no harmful conflict with Policies H2, D3, D4 & D8 of the London Plan 2021 and with Policies SP2, SP4, DM10 & DM26 of the Croydon Local Plan 2018. The scheme would also comply with the paragraphs of the National Planning Policy Framework 2021 ('the Framework') that encourage a positive approach to housing development and with Section 12: 'Achieving Well-Designed Places'

*Living conditions for the occupiers of Nos. 7 and 15 Gladeside*

14. Refusal Reason No. 2 refers to the size of the proposed buildings and the Council's concern that their proximity to the existing Nos. 7 and 15 Gladeside would result in the occupiers of those dwellings being subject to a detrimental impact in terms of the effect on their outlook, privacy and light. In particular reference is made to the distance of proposed dwelling Nos. 3 and 4 from No. the existing No. 15, whilst proposed dwellings Nos. 1, 6 and 7 are alleged to be too close to the existing house at No. 17.
15. However, even the briefest perusal of the dimensioned proposed site plan ref. 316-002-102C and the position of the proposed dwellings in relation to Nos. 7 and 15 Gladeside (plus an appreciation of the sun's daily path) clearly demonstrates that the development would have only a minimal effect on the existing Nos. 7 and 15. Accordingly, there would be no conflict with Policies D3 & D6 of the London Plan, DM10 of the Croydon Local Plan and paragraph 130f) of the Framework.

## **Other Matters**

16. The Notice of Refusal also refers to insufficient evidence that the appeal development would be acceptable as regards its impact on highway matters (including parking), the biodiversity of the area, and the mitigation of surface water and ground water flood risk.
17. In its appeal statement the Council now accepts that the provision of 11 rather than 14 parking spaces is the appropriate number and I consider that these, together with any necessary modifications to manoeuvring areas, can be achieved to a satisfactory standard by means of conditions. On the other issues the appellant has used the relevant professional expertise to produce detailed reports as part of, or supplemental to, the application to demonstrate that the development would not be problematic and that a refusal of the scheme is unwarranted. These reports are the Preliminary Ecological Appraisal by the ROAVR Group dated September 2022; the Flood Risk Assessment and the Preliminary Sustainable Drainage System Strategy by STM Environmental both dated 15 September 2022.
18. There are some relatively minor details of the development that can be improved and further information is required, but as is the case with parking and highways both the Council and the appellant will be aware the Government's online Planning Practice Guidance at ID:21a 001-20140306 says that '*Conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse permission, by mitigating the adverse effects*'. In my view the appeal scheme is a case in point and the implementation and subsequent enforcement of these conditions will prevent any harmful conflict with London Plan Policies T4, T5 & T6; G6; S112 & S113 and Croydon Local Plan Policies DM10.2; DM13; DM25; DM27; DM29; DM30 & SP6.4. (The Council's appeal statement already accepts that subject to the addition of conditions the submitted Ecology Report is acceptable).
19. The results of public consultation on the application and appeal have shown that there are objections from the Monks Orchard Residents Association, a local councillor and a number of individual occupiers living near the appeal site. I acknowledge that there are some good points well made in these representations and I have taken them into account, although it is not feasible to appraise them individually as part of this Decision. In the event however, I must look at the application in the round and reach a conclusion on the balance of the evidence and my planning judgement on the issues.

## **Conclusions and Conditions**

20. Accordingly, I conclude that on the main issues I have found that on balance the appeal scheme deserves to succeed as it would provide much needed additional family housing in an acceptable location without noticeable harm being caused to the area and existing residents.
21. As regards the above-mentioned conditions, the Council has provided a comprehensive list to which the proposed development should be subject. Having reviewed these I consider that they are appropriately worded, are reasonable and necessary and note that after consultation they are also

acceptable to the appellant, including an agreement to the pre-commencement conditions.

22. Some of the conditions will address more than one issue but in summary, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. The living conditions for existing residents near the site will be safeguarded by conditions to require a Construction Logistics Plan; to undertake land level and finished floor level surveys; to provide details of any external energy generation measures; to regulate noise levels; to secure the accessibility of the dwellings, and to implement the submitted Fire Safety Strategy.
23. The sustainability of the development, including minimising energy use and climate change will be addressed by conditions relating to refuse storage, cycle parking, the provision of Electric Vehicle Charging Points and water efficiency, whilst the quality of the environment will be protected by conditions in respect of existing and proposed biodiversity, external materials for the dwellings, arboricultural matters, hard and soft landscaping and exterior lighting.
24. Highway safety will be secured by conditions to provide adequate visibility splays and turning areas, whilst flood risk will be managed by a condition in respect of surface water drainage including the adopting of the principles of SUDs.

*Martin Andrews*

INSPECTOR

### **Schedule of Conditions**

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) Other than as an amendment pursuant to other conditions in this Schedule, the development shall be carried out in accordance with the approved drawings and supporting documents submitted with the application : References: 316-002-213B; 316-002-214B; 316-002-215B; 316-002-216B; 316-002-217B; 316- 002-218B; 316-002-219B; 316-002-222A; 316-002-224; 316-002-102C; 316-002-402A; 316-002-403A;
- 3) Prior to the commencement of development including demolition, a Construction Logistics Plan (CLP) shall be submitted to the Local Planning Authority for approval. The CLP 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 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; h) Access arrangements to the site during the demolition and construction periods. All construction phases of the development shall be carried out strictly in accordance with the details so approved;
- 4) The development shall be carried out in full accordance with the Tree Survey / Arboricultural Impact Assessment / Arboricultural Method Statement dated 22 August 2022;
- 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) All external facing materials including samples of all facing materials and finishes (including bricks and mortar); b) Detailed drawings in plan/elevation and section at 1:5 of typical windows including a recess of 215mm. The development shall be carried out strictly in accordance with the details thus approved;
- 6) Prior to the commencement of development 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 permeable samples as appropriate) to front and rear gardens, access routes, parking spaces; b) Soft landscaping details, including landscaped private garden areas, new planting including species, size and density, maintenance; c) Boundary treatments to all of the front and rear boundaries of the site; d) All exterior security lighting. 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;
- 7) Prior to commencement of development, details of the land levels, finished floor levels and datum line at a scale 1:50 including section drawings taken through the site in relation to the buildings and gardens showing level access shall be submitted to the Local Planning Authority in writing for approval prior to commencement of development;
  - 8) The noise level from any air handling units, or other fixed external machinery shall not increase the background noise level when measured at the nearest sensitive residential premises. Accordingly, the noise level from any new units shall be at least 10dB below existing background noise levels;
  - 9) 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) the cycle parking provision including the type of cycle stands; b) 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;
  - 10) The development hereby permitted shall not be occupied until details are submitted to and approved by the Local Planning Authority confirming that at least 3 of the parking spaces have been fitted with Electric Vehicle Charging Points (EVCPs), with passive provision (cable routing) fitted for all other spaces. The EVCPs shall be maintained (unless replaced with equivalent or uprated replacements) for the lifetime of the development;
  - 11) Prior to the occupation of the development hereby permitted full details of any external energy generation measures (including Air Source Heat Pumps and Photovoltaic Panels) 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;
  - 12) The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day;
  - 13) Prior to the commencement of above-ground works, a detailed surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the Local Planning Authority: a) confirmation of the impermeable and permeable site areas used for the infiltration calculations and b) 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;
  - 14) Details of the visibility splays on either side of the vehicle access serving the development hereby permitted shall be provided for approval by the Local Planning Authority prior to the first occupation for development and maintained for the lifetime of the development;

- 15) Details of the car vehicle turning arrangements within the site serving the development hereby permitted to demonstrate that there is sufficient space for vehicle to turn without impacting on landscaped areas or pedestrian footpaths shall be provided for approval by the Local Planning Authority prior to the first occupation for development and maintained for the lifetime of the development;
- 16) The development shall be carried out in accordance with the submitted Fire Safety Strategy dated September 2022;
- 17) Details, including section drawings and layout plans confirming that dwelling Unit 1 will be constructed to M4(3) standards 'wheelchair accessible' and that the remaining houses will be constructed to M4(2) 'accessible and adaptable' standards to comply with the Building Regulations 2010 (as amended), shall be submitted to the Local Planning Authority for approval prior to occupation. The strategy shall be carried out in accordance with the approved details before the occupation of the dwellings;
- 18) Prior to first occupation of the dwellings, all mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ROAVR Group, September 2022) as submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. This shall include the appointment of an appropriately competent person, to act as an 'ecological clerk of works' and 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;
- 19) Prior to works above ground level, 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) the 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 of the dwellings and shall be retained in that manner thereafter.