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# 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: 18 September 2023**

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**Appeal Ref: APP/L5240/W/22/3313421**

**41 Woodcrest Road, Purley CR8 4JD**

- 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 outline planning permission.
  - The appeal is made by Archinteriors Ltd against the Council of the London Borough of Croydon.
  - The application Ref 22/01816/OUT, is dated 1 May 2022.
  - The development proposed is described as the 'demolition of the existing dwelling and erection of part 3 / part 4 storey building with accommodation in the roof space to provide a total of 8 units comprising 1 x 1-bed apartment, 4 x 2-bed apartments and 3 x 3-bed apartments with associated refuse and cycle stores, vehicular access and undercroft car parking at 41 Woodcrest Road, Purley CR8 4JD.'
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## Decision

1. The appeal is dismissed and planning permission for the demolition of the existing dwelling and erection of part 3 / part 4 storey building with accommodation in the roof space to provide a total of 8 units comprising 1 x 1-bed apartment, 4 x 2-bed apartments and 3 x 3-bed apartments with associated refuse and cycle stores, vehicular access and undercroft car parking at 41 Woodcrest Road, Purley CR8 4JD is refused.

## Preliminary Matters

2. The appeal follows the Council's failure to determine the planning application that is the subject of this appeal. In response to the lodging of the appeal, the Council has confirmed that had it been in a position to determine the application it would have refused planning permission on four grounds. The appellant has had the opportunity to respond to these grounds in their final comments and, therefore, it would not be prejudiced by my taking such matters into account and using them for the purposes of formulating the main issues in this appeal.
3. The application was submitted in outline, with all matters other than landscaping to be determined at this stage. I have dealt with the appeal on this basis.
4. The address given on the application form is unclear, citing both Croydon and Purley. I have therefore taken the address from the appeal form and other appeal documents including the plans which only refers to Purley.

## Main Issues

5. The main issues are:

- The effect of the proposal on the character and appearance of the area;

- Whether the proposal makes adequate provision for off-road parking and the effect of any lack of provision on highway safety;
- Whether or not an adequate contribution towards sustainable highway improvements has been secured;
- Whether the proposal would make adequate provision for inclusive and accessible accommodation, with particular regard to the communal amenity space and provision of a wheelchair user flat; and
- The effect of the proposal on the living conditions of the neighbouring occupants, with particular regard to outlook

## Reasons

### *Character and appearance*

6. The appeal site lies on Woodcrest Road within a long row of, mainly, two storey detached dwellings. The existing dwelling, and the others either side, are sited on a much higher ground level than the road. The site contains a garage at lower ground level with a short driveway partially retained. The remaining frontage comprises a landscaped garden retained by a boundary wall, with steps to the front door. Together with the tree planting within the street, these front gardens and soft planting provide a pleasant, suburban residential environment. While the frontages of properties along the road have varying amounts of hard landscaping features and some contain flattened areas to provide off-street parking areas these are not common features within the street scene.
7. The proposed building would be constructed at a lower ground level than the existing which would ensure that its overall height would not be significantly greater than the adjoining dwellings. Nonetheless, the bulk and massing of the proposed 3 and 4 storey building would be significantly greater when compared to the existing surrounding properties. Furthermore, while the full extent of the frontage would not be excavated, the proposed under-croft parking area would span almost the entire width of the appeal site and would result in abrupt tiers. Although some planting could be carried out to soften the appearance of the tiers, they would appear at odds with an established characteristic of the area.
8. Overall, the proposal would not sit well with the established pattern of development that positively contributes to the character and appearance of the area. It would appear as an intrusive and discordant addition to the street scene.
9. Policy DM10 of the Croydon Local Plan 2018 (CLP) indicates that proposals should seek to achieve a minimum of 3 storeys. Policy D3 of the London Plan (2021) (LP) requires all development to make best use of a site. However, those policies seek to ensure proposals are of a high quality and respects the development pattern and layout of the surrounding area. Such policy, therefore, does not support the granting of permission for development which I have found to be harmful to the character and appearance of the area.
10. In reaching this conclusion I have had regard to the efforts made to address the comments of the Planning Inspector in the previous appeal decision<sup>1</sup> at this

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<sup>1</sup> APP/L5240/W/20/3264278

site and acknowledge that the proposal is a contemporary reinterpretation of features of the existing dwelling incorporating an asymmetrical front elevation. I have also considered the examples of new development that have taken place or have been permitted in the locality, including those at 32 and 57 Woodcrest Road. However, even if I were to agree that such developments are comparable to that proposed in this appeal it remains that the proposal does not accord with the prevailing character of the area immediately local to the site, that I have identified. Such development elsewhere therefore does not justify the granting of permission for a proposal that would unacceptably erode the existing pleasant, suburban residential environment.

11. I find therefore that the proposal would harm the character and appearance of the area. As such, it would be contrary to LP Policy D3 and CLP Policies SP4 and DM10 which, amongst other things, require that development adheres to high standards of design which contribute positively to the townscape and respects local context. The proposal would also be contrary to the National Planning Policy Framework (the Framework), paragraph 130, which seeks to ensure that developments are sympathetic to local character, including the surrounding built environment.

#### *Parking provision*

12. The parties agree the Public Transport Accessibility Level (PTAL) of the site is 1a, poor. The appellant however seeks to argue that the PTAL Report does not take account a pedestrian footpath close to the appeal site that links to Brighton Road close to Reedham Station and that the site should be assessed as closer to PTAL 2 akin to other sections of Woodcrest Road that it lies between. However, the public footpath in question includes steps and steeply slopes in part. It does not, therefore, provide a suitable route to the Station for all.
13. Notwithstanding the proximity of the site to PTAL2 areas I am, nonetheless, therefore satisfied that the Report's conclusion regarding the site's PTAL is correct. Consequently, the parking standards for the proposal is 1.5 spaces per dwelling which equates to 10 spaces. The proposed 8 parking spaces is therefore below the adopted standards.
14. On my site visit I noted that there are no parking restrictions on Woodcrest Road and whilst there was some on-street parking close-by there remained capacity in the vicinity of the appeal site to park on the street. Nevertheless, my visit was a snapshot in time and not representative of on-street parking levels in the evening or at the weekend when pressure would be at its greatest. Additionally, the submitted Parking Beat Surveys were carried out over 3 years ago and, as such, do not provide a robust basis to assess current on-street parking pressures. Whilst there is nothing before me that seeks to quantify the parking pressures that would arise from development carried out or permitted since the Surveys were undertaken, I am unconvinced that the shortfall in on-site parking is acceptable. No compelling case has been given that indicates that any insufficiency of on-site parking would not lead to future occupants of the proposal choosing, or being forced to, park in a manner that is antisocial or that leads to highway safety concerns.
15. Furthermore, it has not been established, through the provision of appropriate swept path analysis that is representative of the proposal, that the proposed under-croft parking spaces can be suitably accessed and thereby function for

that purpose. Consequently, it has not been demonstrated without reasonable doubt that 8 parking spaces can be provided on site. Should any of the parking spaces be inaccessible at any time, that would lead to further on-street parking and exacerbate the highway safety concerns I have identified.

16. I therefore conclude that the proposal does not make adequate provision for off-road parking and, on this basis, would harm highway safety. It would therefore be contrary to CLP Policies SP8, DM29 and DM30 and LP Policies T4, T6 and T6.1 which, amongst other things, aim to ensure adequate car parking provision and that proposals do not increase road danger. In addition, it would not accord with the Framework which has similar aims.

#### *Sustainable highway improvements*

17. CLP Policy SP8.13 sets out that new development will be required to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes. The Council has confirmed that the scheme is eligible towards improvements in this context and has listed various initiatives that such a contribution would be potentially diverted to, including charging point provision, lining of car club bays, and car club set up costs.
18. The appellant has not disputed the reasonableness of seeking a contribution towards the aforementioned measures, but no mechanism to secure such a contribution, such as a signed legal agreement, is before me. On this basis, I must conclude that an adequate contribution towards sustainable highway improvements has not been secured. Consequently, there is associated harm and conflict with CLP Policy SP8.
19. It should be noted that, had I not been minded to dismiss the appeal for the other reasons, I would have offered the appellant additional time to consider preparing a legal agreement to address this matter, owing to the timing of the Council's request. For the avoidance of doubt, a signed legal agreement would not have affected the overall outcome of this appeal.

#### *Accessibility/inclusivity*

20. The layout plans do not show wheelchair turning areas within the bedrooms. Even so, the appellant states that Flat 1 is designed to accord with the requirements of Part M4(3) of the Building Regulations and that the remainder meet M4(2) requirements. The appeal plans suggests that there is sufficient space available for a wheelchair to manoeuvre and in the absence of any substantial evidence to demonstrate otherwise I consider that the proposal is acceptable in this regard.
21. Notwithstanding the intention to provide a side access with a somewhat steep gradient, the appellant has confirmed this is intended to serve garden maintenance and other ancillary services as opposed to wheelchair users. Instead, level access would be provided to the lower level of the communal garden area from a rear communal entrance off the first floor of the proposed building. Whilst wheelchair users would not be able to independently access, via steps, the larger upper communal garden area, they would have unrestricted access to the not insignificantly sized lower portion of the communal garden. Accordingly, suitably accessible and inclusive arrangements would to my mind ensue.

22. The proposed development would therefore incorporate a flat suitable for wheelchair users and be suitably accessible and inclusive for all users with regard to the communal amenity space. The scheme would therefore comply with CLP Policy DM10 which requires the provision of functional private amenity space, and with the inclusive design aims of LP Policy D7.

### *Living Conditions*

23. Due to the use of obscure glazing on the side facing windows of the proposal, there would be no intervisibility between windows in the proposed building and those of the adjoining properties. Such glazing could be secured by condition. There would, however, be some overlooking of the rear gardens of the adjoining dwellings to either side, 39 and 43 Woodcrest Road.
24. The submitted plans denote that the proposed development has been designed to avoid any breach of a 45-degree line taken from the centre point of the nearest facing windows of the adjoining dwellings. Consequently, whilst the proposed building would project some distance beyond the rear of such properties, I am satisfied that it would not have a materially harmful impact on outlook. It also follows that, for similar reasons, the proposed development would not cause material harm due to loss of light.
25. I find therefore that the proposal would not materially harm the living conditions of neighbouring occupants, with particular regard to outlook. As such it would comply with LP Policy D3, and CLP Policies SP4 and DM10 which, amongst other things, seek to protect the amenity of the neighbouring occupiers, enhance social cohesion and well-being, and deliver appropriate outlook. It would also conflict with the residential amenity aims of paragraph 130 of the Framework.

### **Other Matters**

26. The appellant has raised concerns with the Council's handling of the planning application, however that is not relevant to my findings on the planning merits of the scheme. I have also noted objections/concerns raised by interested parties with respect to matters including the effect of the proposal upon existing trees, flood risk, and the effect upon local infrastructure. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore such matters further here.
27. The proposal would contribute towards the Government's aims of boosting the supply of housing and making an effective use of land, as set out in the Framework. However, there is nothing before me to suggest that the Council does not have a five-year housing land supply and that current policy is not providing enough housing to meet the requirements for the area. The provision of 8 residential units (7 additional units when compared to the existing circumstances )therefore attracts moderate weight as a scheme benefit. The development would also create jobs during the construction phase and would, most particularly once occupied, provide support to the local economy and local community facilities. These benefits attract moderate weight due to the modest quantum of development under consideration. The scheme's benefits, considered cumulatively, would not in my judgement outweigh the harms and associated policy conflicts that I have identified.

## **Conclusion**

28. I have found that the proposal would maintain appropriate living conditions for the occupiers of the neighbouring properties and be suitably accessible and inclusive for all users. However, the scheme's benefits do not outweigh the harm that I have identified to the character and appearance of the area, highway safety, and by virtue of the absence of a contribution towards sustainable highway improvements. The proposed development therefore conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harms and associated development plan conflict.
29. I thus conclude that the appeal should be dismissed and that planning permission should be refused.

*Elaine Moulton*

INSPECTOR