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# Appeal Decision

Site visit made on 28 August 2023

**by M Russell BA (Hons) DipTP MRTPI**

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

**Decision date: 5 October 2023**

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**Appeal Ref: APP/L5240/W/23/3318858**

**211 Wickham Road, Croydon CR0 8TG**

- 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 S Amsons - Amsons Partners Ltd against the decision of London Borough of Croydon.
  - The application Ref 23/00231/FUL, dated 19 January 2023, was refused by notice dated 16 March 2023.
  - The development proposed is described as 'demolishing of ancillary storage outbuilding area attached to the shop situated at the rear garden of 211 Wickham Road CR0 8TG and the erection of a detached building consisting of 1 No, three-bedroom 4-Person self-contained unit and 3 Nos, 1-bedroom, 1-Person self-contained unit'.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mr S Amsons - Amsons Partners Ltd against London Borough of Croydon. This application is the subject of a separate Decision.

## Preliminary Matter

3. As part of their appeal submission, the appellant has provided a revised 'Proposed Ground Floor Plan' (Drawing No 06/E) which amends details relating to bin and cycle storage provision. The Council has not submitted an appeal statement and there is no other correspondence before me to suggest that it objects to the provision of this drawing. In any case, given that the remainder of this drawing is substantively the same as that which was before the Council when it made its decision, I am satisfied that no party would be prejudiced by me taking this drawing into account as part of my considerations.

## Main Issues

4. The main issues are:
  - i) the effect of the proposal on the character and appearance of the area;
  - ii) whether the proposal would provide acceptable living conditions for occupiers of the development with particular regard to communal amenity space and play space; and
  - iii) whether the proposal would provide suitable facilities for cycle, refuse and recycling storage.

## Reasons

### *Character and appearance*

5. The appeal site is currently occupied by outbuildings and a parking area associated with the commercial premises at No 211 Wickham Road. The site fronts Ridgemount Avenue which is mainly characterised by two-storey dwellings. There is much uniformity in the design of the dwellings on Ridgemount Avenue which more often include two-storey projecting bay windows, hipped roof forms and arched front door surrounds to their front elevations. The appeal site sits at a point on Ridgemount Avenue where the road curves towards the junction with Wickham Road. On the opposite corner, the Shirley Dental Practice includes a flat roofed contemporary projection close to the roadside boundary. Consequently, the appeal site forms part of a transitional section of the streetscene.
6. The Council's concern in respect of this main issue, principally relates to the incorporation of balconies on the elevation facing onto Ridgemount Avenue. A previous proposal on the site which was dismissed at appeal<sup>1</sup> and also included balconies. That decision confirms that those balconies would have projected significantly beyond the line of some two-storey projecting bay features and that they were shown to extend a considerable width across the front elevation of the proposed building in that instance. Their design also incorporated 2-metre-high glass screens to their outer edges. As a result, the Inspector was concerned that those balconies would have been visually prominent, would have disrupted the uniformity of the street scene and would have been at odds with the established character of Ridgemount Avenue.
7. In contrast, the front of the balconies on the proposal before me would be recessed and their balustrades would sit flush with the main front wall of the proposed building. The width of the balconies would be comparable with the widths of some neighbouring windows in the street scene and narrower than the proposed two-storey front projecting bays. Consequently, the balconies would have a discreet presence and the front projecting bays would be the dominant design feature to the front elevation of the building. The arched front door surrounds and hipped roofs would also appropriately respond to the design of other dwellings on Ridgemount.
8. I accept that the dwellings further along Ridgemount Avenue are generally set further back than is the case with the appeal proposal. Even so, taking into account the complementary design features incorporated, that the building would be located to the section of Ridgemount Avenue where the road bends towards Wickham Road, and noting that the proposal would closely align with the side elevation of No 211 Wickham Road, I am satisfied that the proposal would successfully assimilate into this transitional section of the street scene.
9. I conclude, the proposal would respect the character and appearance of the area. In that regard, it would comply with the design, appearance and context requirements of Policy DM10 (Design and character) of the Croydon Local Plan (2018) (CLP) and Policies D3 (Optimising site capacity through the design-led approach) and D4 (Delivering good design) of The London Plan (2021) (LP 2021).

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<sup>1</sup> Appeal Ref APP/L5240/W/21/3279454

*Living conditions – Communal Amenity Space and Play Space*

10. Policy DM10 of the CLP requires that all proposals for new residential development provide a minimum private amenity space of 5m<sup>2</sup> per 1-2 person unit and an extra 1m<sup>2</sup> per extra occupant thereafter. This requirement is also set out in Policy D6 (Housing quality and standards) of the LP 2021. Furthermore, Policy D3 of the LP 2021 requires that development proposals provide outdoor environments that are comfortable and inviting for people to use.
11. In addition, Policy DM10 requires all flatted developments to provide a minimum of 10m<sup>2</sup> per child of new play space. The policy also requires that flatted developments incorporate high quality communal outdoor amenity space that is designed to be flexible, multifunctional, accessible and inclusive.
12. Policy DM10.4 (d) sets out the matters to be excluded from a calculation of communal open space. Taking these matters into account, the proposal does not include any communal outdoor amenity space and would squarely conflict with the requirements of Policy DM10.
13. I accept that the two ground floor flats would be served by reasonably sized gardens which would exceed the minimum private amenity space requirements of Policy DM10. Given their proportions, these areas would be functional and would provide sufficient space for play, sitting out and other requirements such as for hanging out washing. Due to the boundary treatments that could be put in place, the position of neighbouring structures and that the first-floor flats would have obscure glazed windows to the rear elevation, these gardens would also be suitably private. Therefore, the living conditions of occupants of those particular flats would be unlikely to be materially compromised by the absence of any such communal space.
14. The balconies serving the first-floor flats would be acceptable in quantitative terms having regard to the minimum 5m<sup>2</sup> requirement for amenity space. However, they would be visible from the street which would limit the extent to which they would be private. Given their small size, the extent to which these balconies would be multifunctional would also be more limited. Therefore, the harm arising from the absence of any communal outdoor amenity space would be most acutely experienced by occupiers of the first-floor flats, significantly compromising the living conditions of these occupiers. This compounds the conflict with Policy DM10.
15. Furthermore, I accept that the first-floor flats are one-bedroomed and would be less likely to accommodate families. However, Policy DM10 does not preclude play space from being provided for private market one-bedroomed flats. Indeed, Table 6.2 under this policy requires a minimum play space of 0.3m<sup>2</sup> for every such unit. For a flatted development, it would be reasonably expected that this would form part of the minimum 10m<sup>2</sup> of play space per child and that this would be provided within the required communal outdoor amenity space to serve the overall development. This further indicates that the proposal would conflict with the detailed requirements of Policy DM10.
16. From what I have seen, the matters of dispute under the previous appeal in respect of outdoor space primarily related to the garden layouts for the ground floor flats. Therefore, whether or not there would be suitable provision of

communal outdoor space and play space were not specifically addressed in that appeal decision. I therefore have some sympathy for the appellant that the Council has now raised this matter. This is particularly so given that the evidence before me indicates that the first-floor flats on the previous scheme were also only served by balconies on the front elevation. However, this does not overcome the conflict that I have identified with the development plan having regard to the specific matters before me.

17. I conclude, the proposal would not provide acceptable living conditions for occupiers of the development with particular regard to the requirements in Policy DM10 (Design and character) of the CLP for all flatted developments to provide play space and high quality communal outdoor amenity space that is designed to be flexible, multifunctional, accessible and inclusive.

*Cycle and refuse storage*

18. Policy DM13 requires that adequate space is provided for the temporary storage of waste materials. The plan provided, and referred to in my preliminary note, indicates that 12 bins of a common size could be accommodated in a row, leaving a pathway to the proposed cycle storage.
19. The Council's Waste and Recycling Officer confirmed that 4 x 180ltr landfill bins, 4 x 240ltr recycling comingled recycling bins, 4 x 240ltr paper & card recycling bins and 4 x external food caddies would be required to serve the development and provided precise dimensions for these containers. In contrast to the plan before me, these containers are of varying width and depth. It is unclear from the plan provided whether the containers could be accommodated in a similar manner to that indicated and no calculations or comparison of footprints have been provided. Therefore, I cannot be certain that adequate space would be provided to accommodate these containers in the layout suggested.
20. 6 cycle spaces would meet the minimum requirements under Policy T5 (Cycling) of the LP 2021 based on the formula in table 10.2 under this policy. However, Policy T5 also requires that development proposals should demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people. No such details have been provided, and given the uncertainties regarding the footprint of the required waste storage area, it has not been demonstrated that convenient access would be provided to the cycle storage area which includes space for larger cycles.
21. Having read the officer report for the previous application on the site<sup>2</sup>, cycle and refuse storage was not a matter of contention. Indeed, in that instance, the report suggested that, had all other matters been acceptable, the storage requirements could have been dealt with by condition.
22. However, a condition would not provide sufficient certainty in this instance that the area shown would be sufficient to accommodate the specific waste and cycling storage requirements detailed above in a functional way. Again, I sympathise with the appellant that this is a new matter that was not disputed in the previous appeal. However, having regard to the proposal before me and the evidence provided in this case, it has not been demonstrated that the requirements of the development plan would be met.

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<sup>2</sup> LPA Ref 21/00222/FUL

23. I conclude, it has not been demonstrated that the proposal would provide suitable cycle, refuse and recycling storage facilities. In that regard, it would conflict with the cycling, refuse and recycling requirements in Policies DM10 (Design and character) and DM13 (Refuse and recycling) of the CLP and Policies T4 (Assessing and mitigating transport impacts) and T5 (Cycling) of the LP 2021.

### **Conclusion**

24. The proposal would not provide acceptable living conditions for occupiers of the development with particular regard to the requirements of the development plan for all flatted development to provide play space and high quality communal outdoor amenity space. It has also not been demonstrated that the cycling and waste storage requirements arising from the development could be suitably accommodated. In these respects, the proposal conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

*M Russell*

INSPECTOR