



Appeal Decision

Site visit made on 18 September 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/L5240/W/23/3316078

20 Rectory Park, South Croydon CR2 9JN

- 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 Martyn Avery of Chartwell Land & New Homes (2) Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/01863/FUL, dated 5 May 2022, was refused by notice dated 9 December 2022.
 - The development proposed is the demolition of existing garage, formation of access from Rectory Park and the erection two detached dwellings with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage, formation of access from Rectory Park and the erection two detached dwellings with associated parking and landscaping at 20 Rectory Park, South Croydon CR2 9JN in accordance with the terms of the application, Ref 22/01863/FUL, dated 5 May 2022, subject to the conditions in the attached Schedule.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing on the matters in dispute in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises part of the curtilage of an existing dwelling located within a residential area. Development within the locality includes a mixture of single and two-storey detached dwellings and are typically set back behind low brick walls and hedges. There is occasional development to the rear of dwellings, including a pair of dwellings under construction immediately adjacent to the site at No 18 Rectory Park (No 18).
5. The architecture and materials used in the surrounding area is varied, although the street scene has an attractive character aided by the grassed verges and street trees. Whilst there is a prevalence of traditional forms and materials in the vicinity of the site, there are instances where more contemporary styles are apparent, including at No 18.

6. The development proposes the erection of a pair of detached, two-storey dwellings to the rear of No 20 Rectory Park. The architecture has sought to incorporate elements of the surrounding existing development, including the use of red brick, vertical hanging tiles and a hipped roof finished with clay roof tiles. In addition, the front elevations include full height bay projections and recessed front doors, features which are present within the locality.
7. The proposed dwellings would incorporate a subtle contemporary approach to local design features. The combination of this architecture with the use of traditional materials would ensure that the development sited in a backland position would be viewed as a complementary addition to, and assimilate appropriately with, the varied styles and form of properties close by. The dwellings, through their scale and design, would not appear cramped within the locality and would not appear as an overdevelopment of the site. In addition, suitable external space would be provided for the future occupants of the development and retained for the existing dwelling. Therefore, I find that it would respect the character and appearance of the area.
8. In reaching that view, I have taken into account that the coloration of the proposed materials is appropriate to the locality and would weather and soften over time to further blend with the surroundings. Whilst the proposal would be visible within the locality, including from Sanderstead Recreation Ground to the rear, the sympathetic scale and appropriate materials would ensure that it suitably integrates with the overall character of the surrounding area.
9. I therefore conclude that the proposed development would have an acceptable effect on the character and appearance of the site and the surrounding area. On this basis, the proposal accords with policies D3 and D4 of the London Plan (2021) and policies SP4 and DM10 of the Croydon Local Plan (2018), which require proposals to respect and respond to local distinctiveness and the character of the surrounding area.

Other Matters

10. The proposal would be adequately separated from the dwellings at No 20 and No 22 Rectory Park by distances in excess of the requirements of the London Plan Housing Supplementary Planning Guidance. In addition, the layout of the fenestration and the use of a condition to obscurely glaze windows in the first floor of side elevations. The combination of those factors would ensure that there would be no harm in respect of the living conditions of occupants of neighbouring properties, in terms of outlook, light or privacy.
11. In respect of highway safety, the addition of two dwellings would not result in a significant increase in vehicle movements. The provision of on-site parking as proposed would ensure that there would not be an unacceptable increase in demand for on-street parking.
12. In addition, concerns have been raised in respect of the capacity of infrastructure and services. On the basis of the evidence before me and my own observation of the accessibility of the site to a range of local services and facilities, I have no reason to consider that local schools and infrastructure would be unable to accommodate two additional dwellings.

13. I note the concerns in terms of fire safety. However, based on the evidence before me, the relevant requirements are capable of being appropriately addressed through the Building Regulations.

Conditions

14. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
15. A condition requiring the submission of a Construction Logistics Plan is required to safeguard the living conditions of local residents and to prevent adverse impacts on the local road network during the construction phase.
16. In order to protect the living conditions of the occupants of neighbouring properties in respect of privacy, a necessary condition is included to restrict the insertion of new windows and require first floor side windows to be obscure glazed and non-opening.
17. A condition removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse is included as it is necessary and clearly justified to safeguard the living conditions of occupants of neighbouring dwellings as well as ensuring that sufficient external space is retained for future occupants of the development in the future.
18. The sustainability of the development, including minimising energy use and climate change would 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 would be protected by conditions in respect of external materials for the dwellings, arboricultural matters, and hard and soft landscaping.
19. Highway safety would be secured by conditions to provide adequate pedestrian visibility splays, whilst flood risk would be managed by a condition in respect of surface water drainage including the adopting of the principles of SUDs.

Conclusion

20. The proposal would accord with the development plan as a whole and there are no other considerations, which would indicate that a decision should be made otherwise. Therefore, for the reasons given, I conclude that the appeal should succeed.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL 22-622 – 01, PL 22-622 – 02, PL 22-622 – 03, PL 22-622 – 04, PL 22-622 – 05, PL 22-622 – 06, PL 22-622 – 07, PL 22-622 – 10, PL 22-622 – 11, PL 22-622 – 30, PL 22-622 – 31, PL 22-622 – 32, PL 22-622 – 33, 2108024-01 A, 2108024-02 and AKJH.22-005-1.
- 3) Prior to the commencement of development including demolition, a Construction Logistics Plan (CLP) shall be submitted to the Local Planning Authority for approval in writing. 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) 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.
- 5) Prior to the commencement of above-ground works full details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of above-ground works a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the local planning authority. The scheme shall include a) hard landscaping materials; b) soft landscaping details (including existing planting to be retained, the species, size and density of proposed new planting); c) boundary treatments.

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 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.
 - 8) The development hereby permitted shall not be occupied until details of Electric Vehicle Charging Points (EVCPs) are submitted to and approved by the Local Planning Authority. The EVCPs shall be maintained (unless replaced with equivalent or uprated replacements) for the lifetime of the development.
 - 9) The pedestrian visibility splays shown on drawing number 2108024-01 Revision B shall be provided prior to the first occupation of the development and maintained for the lifetime of the development.
 - 10) The development shall be carried out in full accordance with the Arboricultural Implications Assessment and Method Statement dated April 2022 and drawing number 21-1281-TPP. The tree protection measures shall be implemented on site prior to commencement and retained for the duration of works.
 - 11) The dwelling hereby permitted shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable'.
 - 12) The development hereby permitted shall achieve a minimum 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the Building Regulations (2013) and achieve a minimum water efficiency standard of 110/litres/person/day.
 - 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no development relating to Class A (enlargement, improvement or other alteration of a dwellinghouse) of Part 1 (Development within the curtilage of a dwellinghouse) of Schedule 2 (Permitted Development Rights) shall be undertaken without the prior written approval of the local planning authority.
 - 14) No additional windows shall be formed in the side elevations of the dwellings hereby permitted and approved windows to be installed in the side elevations of all buildings at first floor level shall be glazed with obscure glass of an obscurity level of no less than 3 and non-opening below 1.7m in height and shall thereafter be permanently retained as such.