



Appeal Decision

Site visit made on 21 September 2023

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2023

Appeal Ref: APP/L5240/W/22/3305926

61 Selcroft Road, Purley CR8 1AL

- 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 Lovelace Poku, on behalf of Sterling Rose Homes, against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/05491/FUL, dated 1 November 2021, was refused by notice dated 8 August 2022.
 - The development proposed is construction of a two-storey building and basement excavation comprising 6 self-contained homes, private/communal space; refuse and cycle storage; car parking and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would provide satisfactory living conditions for its future occupiers, with particular regard to light, outlook, internal layout, accessibility and fire safety;
 - The effect of the proposal on the living conditions of 59 and 61a Selcroft Road, with particular regard to outlook;
 - The effect of the proposal on local traffic and highway and pedestrian safety, with particular regard to car parking provision, pedestrian and vehicular access, cycle parking and refuse storage, sustainable highway improvements and measures to reduce car dependency; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living conditions of future occupiers

3. The appeal proposal includes the provision of 6 residential flats across 3 levels, one of which is below ground. Flats 1 and 2 would be located on this level. The layouts of these flats would be largely symmetrical. Each flat would contain an elongated open plan kitchen and living space, and a bedroom, overlooking the rear courtyard. To the front, there are two bedrooms overlooking the front courtyard. Internal circulation spaces and bathrooms do not benefit from any natural light.

4. The proposal is supported by a daylight and sunlight report¹. This contends that all habitable rooms are adequately daylit with Average Daylight Factor (ADF) values meeting the recommended Building Research Establishment (BRE) targets. However, the report indicates that only 1 out of the 6 basement windows facing within 90-degrees of due south (excluding northern windows) would meet the BRE annual and winter sunlight targets.
5. Given their subterranean location, these two units would also have limited outlook, with all windows facing directly onto, and enclosed by, the tall walls and tiered landscaping of the sunken courtyard areas. While the open plan living spaces in each unit would also benefit from two pavement lights, given their location in the roof of these rooms, they would also provide no meaningful outlook for future occupiers.
6. The daylight and sunlight report demonstrates that the rear courtyard spaces serving Flats 1 and 2 would receive 2 hours of direct sunlight across at least 50% of their area on 21 June. However, the area lit to the front of Flat 1 during this time would fall just short of 50%, while the area lit to the front of Flat 2 would be appreciably smaller.
7. Notably however, none of these external spaces would receive 2 hours of direct sunlight across at least 50% of their area on 21 March, with the spaces to the front receiving no sunlight at all at this time of year. This indicates that for a considerable proportion of the year much of these spaces would be in shade.
8. The combined effect of the above factors would result in a somewhat oppressive living environment that would not benefit from direct sunlight for much of the year and would feel considerably enclosed. This would not provide satisfactory living conditions for future occupiers of Flats 1 and 2.
9. A large communal garden area is proposed to the rear of the building. However, this would be a shared space, and would include a bike storage facility and children's play space. Thus, it would not serve the same purpose as a private outdoor space and does not outweigh the identified harm.
10. I recognise that paragraph 125 of the National Planning Policy Framework (the Framework) advocates a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. However, this remains contingent on the scheme providing acceptable living standards. Moreover, there is no compelling justification before me for these standards to be reduced in this location.
11. While all walls could be painted white, and floor finishes can be made bright and lightly coloured, to increase reflectivity, there is no mechanism to secure this or to maintain it in perpetuity. Additionally, though the evidence indicates that other parts of the development would benefit from adequate light and outlook, this would not outweigh the identified harm in respect of the basement units, which represent one third of the scheme.
12. In terms of accessibility, Policy D7 of the London Plan March 2021 (the London Plan) states that at least 10% of dwellings should meet Building Regulations requirement M4(3). All other dwellings should meet requirement M4(2). Paragraph 3.7.4 of the London Plan clarifies that M4(3) dwellings, which the local authority is not responsible for allocating or nominating a person to live

¹ Daylight and Sunlight Report, Hodkinson, dated November 2021

in, should be easily adaptable to meet the needs of a wheelchair user. Paragraph 3.7.5 clarifies that to comply with requirements M4(2), step-free access into the dwelling must be provided.

13. The appellant contends that Flat 3 on the ground floor would be wheelchair accessible/adaptable. Step free access into the ground floor units, including from the communal garden, appears achievable. However, on the submitted floor plans it is not clear that doorways and circulation spaces within Flat 3 would provide sufficient space for a wheelchair to access, and manoeuvre within, that unit. The space available for a wheelchair to manoeuvre on the external terrace would also be limited. These are fundamental aspects of the layout of the unit, and so could not easily be adapted. The evidence therefore does not demonstrate that Flat 3 would be wheelchair accessible or adaptable.
14. In respect of the other units, the basement and first floor flats would have access to a lift. However, based on the plans before me this appears insufficiently sized for use by a wheelchair and it is not clear that it could otherwise be used easily and with dignity for all given its small size. The proposal therefore does not provide adequate step-free access to all dwellings and does not incorporate safe and dignified emergency evacuation for all building users.
15. The proposed plans indicate that access to the balcony serving Flat 5 would be via its two bedrooms. While it may be preferable for external spaces to be accessed through a living room, the evidence before me does not indicate that such an arrangement would conflict with the development plan.
16. The proposal is supported by a document setting out fire safety measures². This identifies fire hazards and people at risk and outlines how fire hazards will be removed or reduced, including through the use of smoke alarms, fire doors, information to residents and gas safety checks. Floor plan drawings pursuant to the fire strategy have also been provided, detailing emergency exits, fire rated partitions, and the locations of emergency equipment. However, given the above concerns regarding access to basement and first floor flats and the size of the proposed lift, it has not been demonstrated that the proposal would provide a suitable and convenient means of escape for all building users.
17. I conclude that the proposal would fail to provide satisfactory living conditions for its future occupiers, with particular regard to light, outlook, internal layout, accessibility and fire safety. The proposal is therefore contrary to Policy D6 of the London Plan and Policy DM10 of the Croydon Local Plan 2018 (the Local Plan). These policies, among other provisions, seek to ensure development proposals are of a high-quality design and provide adequate daylight and sunlight.
18. My attention has also been drawn to Policy D3 of the London Plan, which seeks to ensure new developments deliver appropriate outlook and amenity, among other provisions. Though not explicitly referred to in the Council's second reason for refusal, the proposal would also conflict with this policy in this regard.
19. In terms of accessibility, the proposal would be contrary to Policies D5 and D7 of the London Plan. These policies, among other provisions, seek to achieve the

² Fire Safety Measures, Sterling Rose Homes, dated December 14 2021

highest standards of accessible and inclusive design, and to ensure residential development provides suitable housing and a genuine choice for London's diverse population, including disabled people, older people and families with young children.

20. In terms of fire safety, the proposal would conflict with Policy D12 of the London Plan. This states that development proposals must achieve the highest standards of fire safety, including providing suitable and convenient means of escape, and associated evacuation strategy for all building users.
21. In respect of this main issue, I have not identified any conflict with Policy D10 of the London Plan. This policy requires Boroughs to establish policies to address the negative impacts of large-scale basement development where this is identified as an issue locally.

Living conditions of neighbours

22. 61a Selcroft Road is a detached two storey dwelling, with a single storey conservatory sitting along the shared boundary with the appeal site. No 61a is sited on appreciably lower ground than the appeal site due to the topography of the street. The existing dwelling at No 61 also extends beyond the principal rear elevation of No 61a by some distance and is located due south of this neighbouring dwelling.
23. The height of the existing dwelling at No 61 in relation to this neighbour is therefore amplified and will at times cast a shadow over this neighbouring property. The existing relationship is somewhat tempered however by the hipped roof design of No 61, and as the first floor is set back further from the shared boundary than the ground floor.
24. The appeal proposal would not extend any further beyond the rear elevation of No 61a at its closest point. However, at first floor level, the proposed building would sit appreciably closer to the shared boundary than the existing dwelling. This would worsen what is already a somewhat constrained relationship between these two dwellings. The proposal would appear somewhat oppressive given its relative height, size and proximity and have an enclosing effect on outlook from the conservatory and first floor window within No 61a that sit adjacent to the shared boundary. The appeal proposal would therefore have a deleterious effect on outlook from No 61a which would be harmful to the living conditions of the occupiers of this neighbouring property.
25. The submitted daylight and sunlight report concludes that the development proposal is unlikely to reduce the daylight levels to adjoining dwellings, and that most windows in No 61a would meet the BRE sunlight requirements. However, the results confirm that the first floor and conservatory windows in the rear elevation of No 61a, closest to the shared boundary, would experience a reduction in daylight (Vertical Sky Component). Ground floor conservatory windows would be most impacted, with the two windows facing the boundary failing to meet the BRE target value. The report also recognises that the conservatory would be affected by loss of sunlight, with some windows not achieving BRE sunlight requirements. Ultimately, this does not lead me to a different conclusion with regard to my findings on outlook above.
26. In respect of 59 Selcroft Road, this two-storey detached dwelling is situated on appreciably higher ground to the appeal site. Though it has first floor windows

in its side elevation facing the appeal site, at first floor it is set off the shared boundary a considerable distance. Though the proposed building would sit close to the shared boundary, it would not extend significantly beyond the rear elevation of this neighbouring dwelling and its mass would be somewhat softened by the difference in levels and its hipped roof form. The proposal would therefore not unduly harm outlook from this neighbouring property.

27. While I have not identified any harm in respect of the effect of the proposal on the living conditions of the occupiers of No 59, the proposal would have a harmful effect on the living conditions of the occupiers of No 61a, with particular regard to outlook. The proposal is therefore contrary to Policy DM10 of the Local Plan and Policy D3 of the London Plan. These policies, among other provisions, seek to ensure new developments deliver appropriate outlook and protect the amenity of the occupiers of adjoining buildings.

Local traffic and highway and pedestrian safety

28. The appeal proposal seeks to provide 6 car parking spaces on site. Policy DM30 of the Local Plan requires parking provision in new development to comply with the standards set out in the London Plan. London Plan Policy T6.1 sets out a maximum parking provision for outer London locations with a Public Transport Accessibility Level (PTAL) of 0-1, of up to 1.5 spaces per dwelling. The level of provision proposed would therefore not conflict with the maximum standards.
29. Policy T6 of the London Plan however states that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. The Council contends that in this instance the maximum level of parking should be provided.
30. The submitted transport statement³ states that the site is within easy walking distance from Purley rail station. Nevertheless, the site has a low PTAL, demonstrating poor access to public transport, and I saw on my site visit that the route to the station is not a particularly easy walk due to the topography of the area. Reliance on the private car by future occupiers is therefore likely to be relatively high and demand for parking may exceed the proposed capacity.
31. The submitted transport statement is supported by swept path analysis of the proposed parking bays. The space available for vehicles to manoeuvre within the site appears constrained, some manoeuvres require multiple movements and cross over other parking bays. This is likely to limit the availability of spaces and / or affect the ability of vehicles to enter and exit the site in a forward gear. Some spaces appear somewhat constrained by landscaping, and no segregated space has been provided for pedestrians or cyclists away from manoeuvring areas. This would likely lead to additional on-street parking pressure and increase the risk of conflict between vehicles and pedestrians. Given the constraints of the site, it is not clear these issues could be resolved through a planning condition.
32. There is no parking stress survey or similar evidence to demonstrate the levels of on street car parking in this area. I did not observe any on-street parking restrictions in the vicinity of the appeal site. The Council's Transportation Team have raised concerns that overspill parking from this development in combination with others in this area would cumulatively overwhelm local roads.

³ Transport Statement, Transport Planning Practice, dated October 2021

33. The proposal includes alterations to the existing crossover including the provision of a radius kerb. The submitted plans indicate that vehicles utilising this would not exit the site at a 90-degree angle to the highway. The height of hedgerow along the front boundary of the site is within the appellant's control, however nearby trees located within the verge and on neighbouring land may affect visibility. It is not clear based on the evidence that adequate pedestrian and vehicular visibility would be provided.
34. I recognise that the proposal seeks to utilise the existing access. Nevertheless, it also includes alterations to this access, and to the intensification of its use. Accordingly, the existing condition of the access does not provide adequate justification for the proposed arrangements before me, and there is no compelling evidence to demonstrate the proposal would represent an enhancement over the current situation.
35. An external refuse storage area is proposed towards the front of the site. The submitted plans indicate this space is large enough to store two 1100 litre bins for waste and recycling, with some additional space to the front of the store.
36. The Mayor of London Housing Supplementary Planning Guidance (SPG) March 2016 indicates that storage facilities for waste and recycling containers should be provided in accordance with local authority requirements. Policy D6 of the London Plan states that housing should be designed with adequate and easily accessible storage space that supports the separate collection of dry recyclables and food waste as well as residual waste. The Council's Waste and Recycling in Planning Policy Document August 2015 indicates that an area of 10m² is required for the storage of bulky goods.
37. While the proposed refuse store may be large enough to accommodate an additional container(s) for food recycling, it is not clear based on the plans before me that it could also accommodate bulky goods and remain easily accessible. Given the site constraints, it is again not clear these issues could be resolved through a planning condition.
38. The proposal also includes a secure covered cycle storage area to the rear of the site. The Council has raised concerns regarding the height and width of the proposed store and access. However, I do not find that the proposed access to the cycle store would be unduly contrived, and I am satisfied that there is sufficient space to the rear of the site to accommodate a store that is sufficient height and width. Final details of the store could therefore be secured by planning condition.
39. The Council maintain that a legal agreement would be required to secure a financial contribution towards improvements to sustainable transport, including an on-street car club with electric vehicle charging provision. In the context of the site's poor PTAL and in view of the requirements of London Plan Policies T4 and T9 and Local Plan Policy SP8, I consider this to be relevant, proportionate and necessary. However, there is no executed legal agreement before me to secure this.
40. In view of the combination of factors above, while I have found that the proposal could provide adequate cycle parking, I conclude that it would have a harmful effect on local traffic and highway and pedestrian safety, with particular regard to car parking provision, pedestrian and vehicular access,

refuse storage, sustainable highway improvements and measures to reduce car dependency.

41. It is contrary to Policies SP8, DM29 and DM30 of the Croydon Local Plan, and Policies T4 and T9 of the London Plan. These policies, among other provisions, seek to ensure new development contributes to the provision of electric vehicle charging infrastructure, car clubs and the mitigation of transport impacts, promotes sustainable travel and does not have a detrimental impact on highway safety.
42. In respect of this main issue, I have not identified any conflict with Policy T6 of the London Plan, which indicates that maximum car parking standards should be applied, or Policy T5 of the London Plan, which seeks to secure appropriate cycle parking.

Character and appearance

43. The existing dwelling is a traditional two storey detached house. It is set back from the footpath behind a front garden and driveway, enclosed by a boundary hedge. To the rear, the site features a large private garden area. The street is tree lined and the size of plots locally provides ample opportunities for tree and shrub planting, which gives the area a verdant appearance.
44. The surrounding area is characterised by a mix of house types of varying size and design. Along Selcroft Road and neighbouring streets to the south and east, dwellings are often detached and set within generously sized plots. However, these are punctuated by several examples of flatted developments.
45. Though larger than most neighbouring dwellings, these flatted forms of development typically appear somewhat domestic in their scale and design when viewed from within the street. The variable topography of the area also assists in integrating these developments into the street scene.
46. The proposal would result in demolition of the existing dwelling and replacement with a larger flatted development comprising 6 self-contained apartments. The scale of the existing dwelling is in keeping with that of neighbouring dwellings. It's traditional design also sits comfortably in its setting. However, given the variety in house types locally, its demolition would not result in any considerable harm to the character and appearance of the area, subject to an appropriate replacement.
47. The proposal would extend a considerable distance into the rear of the site, however it would appear relatively modest when viewed from the front. From this perspective, it would have the appearance of a large dwelling set across two levels. Though it would span the majority of the width of the plot above ground, this is not uncommon for larger dwellings or other flatted development in the area. It's mass and prominence in the street scene would be further moderated by its hipped roof form, and the topography of the street, which results in the dwelling at 59 Selcroft Road sitting appreciably higher.
48. The front elevation of the proposal is a relatively simple and traditional domestic design, with a forward projecting gable feature. The proposed fenestration is symmetrical and proportionate, while the proposed brick and render finish is in keeping with other dwellings and buildings in the surrounding area. While the roof form to the rear would be complicated by the staggered

rear elevations, this would not appear unduly contrived and would be considerably screened due to its position to the rear.

49. Basement development and the use of light wells is not ubiquitous in this area. However, there are several instances of this type of development in the locality. Moreover, the subterranean nature of such development typically limits its visual impact. In this case, the proposed light wells would be set back a considerable distance from the public footpath and would be considerably screened by boundary treatments and vegetation. This form of development would therefore not appear unduly incongruous in this context.
50. The provision of additional hard surfaces to form parking spaces to the front of the site would result in the loss of some vegetation. However, elements of soft landscaping would be retained, providing screening along the frontage of the site, sufficient to avoid any unduly harmful effect on the character and appearance of the area.
51. I conclude that the proposal would not harm the character and appearance of the area. The proposal is therefore in accordance with Policies SP4 and DM10 of the Local Plan. These policies, among other provisions, seek to ensure development is of a high quality, respects and enhances local character. They also require development to have regard to various matters including development pattern, layout, siting, scale, height, massing, density and appearance, to incorporate hard and soft landscaping and retain existing trees and vegetation.
52. Policy SP2 of the Local Plan seeks to ensure a choice of housing for people in socially balanced and inclusive communities. It seeks to deliver a minimum number of homes over the plan period, concentrating growth in places with the most capacity and ensuring land is used efficiently. It also seeks to ensure affordable housing and a mix of homes by size is provided, and that these are designed to meet the needs of residents, among other provisions. I have not identified any conflict with this policy in respect of this main issue.
53. Policy D4 of the London Plan seeks to deliver good quality design including using design and access statements. The proposal is supported by a character appraisal and design and access statement, considering matters of design with regard to various development plan policies and guidance. Policy D10 of the London Plan requires Boroughs to establish policies in their development plans with respect to basement development, where necessary. In respect of this matter, I find no conflict with these policies.

Other Matters

54. The proposal would reuse previously developed land in an existing urban area. It would therefore benefit from a degree of access to services and public transport, though the evidence indicates it has a poor PTAL. It would contribute to meeting the housing requirement, and small sites are often built-out relatively quickly. This would support the Government's objective of significantly boosting the supply of homes, as set out in Paragraph 60 of the Framework and Policy H2 of the London Plan. The proposal would also include ecological enhancement measures. Overall, these benefits would be modest however, given the small scale and context of the development.

55. I recognise that residential development in this location is acceptable in principle and, other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.
56. I understand that the proposals for this site have been amended, following pre-application discussions with the Council and an earlier planning application that was also refused planning permission. However, this does not indicate that the appeal scheme before me is acceptable with regard to the main issues.

Conclusion

57. The proposal would result in significant harm and development plan conflict with respect to its effect on the living conditions of the occupiers of neighbouring properties and future occupiers. I have also identified harm and development plan conflict with respect to the effect of the proposal on local traffic and highway and pedestrian safety. While I have not found any harm with respect to the effect of the proposal on the character and appearance of the area or cycle parking provision, I find that the proposal would nevertheless be contrary to the development plan, taken as a whole.
58. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

Ryan Cowley

INSPECTOR