



Appeal Decision

Site visit made on 19 September 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Appeal Ref: APP/L5240/W/23/3318991

96 - 98 Brighton Road, Coulsdon CR5 2YS

- 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 Nowsad Gani (Ganco Assets) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/03814/FUL, dated 13 September 2022, was refused by notice dated 6 January 2023.
 - The development proposed is described as the extension to the existing building with the proposal of 8 new units, comprising of 1 x 1B1P, 3 x 1B2P, 1 x 2B3P, 1x2B4P, and 2 x 3B5P self - contained flats. To enable this, 2 existing units created as part of the previous permitted development change of use will be removed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been brought to my attention that the Suburban Design Guide 2019 has been revoked in September 2022. It is incumbent upon me to consider the most relevant and up to date information in reaching a decision. Therefore, I have not considered this document in my decision. The appellant has had the opportunity to comment on the implications of revocation for the appeal and, as such, I am satisfied that the appellant has not been prejudiced by this approach.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the host building and of the area;
 - the effect of the proposed development on the living conditions of the occupants of Nos 100, 102, 104 and 106 Brighton Road with particular reference to outlook and privacy;
 - whether the proposal would create acceptable living conditions for its future occupants with regard to outlook, privacy to habitable rooms, communal space and play space; and
 - whether the proposal would provide adequate cycle storage.

Reasons

Character and appearance

4. The appeal site is located on the corner of Brighton Road and The Avenue and occupies a prominent position in the street scene. The existing three storey building is curved and follows the form of the street. The parapet detail at roof level is an integral architectural feature of the building's design. It adds interest to the elevation and provides an attractive way to complete the building at roof level and carrying the design around the corner.
5. Brighton Road, in the site's vicinity, is characterised by rows of three-storey terraced buildings of a similar height with varying roof designs, including flat roofs and gabled ends with decorations. The rear areas of the terraces which are visible in the street scene of The Avenue have a built-up appearance, due to the presence of extensions, balconies and boundary treatments. Nevertheless, the height and scale of built form reduces substantially to the back of the plots.
6. The proposed rooftop extension, which would add a fourth storey to the building, would be notably higher than the surrounding buildings and its visual relationship with adjacent structures would be undermined as a result. The rooftop would take up all the space up to No 100 and, in combination with its boxy form, would appear overly prominent and fail to provide a balanced front elevation, notably at odds with the three-storey pattern of built form in Brighton Avenue.
7. As the site is a corner plot, the proposed extension would provide a frontage to The Avenue and occupy most of the plot. Although the parapet wall would be lower in height than the staircase to the rooftop, because of its overall bulk and massing, the proposal would fail to complement the existing building and it would appear disproportionately large in relation to its scale.
8. Although the surrounding terraces have built form to the rear, this is less substantial than the proposal. The proposal has been stepped down to the rear but, due to its overall width, depth, and height it would nonetheless appear disproportionately large when seen in the street scene of The Avenue, resulting in an intensification that would harm the character and appearance of the area.
9. The proposal would mostly be externally finished in mixed red brick to match the existing. The Council has raised concerns with the proposed pink render and black windows, however details of these materials could be secured by planning condition if I were otherwise minded to allow this appeal.
10. My attention is drawn to the development at No 129-131 Brighton Road. Despite the short separation distance between both sites, the properties would not be visible in the same context. During my site visit I observed that, notwithstanding the nearby two storey properties, No 129-131 lies within a much denser urban context of larger scale development. The building opposite, No 127 Brighton Road, extends from four to seven floors in some areas and, as such, the height of No 129-131 relates well with its surrounding context. Therefore, the development at this property is not directly comparable to the appeal site.
11. Overall, I conclude that the proposal would detract from the character and appearance of the host property and the surrounding area. It would conflict

with Policy D3 of the London Plan 2021 (LP) and with Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP). These policies seek to optimise site capacity whilst ensuring good quality design, amongst other things.

Living conditions of adjoining neighbours

12. No 100 is adjacent to the appeal site and it contains residential accommodation with clear glazed rear facing windows serving habitable rooms. Due to its height, depth and limited separation distance to the joint boundary with these neighbours the proposal would appear as a significant and conspicuous structure. The use of solid bricks with limited fenestration and contrived building form near this property would serve to accentuate the proposal's prominence when seen from the rear windows of No 100 and give rise to a sense of enclosure. Although the scheme has been stepped down at the rear, this is furthest away from No 100's rear windows. There is limited evidence about the use of the rear area of No 100. Even so, the proposal would dominate the rear windows of No 100 and appear overbearing, to the detriment of the living conditions of these neighbours.
13. The habitable rooms within the proposal's side elevation facing towards Nos 100 to 106 would be angled, which would mitigate against overlooking. As the scheme has been stepped back at the rear, views from the second floor terrace towards these neighbours would be partially blocked by the proposed extension and would be at a distance. As such, the proposal would not result in loss of privacy to these neighbours.
14. While I am satisfied that the development would not be harmful to the privacy currently enjoyed by the residents at Nos 100 to 106, for the reasons set out above, I conclude that the proposal would be harmful to the living conditions of the occupants of the adjoining property at No 100, with particular reference to outlook. As such, the proposal would be contrary to Policies SP4 and DM10 of the CLP, where these policies seek to protect residential amenity.

Living conditions of future residents

15. The ground floor rear units would be sited very close to the site's boundary treatments which are substantial in height. Consequently, the rear habitable rooms within these units would have low levels of outlook and feel enclosed, despite the linear arrangement being acceptable and the spaces receiving daylight.
16. The provision of communal amenity space and child play space is required by Policy DM10 of the CLP and the lack of provision of these spaces is not justified by the delivery of photovoltaic panels to the flat roof. As a consequence, the quality of accommodation provided on site would be compromised.
17. The ground floor front units would have windows next to the footpath and the users of the footpath would be able to look directly into habitable rooms. However, this arrangement is not dissimilar to the existing residential units within the building and, on this basis, it would be acceptable.
18. The proposal would replace existing accommodation that falls below the current space standards. However, for the reasons set out above the proposal would result in a substandard quality of accommodation, therefore limiting the benefits associated with the replacement.

19. To conclude, I am satisfied that the proposal would create acceptable living conditions for its future occupants with regard to privacy to habitable rooms. However, the proposal would fail to create acceptable living conditions for its future occupants with regard to outlook, communal space and play space. The proposal would therefore conflict with Policy D6 of the LP and with Policy DM10 of the CLP. Collectively, these policies seek to ensure that proposals for new residential development provide appropriate amenity space, amongst others.

Cycle storage

20. The proposal would provide 16 cycle spaces to serve the flats, in line with Policy T5 of the LP. However, the plans do not show any cycle storage provision for the retained flats and, even if the outdoor space on the proposed ground floor units was used for cycle parking, there would remain a shortfall in cycle parking.
21. As such, the proposal would not provide adequate cycle storage, contrary to Policy T5 of the LP and to Policies SP8, DM29 and DM30 of the CLP. These policies seek to promote sustainable travel and ensure that well designed cycle parking is provided in new developments.

Other Matters

22. The appellant's Statement of Case suggests some amendments that could be undertaken to the proposal. These relate to the height of the parapet wall, height of boundary treatments and increased cycle storage. However, these alternative schemes are not before me as amended plans and therefore I have determined the appeal based on the submitted plans.
23. The appellant's comments relating to the Council's conduct prior to the determination of the planning application are noted. Whilst any such matters would be understandably frustrating, concern over how the Council dealt with the planning application is a matter between the parties, and does not affect the consideration of the main issues.

Planning Balance

24. The appeal proposal would deliver a net gain of 6 new apartments in an accessible location with good access to public transport. It would support the Government's objective of significantly boosting the supply of homes. The principle of denser redevelopment of the site is accepted by the Council, and the site is a small one so the redevelopment could be delivered quickly. These benefits attract moderate weight in favour of the appeal proposal, but do not outweigh the harm that I have identified.

Conclusion

25. Overall, I conclude that the proposal would conflict with the development plan read as a whole and there are no material considerations of sufficient weight to justify a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR