



Appeal Decision

Site visit made on 13th October 2023

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 02.11.2023

Appeal Ref: APP/L5240/W/23/3321507

Land to the rear of 64 Waddon Road, Croydon CR0 4JD

- 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 Rameshkumar Pillai and Luckster Limited no.12256821 against the decision of the London Borough of Croydon.
 - The application Ref.22/01497/FUL, dated 18 May 2022, was refused by notice dated 1st March 2023.
 - The development proposed is the erection of two x 3 bedroom dwellings with access from a private driveway off 64 Waddon Road, associated car parking, cycle storage, refuse storage, recycling storage and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has revoked the Croydon Suburban Design Guide Supplementary Planning Document (2019) (SPD). This document was not part of the Local Plan but provided guidance on how the Local Plan policies should be applied and interpreted. The policies in the Local Plan remain unchanged. I deal with the appeal on the basis of the current policy position.

Main Issues

3. The main issues in the appeal are the effect of the proposed development on the character and appearance of the area, the effect on highway and pedestrian safety, the effect on landscaping, a tree and biodiversity, whether adequate refuse facilities could be provided and whether a legal agreement is necessary to secure restriction on parking permits as a consequence of demands created by the proposal.

Reasons

Character and appearance of the area

4. The appeal site is located on the northern side of Waddon Road and is situated to the side of and behind a detached two storey dwelling known as 64 Waddon Road. The character of the area is residential with a mix of predominantly two storey terraced and semi-detached dwellings. Waddon Road is a classified road. The proposed plot backs onto the rear gardens of dwellings along Waddon Close. The plot of land is located to the west of a dwelling known as 1A Vicarage Road, erected on the backland of property in and around Vicarage Road.

5. The proposal includes erecting two semi-detached dwellings on land at the rear of no.64. Vehicular and pedestrian access would be gained via the west side of 64 Waddon Road. Its garage would be demolished to facilitate the accessway. There would be two vehicle parking spaces in front of the proposed dwellings and two in the front garden of no.64.
6. Of relevance to the appeal is application reference 19/04639/FUL which allowed the erection of two x 3 bedroom dwellings with access from a private driveway off Connersville Way, car parking, cycle storage, refuse storage and landscaping. This permission has lapsed without implementation. There have been policy/guidance changes since the decision was made including revocation of Croydon's Suburban Design Guide SPD and the adoption of the London Plan 2021.
7. I am satisfied that the location of the appeal site is one that can in principle be acceptable for residential development. The proposal is for two dwellings on the site housed in one building. The design approach using a number of pitched roof forms with rooflights and creating first floor internal accommodation in a handed front-to-back configuration is effective in its use of space and imaginative. However, the plot-to-built-form ratio is high in my view and the building would be squeezed into the plot and would appear so. The margins between the flank walls and the plot boundary are narrow. The front elevation would be partially obscured by vehicles when the parking spaces were in use, as they are immediately in front of the front elevation. The front elevation has fenestration with obscured glazing which confuses the legibility of the dwellings and tends to signal a compromised design and an over-developed plot.
8. The building would appear to be notably larger than many of the dwellings in the immediate area. In particular it would be larger in footprint than 64 Waddon Road and whilst its front and rear presence would be reduced by its proposed roofscape it would appear deep and large from Waddon Close residences and from 1A Vicarage Road. Overall, it would not be a subservient building that would be suitable as a backland or tandem building in this particular location and its scale would not fit with the grain of surrounding development.
9. In this instance the development would be a bulky addition to the site that would appear at odds with the character of the area. The proposal would conflict with Policy DM10 of the Croydon Local Plan 2018 which seeks, amongst other things, to ensure development is subservient, where the host building is to be retained. Whilst the supporting text of Policy DM10 of the CLP acknowledges that the character in most areas of the borough will evolve over time, the policy also requires development to ensure that it respects the surrounding development pattern and massing, which the appeal proposal fails to do.
10. I have borne in mind the scheme that was approved for two 3 bedrooomed dwellings in December 2019. This was a similar design, however the building was smaller.
11. On this first issue, whilst noting that effective and efficient use of urban land should be sought where appropriate, I conclude that the proposed development would harm the character and appearance of the area. It would be contrary to policies DM10 and SP4.1 of the Croydon Local Plan 2018 and policy D3 of the London Plan 2021.

Highway and Pedestrian Safety

12. The proposed dwellings would be accessed from Waddon Road. The garage to 64 Waddon Road would be demolished and a pedestrian path and vehicular way would run along the western flank of no.64 over part of the footprint of the garage and up to the front elevation of the proposed building. Two new off road parking spaces for 64 would be created in its front garden to the south of that house and the existing dropped kerb would have to be extended to facilitate those parking movements.
13. The new parking spaces for no.64 would either have to be reversed into from Waddon Road or reversed out of onto Waddon Road. It is a classified road and whilst my site visit could only provide a snapshot of traffic, it was a busy road. I have noted that the Appellant indicates that there have been no serious accidents on this stretch of road but nevertheless I am concerned that reversing manoeuvres would prejudice highway safety and the Highway Authority's Vehicle Crossover Guidelines indicate parked vehicles should not reverse onto classified roads.
14. The guidance says that for classified roads within the Borough, a vehicle crossover to a front garden will only be approved if it can be demonstrated through swept path computer aided diagrams that a vehicle can enter and leave the site in forward gear (reversing into the parking area from the public area is not permitted). This is because classified roads are heavily trafficked, support cycle and bus routes and therefore are also prone to heavy pedestrian traffic. Turning on site will avoid vehicles being reversed onto these busy roads, creating a road safety hazard.
15. Such reversing is also potentially hazardous for pedestrians walking along the pavement as visibility is restricted for the driver leaving no.64 in a reverse gear. Pedestrian movements seemed to me to be high, possibly owing to the nearby rail station, tram station and bus services.
16. A planning condition attached to a planning permission for the scheme which required further vehicle manoeuvring information prior to development commencing would clearly not overcome any potential harm, contrary to the Appellant's suggestion. It would not be appropriate to grant permission without first knowing if the safety issues could be overcome.
17. On this issue, I conclude that the proposal would be likely to prejudice highway and pedestrian safety and would be contrary to policies DM29 and DM30 of the Croydon Local Plan 2018 and policy T4 of the London Plan 2021.

Landscaping & Biodiversity

18. Examination of the detail of the proposal including the changes made to the front garden of no.64 Waddon Road suggests that overall there would be a significant loss of landscaping including a valued tree. Given that the two dwellings would cover a significant proportion of the undeveloped plot, I consider that there are only very limited opportunities to mitigate the loss of landscaping with replacement soft landscaping. A landscaping condition would not in my view be able to produce a scheme which sufficiently compensated for the loss. In the circumstances, it would be appropriate to have compensatory landscaping as soft landscaping contributes to the character of this particular

area. The likely lack of sufficient landscaping adds to the harm to the character and appearance of the area that I refer to in issue 1 above.

19. In respect of loss of biodiversity, whilst there is an arboricultural report from 2019 (which I do not consider to be unduly out of date given the particular circumstances of this site), there is insufficient information on which to judge whether the scheme would cause an unacceptable net loss of biodiversity. This lack of information is a concern which weighs against the grant of planning permission in this case.

Refuse Facilities

20. The submitted plans indicate that refuse storage is proposed to be provided within the envelope of the building behind wooden panels. However, the plans do not sufficiently demonstrate whether the area would be large enough for the required number and size of bins including a bulky waste store. Given the distance to the road, it appears that future occupants might have to wheel bins closer to the road to a temporary collection point. However, given the paucity of available land, I am concerned that at this juncture a workable solution is not demonstrated by the submitted plans. For that reason, I am not convinced that adequate refuse storage facilities could be provided on site and this could be harmful to the living conditions of future occupiers of the dwellings and to the streetscene. The scheme is therefore contrary to policy DM13 of the Croydon Local Plan 2018 and policy T7 of the London Plan 2021.

Restriction on Parking Permits for CPZ

21. The appeal site is located in an area where there is a Controlled Parking Zone. There is considerable parking stress in the area, in part owing to the nearby rail station and tram station. The Council indicate that in order to avoid parking stress occupants of new dwellings cannot have parking permits. On the evidence before me, it appears that there is the need for a legal agreement which restricts parking permits being issued in relation to the occupation of dwellings on the appeal site. The three tests in regulation 122(2) of the Community Infrastructure Regulations 2010 are satisfied. As there is no legal agreement submitted to secure the restriction the proposal cannot be granted permission (a condition would not be appropriate in these circumstances). The proposal would fail to mitigate harmful impacts and would be unacceptable in planning terms. The proposal therefore conflicts with policy T6 of the London Plan 2021 and policies DM29 and DM30 of the Croydon Local Plan 2018.

Other Matters

22. The appellant submitted the proposal following pre-application advice. In response to this, changes were made to the scheme. The Framework highlights the benefits of early engagement and of good quality pre-application discussion. Nevertheless, I need to consider the proposal on its own individual merits. For the same reason, I have noted the time taken by the Council to determine the application and the changes which took place during that time but it does not alter my conclusion.
23. Best and effective use of land is encouraged in national policy as is boosting the housing supply, particularly on small sites. However, in this instance I cannot give those factors anything other than limited weight.

Conclusion

24. Having taken into account all representations made, I consider that the disbenefits of the scheme outweigh the benefits and for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR