



Appeal Decision

Site visit made on 16 October 2023

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2023

Appeal Ref: APP/L5240/D/23/3324097

3 Zig Zag Road, Kenley, Croydon CR8 5EL

- 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 James Arthur against the decision of the Council of the London Borough of Croydon.
 - The application Ref 23/00039/HSE, dated 4 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is ground and first floor extensions and associated external works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development set out in the banner heading above is taken from the application form. However, it is clear from the plans and accompanying details that the development comprises ground and first floor extensions, to include raising the ridge height, and associated external works and new/alterations to the existing vehicle access and parking area, providing an additional 8 spaces. I have determined the appeal on this basis.
3. The Council raises concern that the information supporting the application is limited but the appellant considers that this is sufficient given that the site is not affected by any heritage or landscape designations. I have determined the appeal on the basis of the information before me.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of 1 Zig Zag Road, with particular regard to outlook and privacy; and
 - road user safety, with particular regard to parking provision and vehicle movements.

Reasons

Character and appearance

5. The site comprises a single storey detached dwelling in a predominantly residential area, with a side gravel driveway providing access from Zig Zag Road which slopes down away from the site. The houses in the area are varied

in type, style and design but are typically detached properties with hipped, pitched and gable roofs on relatively large plots with landscaping and front gardens which gives a sense of spaciousness. The character of the site and the adjacent property at 1 Zig Zag Road (No 1) is of single storey houses largely set down from the road with high, mature boundary hedges and some mature trees.

6. The proposal is for a large extension to create a two storey house which would not fundamentally alter the development pattern, layout, siting and density. Whilst there are two storey properties in the vicinity, the length, depth and height of the extended dwelling, together with the introduction of a sizeable crown roof, would create a bulky development which would not be characteristic of the site or the surrounding area. Due to its location at the crest of a hill, the extended house would be particularly prominent in views from the lower part of Zig Zag Road and, as a consequence of its siting, height and prominence, would look harmfully out of place with the spacious character of the locality.
7. A driveway and parking area for 8 cars would be created, the new access and sightlines for which would require the removal or reduction in height of a significant amount of the boundary hedge. Some road level parking areas have been created for nearby properties at Abbots Lane, However, even if a condition was imposed requiring further screening, the proposed access, driveway and parking area would result in significant urbanisation and erode the character of this part of Zig Zag Road. It would also open up the site, with the scale and mass of the extended house appearing as an intrusive addition, dominant in views from Leacroft Close and the upper part of Zig Zag Road.
8. There is a Tree Preservation Order for two trees within the site, including a spruce which is close to the house, and the appellant has provided a Tree Constraints Plan. The Arboricultural Impact Assessment and Method Statement (AIAMS) confirms that there will be no demolition or construction within the root protection area of retained trees. However, the AISMS also includes references to the removal and pruning of trees, but it is unclear which trees would be affected. Whilst the appellant suggests a Tree Protection Plan condition, from the information before me, I am unable to conclude that the development would not harm trees or landscape features that contribute to the local character of the area.
9. Therefore, I conclude that the proposed development would harm the character and appearance of the area. This would be contrary to Policy G7 of the London Plan 2021 (the London Plan) and Policies SP7, DM10 and DM28 of the Croydon Local Plan 2018 (CLP). Together, these require proposals to respect the appearance of the area, including the scale, height and massing, and seek to enhance green infrastructure, including not permitting development that could result in the avoidable loss or excessive pruning of trees that contribute to the character of the area, amongst other things. It would also conflict with the National Planning Policy Framework (the Framework) which requires development to be sympathetic to local character.
10. Policies D1 and D4 of the London Plan relate to Boroughs being required to undertake and use area assessments in planning for growth and to processes and actions required to deliver good design. I do not find these policies to be directly relevant to the issue of character and appearance.

Living conditions

11. The development would increase the height of the existing building and include upper floor bedroom and bathroom windows on the elevation facing No 1. The extension would be close to the boundary with the neighbouring house and there is limited distance between the mutual boundary and that property.
12. There are other windows to the study and family room at No 1 which face the garden of that property. However, the height and mass of the proposed development and its proximity to the neighbouring dwelling would dominate the outlook from the study and family room windows facing the site, causing an overbearing impact on the occupiers of the neighbouring property. The bedroom and bathroom at No 1 would not face the extended house and the outlook from these rooms would not be harmfully affected.
13. The appellant is willing to accept a condition for the first-floor side bedroom and bathroom windows to be fixed and obscure glazed. Therefore, although these would face habitable room windows at No 1, such a condition would ensure no harmful loss of privacy to the occupiers of the neighbouring dwelling.
14. There would be no harmful loss of daylight and sunlight to the occupants of the neighbouring property, but this does not overcome the harm to their outlook.
15. Overall, I conclude that the proposal would harm the living conditions of the occupiers of 1 Zig Zag Road, with particular regard to outlook but not in relation to privacy. This would be contrary to Policies SP4 and DM10 of the CLP where they require development to enhance well-being and protect the amenity of the occupiers of adjoining buildings, amongst other things. It would also conflict with the Framework which requires decisions to provide a high standard of amenity for existing users.
16. I do not find Policies D1 and D4 of the London Plan to be directly relevant to the issue of living conditions.

Road user safety

17. The appeal site lies on an un-adopted highway. It has a PTAL of 0 which means it has poor access to public transport. The overall thrust of policies in the London Plan and the CLP is to minimise parking provision and encourage the use of other forms of transport, whilst acknowledging that parking levels need to be higher in areas with a low PTAL. Located in outer London, the maximum number of parking spaces for a 3+ bed house allowed by London Plan and CLP policies is two.
18. The appellant states that the traffic generated by the dwelling is unlikely to materially increase. However, there is no clear evidence why 8 new parking spaces are needed to support the proposed development and, given that policies seek to limit parking, the proposal would generally conflict with these.
19. The proposed new access would be sited opposite Leacroft Close, on a curved part of Zig Zag Road where there is no footpath. The Council indicates that the proposed sightlines for the new access would not be acceptable. The insufficient sight lines would obstruct visibility for drivers of vehicles exiting the access of pedestrians and cars using Zig Zag Road, resulting in an unacceptable risk of accidents and, therefore, harm to the safety and movement of other road users. There is no swept path manoeuvrability

analysis and the danger to other road users would be exacerbated if vehicles are unable to egress the site in a forward gear.

20. The appellant states that two parking spaces could be provided using the existing access and parking area and suggests a condition requiring the submission of car parking layout details. However, this is not the scheme that is currently before me, and it would not be reasonable to impose such a condition.
21. Consequently, I conclude that the proposal would harm road user safety, with particular regard to parking provision and vehicle movements. This would be contrary to Policies T4, T6 and T6.1 of the London Plan and Policies SP8, DM29 and DM30 of the CLP. Together these set out maximum parking standards, seek to encourage sustainable travel choices and require development to not increase road danger, amongst other things. It would also conflict with the Framework which requires development to not have an unacceptable impact on highway safety.

Conclusion

22. Overall, for the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh the conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR