



Appeal Decision

Site visit made on 30 August 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2023

Appeal Ref: APP/L5240/W/23/3318661

Land adjoining No 26 Hollman Gardens, London SW16 3SJ

Easting (x) 531682 Northing (y) 170597

- 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 Ghaffar - A&O Property Ltd against the decision of London Borough of Croydon.
 - The application Ref 22/02633/FUL, dated 21 June 2022, was refused by notice dated 13 October 2022.
 - The development proposed is erection of a three-bedroom detached dwelling with an integrated garage for parking, rear garden, and associated facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the planning application form, albeit I have removed the superfluous text referring to 'A re-development of a small site adjoining No.26 Hollman Garden' as that is not a description of proposed development.
3. The appellant's appeal submission includes revised drawings that were not before the Council when it made its decision. The revised drawings include, amongst other things, an 'Area of Raised Table' which sits in an area currently forming part of the vehicular turning head on Hollman Gardens. This also sits outside the defined 'Site boundary' indicated on the site location plan that was before the Council when it made its decision. Basing my decision on the amended drawings could deprive those with an interest in the proposal from the opportunity to comment on this alteration. Therefore, having regard to the Wheatcroft¹ principles, I have based my assessment on the same drawings that were before the Council when it made its decision.

Main Issues

4. The main issues are:
 - (i) the effect of the proposal on the character and appearance of the area;
 - (ii) whether occupiers of the proposal would be provided with suitable living conditions having particular regard to outlook and light;

¹ (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37])

- (iii) the effect of the proposal on the living conditions of occupiers of No 26 Hollman Gardens with particular regard to outlook and light; and
- (iv) the effect of the proposal on highway safety.

Reasons

Character and appearance

5. Hollman Gardens is a residential cul-de-sac characterised by blocks of three-storey terraced dwellings. The terraces generally have gable-sided roof forms and have consistent building lines which are set back behind front gardens or driveways. There is also regularity in terms of the individual dwellings including in terms of their similar widths, window proportions, integral garages, facing materials and garden depths. The appeal site relates to an informal open space which sits adjacent to a public footpath which connects Hollman Gardens and Leafield Close. This neighbouring street also has dwellings of a similar form and appearance with estate landscaping.
6. Overall, there is a high degree of order and consistency to the built environment in the vicinity of the appeal site and the estate landscaping positively contributes to the area's pleasant residential character.
7. The tight arrangement of the dwelling within its plot would not reflect the larger proportions of the frontages and rear gardens serving other dwellings on the estate. The dwelling's detached form and asymmetrical roof line would markedly contrast with the massing and profile of the three-storey terraces and its height would appear squat alongside these buildings. In views towards the rear of the site from the connecting footpath with Leafield Close, the single storey rear projection and boundary wall would combine with the other elements of the proposal to further emphasise the uncharacteristic form and cramped arrangement of the proposal. Consequently, the proposal would appear as an oddity which would detract from the order and consistency of the estate.
8. The facing materials would take their lead from the local vernacular. Furthermore, the single storey rear projection would include a green roof. However, the elevated position of the green roof, behind a parapet wall, would limit the extent to which this would be appreciated at footpath level. In any case, given my overall design concerns, these elements would not be sufficient to assimilate the dwelling into its immediate surroundings.
9. The Appellant's Aboricultural Appeal Statement (March 2023) suggests that the cherry trees which would be removed to facilitate the development are category C specimens. Whether or not that be the case, they are part of the natural appearance of the informal open space and in that regard make a positive contribution to the character and appearance of the area. Even if there could be replacement tree planting, this would not compensate for the identified harm that would result from the proposed development.
10. I conclude, the proposal would have a significantly harmful effect on the character and appearance of the area. In that regard, it would conflict with the design, local character, context, and tree requirements of Policies DM10 (Design and character), DM28 (Trees) and SP4 (Urban Design and Local Character) of the Croydon Local Plan (2018) (CLP) and Policies G7 (Trees and

woodlands), D3 (Optimising site capacity through the design-led approach) and D4 (Delivering good design) of the London Plan (2021).

Living conditions for occupiers of the proposal

11. The appellant suggests that the timber screens indicated on the side and rear facing ground floor windows could be removed from the design. This is shown on the amended drawings provided with the appeal. My assessment is based on the plans that were before the Council at the time of its decision. However, given the appellant's clear intention to omit screens, a condition could also secure this in a scenario where all other matters were acceptable.
12. However, given the height and close proximity of the proposed external boundary wall to the side and rear ground floor windows, I am concerned that even without the timber screens the quality of outlook experienced from the 'kitchen/living space' and 'Bedroom 1' would be unduly compromised. Furthermore, the Appellant's 'Daylight, Sunlight and Overshadowing' report (March 2023) (DS&O) assesses impacts on adjacent windows and gardens. It does not assess the levels of light that would be received to the identified rooms within the proposed dwelling. Therefore, bearing in mind the close proximity of the boundary wall, the likely levels of light that would be provided to the identified rooms is also uncertain.
13. In addition, the reason that the timber screens were originally included in the design was presumably to ensure suitable levels of privacy would be provided for occupiers of the proposed dwelling. I have seen the Computer Generated Image at figure 2.14 of the Design and Access Statement and the cross sections provided with the appellant's final comments. While the typical passer-by may not be afforded any substantial views into the garden and rear windows, I do not agree that it would not be possible or tempting to look over the wall given its low height at footpath level and the limited depth of the defensible planting. Therefore, the deletion of the timber screens from the scheme would only add to my concerns that the design and layout of the development would not provide suitable living conditions for its occupiers.
14. I conclude, it has not been demonstrated that suitable living conditions for would be provided for occupiers of the development with particular regard to outlook and light. In that regard, the proposal conflicts with the requirements relating to living conditions in Policies SP2.8 (Quality and standards) and DM10 (Design and character) of the CLP and Policies D3 (Optimising site capacity through the design-led approach) and D6 (Housing quality and standards) of the LP 2021 and Paragraph 130 of the National Planning Policy Framework.

Living conditions of occupiers of No 26 Hollman Gardens

15. The findings of the DS&O suggest that there would not be a noticeable reduction in sunlight or daylight when experienced from the rooms or garden serving No 26. There is no technical evidence to the contrary before me to suggest that I should reach an alternative conclusion.
16. However, on my site visit I saw that No 26 has French doors to the ground floor of its rear elevation in close proximity to the boundary with the appeal site. The DS&O refers to the French doors as 'Window No 2' on No 26 and identifies it as a living room. The lower sections of the neighbouring garden, including part of a patio area, also sit to the immediate rear of these doors. The

wall to the boundary with the appeal site currently steps up in height as it moves away from the lower sections of the neighbouring garden.

17. The layout of the dwelling's first floor would step away from the shared boundary. Even so, the overall depth and mass of the first floor elements beyond the rear elevation of No 26 would be considerable. The oblique angle between the French doors at No 26 and the development, would limit the extent to which this would be appreciable from inside No 26. However, the development would have a dominating presence when perceived from the garden serving No 26. This would be particularly the case from the lower sections of the garden where the overbearing relationship would be compounded by the height of the proposed green roof which would sit above the lower sections of the existing stepped wall.
18. I conclude, the proposal would have a harmful effect on the living conditions of occupiers of No 26 Hollman Gardens with particular regard to outlook. In that regard it would conflict with the living conditions requirements in Policies SP4 (Urban Design and Local Character) and DM10 (Design and character) of the CLP and Policy D3 (Optimising site capacity through the design-led approach) of the LP 2021. For the same reasons it would also require with the requirements at Paragraph 130 of the Framework.

Highway safety

19. The drawings that were before the Council when it made its decision indicate that the front door, garage doors and a gate serving the dwelling would open out onto what currently forms part of the existing public footway. Even though a condition could be utilised to prevent this from happening, drivers reversing out from the garage would have restricted visibility of pedestrians on this section of the footway. This has the potential to unduly compromise pedestrian safety.
20. The revised drawings provided with the appellant's case, indicate that low level planters and a new 'area of raised table' could create a larger garage forecourt. Whether or not this would adequately sufficiently improve visibility for drivers exiting the garage, the 'area of raised table' would extend in front of the driveway serving No 28 Hollman Gardens. It is not clear from the revised drawings how vehicles from No 28 would safely transition between the driveway serving that property, across the raised table and onto the lower road surface without compromising driver and pedestrian safety. Therefore, even if I had been basing my decision on the revised drawing, it does not adequately demonstrate an acceptable solution.
21. I conclude, the proposal would compromise the safety of pedestrians on Hollman Gardens and would therefore have an unacceptable effect on highway safety. In that regard it would conflict with the requirements for development not to have a detrimental impact on highway safety in Policies DM29 (Promoting sustainable travel and reducing congestion) and DM 30 (Car and cycle parking in new development) of the CLP and Policy T4 (Assessing and mitigating transport impacts) of the LP 2021.
22. The Council's decision also refers to Policy T6 (Car parking) of the LP 2021. This Policy does not specifically relate to highway safety requirements and from what I have seen, the proposal would not conflict with the Policy's maximum

car parking standards. In any case, this does not justify the conflict with other development plan policies.

Other Matters

23. Even if the size of the garden would comply with minimum amenity space standards in the development plan, this does not mean that it would reflect the garden sizes which characterise the area.
24. The appellant has drawn my attention to a development to the rear of Nos 28 – 32 Hollman Gardens. I am not aware of the material considerations that would have applied to that particular development. In any case, they are unlikely to have been identical to the site-specific matters considered under the main issues for this appeal.

Conclusion

25. The proposal would have a significantly harmful effect on the character and appearance of the area. I have also found that the proposal would be unacceptable having regard to matters relating to living conditions and highway safety. The development conflicts with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR