



Appeal Decision

Site visit made on 3 November 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2023

Appeal Ref: APP/L5240/W/23/3317612

125 Mitchley Avenue, South Croydon CR2 9HP

- 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 Dipak Mistry against the decision of London Borough of Croydon.
 - The application Ref 22/02278/FUL, dated 30 May 2022, was refused by notice dated 14 December 2022.
 - The development proposed is the conversion of the existing 4 bedroom house into 1 x 2 and 1 x 3 bedroom flats with associated landscaping and vehicular parking.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the existing 4 bedroom house into 1 x 2 and 1 x 3 bedroom flats with associated landscaping and vehicular parking at 125 Mitchley Avenue, South Croydon CR2 9HP in accordance with the terms of the application, Ref 22/02278/FUL, dated 30 May 2022, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. The Council's appeal statement indicates that the appellant's Fire Strategy Plan submitted with the appeal overcomes its second reason for refusal subject to the imposition of a planning condition. The available evidence does not lead me to conclude otherwise. I am therefore satisfied that the proposal would not conflict with Policy D12 of The London Plan (LP) which, amongst other aspects, seeks all development to achieve the highest standards of fire safety. As there is now no dispute over this matter, I do not need to consider it further.

Main Issue

3. On the basis of the above, the main issue is the effect of the proposed development on highway safety.

Reasons

4. The existing dwelling has off-street parking in the form of an integral garage and an area of hardstanding at the front of the appeal site. However, with this arrangement not providing sufficient space to turn on-site, vehicles entering and leaving the site must reverse either from or onto the highway. This is also the case at several other nearby properties, and I observed such manoeuvres happening on my site visit. Although the site and neighbouring properties are set back from the carriageway by a relatively wide and open verge, the footway runs adjacent to the front of them. Whilst visibility for vehicles seeking to enter the carriageway is therefore good in both directions, views of the footway are

more limited, especially where relatively high boundary treatment exists. This includes at the site, given its front hedge, and, as I observed on my visit, at several other properties fronting Mitchley Avenue. The visibility of pedestrians (and others) using the footway is therefore generally restricted for vehicles exiting properties in the locality.

5. Introducing an additional residential unit on the site, the appeal proposal would be likely to result in some additional comings and goings compared to a single-family dwellinghouse, and accessing the parking spaces would require vehicles to reverse either from or onto the highway. However, given the size of the proposed flats and the number of occupiers that the existing dwelling could accommodate, the intensification of the site's use would not be significant, whilst the need to reverse into or out of the site would be no different to now.
6. In-line with the development plan's maximum parking provision and reflective of the site's location and access to public transport, the proposed development would provide three parking spaces. Although the proposed layout appears to be relatively tight, the 4.8 metre length of the parking bays would be sufficient and the tracking plans submitted with the appeal show that vehicles could get into and out of the spaces. Whilst compact, the proposed parking layout would therefore not require vehicles to undertake impractical manoeuvres.
7. Due to the wide verge, vehicles entering the carriageway from the site would have good visibility in both directions and vehicles on the highway would have similarly good visibility of vehicles manoeuvring into/out of the site. Accordingly, and for the reasons above, the appeal proposal would not result in a significant change to the existing level of risk with regards to traffic on the carriageway. The parking of vehicles on the verge, collisions over the past few years in the surrounding area and Mitchley Avenue being a classified (and relatively busy) road with bus routes do not lead me to a different conclusion.
8. Exiting vehicles would, however, first have to cross the footway, which is less visible given its position adjoining the site and existing boundary treatment. Nevertheless, the existing situation requires vehicles to cross the footway and the risk for footway users in relation to vehicles exiting the two spaces positioned perpendicular to the highway would be similar to now. Although visibility of the footway for a vehicle exiting the individual space would be more limited due to its position parallel to the highway, this could be resolved by the hedge being maintained at a maximum height of 0.6 metres.
9. This would provide sufficient (and improved) views of the footway for all exiting vehicles. Despite the likely increase in comings and goings on the site, this would thus ensure sufficient highway safety for pedestrians (including school children going to nearby bus stops) and other footway users, as well as for vehicles waiting to enter the site. Given the trunk of the existing tree is not particularly wide and its branches are relatively high and orientated upwards, it seems to me that its proposed retention at the end of the hedge would not unacceptably hinder views to the detriment of highway safety. However, to ensure sufficient visibility, pedestrian visibility splays either side of the access within the site could also be secured by condition.
10. The submitted plans show parking bays with limited space between vehicles and/or adjoining landscaping/boundaries, and I note the neighbour's stated intention to erect a fence on the shared boundary. However, whilst potentially resulting in awkward situations for occupiers getting in and out of their

vehicles, the proposed width of spaces would not render them unusable nor affect highway safety per se. This is reflected in the Council's crossover guidance where it references extra width being needed in such situations to allow passengers to comfortably alight.

11. For the above reasons, I conclude that the proposed development would not harm highway safety. I therefore find that it accords with LP Policy T4 and Policies DM10, DM29 and DM30 of the Croydon London Plan 2018 (CLP). Amongst other aspects, these set out that development proposals should not increase road danger, compromise or have a detrimental impact on highway safety or involve parked vehicles encroaching on the highway.

Other matters

12. A number of other matters have been raised by interested parties and I have taken them all into account. This includes: the effect of the proposal on the living conditions of adjoining occupiers, with regards to overlooking, noise, security and the position of the refuse store; whether there would be sufficient space to store refuse on the site and on collection days; overloading the existing foul water system; the living conditions of future occupiers in relation to access to the garden area for the top floor flat, crime/safety and wheelchair accessibility; the potential loss of the existing mature tree and hedge, and the need for further soft landscaping and boundary treatment; harm to the character and appearance of the surrounding area; loss of a four-bedroom house, overprovision of smaller units and not providing affordable housing; the amount of existing versus proposed floorspace and insufficient internal space being provided; overcrowding and overdevelopment; visitor and disabled parking; the need for secure cycle parking and the lack of storage for motorcycles and mobility scooters; whether the proposed parking bays would need to be purchased separately and be allocated to each flat; existing damage to the highway verge from vehicles accessing the site; previous proposals being refused; and flood risk.
13. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised, such as regarding landscaping, boundary treatment and storage for cycles and bins, can also be covered by planning conditions.

Conditions

14. I have had regard to the suggested planning conditions and considered them against the National Planning Policy Framework and the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that the necessary details are submitted for the Council's approval where relevant.
15. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. A condition securing full details of landscaping and boundary treatment is necessary in the interests of the character and appearance of the surrounding area and the living conditions of neighbours and future occupiers. I have imposed a condition securing details of

cycle and bin stores, the provision of electric vehicle charging points and visibility splays to ensure that sufficient storage is provided and in the interests of highway safety and sustainable transport options.

16. To ensure the safety of users of the building, a condition is necessary with regards to fire safety. I have however amended the Council's wording to ensure that the necessary fire safety provisions are provided by a certain time and retained. A condition covering water usage is necessary in the interests of sustainable design and construction. I have also amended this condition to align with the PPG. A condition covering external materials is necessary in the interest of the character and appearance of the surrounding area. I have also imposed a condition requiring the hedge at the front of the site (and any new/replacement planting or boundary treatment in its place) to be maintained at a height no greater than 0.6 metres. This is necessary to ensure the safety of highway users through sufficient visibility of the adjacent footway.
17. The Council suggested a further condition relating to energy efficiency beyond building regulations. The Council's Officer Report and consultation responses from the Highway Officer and third parties also refer to conditions covering drainage, the parking spaces, construction logistics and a highway condition survey. However, I have little substantive evidence that such conditions are necessary to make the development acceptable. Given the limited scale of the development, it is also likely that changes to existing surface water discharge on the site and construction works would not be significant. I have therefore declined to impose them.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan as a whole. The appeal is therefore allowed.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing No 3029-PL-01); Existing site plan (Drawing No 3029-PL-02); Existing floor plans (Drawing No 3029-PL-03); Existing elevations (Drawing No 3029-PL-04); Proposed site plan (Drawing No 3029-PL-05); Proposed floor plans (Drawing No 3029-PL-06); and Proposed elevations (Drawing No 3029-PL-07).
- 3) Prior to commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: hard landscaping materials (including samples as appropriate); soft landscaping, including existing planting to be retained, the species, size and density of proposed new planting and the dimensions of any new trees; and boundary treatments. The approved hard landscaping and boundary treatment shall be provided prior to the first occupation of the development and maintained thereafter. The approved soft landscaping/new planting shall be provided prior to the end of the first planting season following completion of the development or its first occupation (whichever is sooner) and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.
- 4) Prior to occupation of the development hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority: cycle and refuse stores; electric vehicle charging; and visibility splays. The approved details shall be provided prior to occupation of the development and shall thereafter be retained and kept available for their intended purpose.
- 5) The development hereby permitted shall be completed in accordance with the Fire Strategy Plan (by White & Sons, dated 9 February 2023) prior to occupation and the provisions provided under parts 2 to 5 of that document thereafter retained.
- 6) The development hereby permitted shall achieve a minimum water efficiency standard of 110 litres per person per day.
- 7) The materials used for the external surfaces of the development hereby permitted, along with work of making good, shall match those used in the existing building.
- 8) The existing hedge at the front of the site (as shown on Drawing Nos 3029-PL-05 and 3029-PL-06) and any new planting or boundary treatment in its place shall hereafter be maintained to a height of no more than 0.6 metres above ground level.

END OF SCHEDULE