



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: 24th November 2023

Appeal Ref: APP/L5240/W/23/3321227

18 Haling Park Road, Croydon, South Croydon CR2 6NE

- 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 Nick Horley, Signature Living Group Ltd, against the decision of London Borough of Croydon.
 - The application Ref 23/00233/FUL, dated 17 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed is Demolition of existing dwelling and garage; erection of a three-storey building comprising 6 family houses; provision of modified access; provision of 6 parking spaces, refuse and recycling stores, secure cycle parking and communal landscaped amenity space to the front.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and garage, erection of a three-storey building comprising 6 family houses, provision of modified access, 6 parking spaces, refuse and recycling stores, secure cycle parking and communal landscaped amenity space to the front at 18 Haling Park Road, Croydon, South Croydon CR2 6NE in accordance with the terms of the application, Ref 23/00233/FUL, dated 17 January 2023, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. An updated arboricultural report including a tree protection plan was submitted with the appeal. The Council's appeal statement indicates that this overcomes its third 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 G7 of the London Plan (LP) and Policy DM28 of the Croydon London Plan 2018 (CLP) which, amongst other aspects, seek to protect trees. As there is now no dispute over this matter, I do not need to consider it further.
3. During the appeal, the appellant submitted a Unilateral Undertaking (UU) made as a Deed pursuant to section 106 of the 1990 Act and imposing obligations on the site. I have had regard to it in reaching my decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area;
 - the living conditions of adjoining occupiers, with particular regard to outlook and daylight at 20a Haling Park Road (No 20a);

- flood risk, with particular regard to drainage; and
- highway safety.

Reasons

Character and appearance

5. The appeal site contains a detached dwelling and garage set back from Haling Park Road. Due to the trees at the front, the extent of soft landscaping, and the position and limited scale of built form within the relatively wide plot, the site has a verdant appearance and a sense of openness. This contributes to the area's green elements, which includes trees lining parts of the road. However, although there are various detached/semi-detached properties in the locality, the existing dwelling is relatively small in comparison to many of them and the surrounding area contains several larger buildings with notably greater scales and footprints. This includes blocks of flats extending across much of their plots and with less planting at the front. These larger buildings, many with a vertical emphasis, are notable features in public views, and some hardstanding areas fronting the highway are also visible. The extent of built form on the site is therefore rather atypical in relation to its surroundings, with its relatively tight knit, built-up residential character. With the built environment in the vicinity exhibiting a mixture of designs and architectural features, the locality also has a varied appearance.
6. Given its greater height and width than the existing building, the proposed development would reduce the site's openness. However, its further set back would offset this whilst the rear gardens and areas of planting to the front and sides would avoid the development dominating the plot and surroundings. Its scale, including footprint and spread across the site, would be appropriate in relation to surrounding built form whilst the step down of each house would suitably respond to the site's sloping nature and height of adjoining buildings. Although each house would be relatively narrow, their widths and pitched gable roofs would break up the building's overall mass and suitably relate to the design of various houses and the verticality of some of the larger developments in the vicinity. It would therefore not appear as an out of character, cramped or dominant feature in relation to its context. In coming to this view, I have taken into account the proposed building's height and proximity to the sides of the plot, its projection beyond the rear of No 20a and the reducing size of rear gardens due to its stagger.
7. Although there would be a relatively large area of hardstanding at the front of the site, its extent would not be unacceptable in relation to that of other plots in the locality. The submitted evidence also indicates that the proposed development would not require the removal of trees, whilst the proposed site plan includes sufficient space for soft landscaping, including at the front. In addition, full details of proposed landscaping (along with tree protection measures) could be secured by condition. Accordingly, the proposal, despite the need for extensive excavation, would not erode the site's contribution to the area's verdant nature, including the tree line and sense of green on Haling Park Road.
8. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area. I therefore find that it accords with LP Policies D3 and D4 and CLP Policies SP2, SP4, DM10,

and DM28. Amongst other aspects, these seek to protect trees and require high quality development with good design that, whilst seeking to achieve a minimum of 3 storeys and make best use of land, responds to a site's context and capacity for growth, respects the character and appearance of the surrounding area and local distinctiveness, and contributes to the townscape. The proposal would also be consistent with the provisions in the National Planning Policy Framework (Framework) in relation to making effective use of land and achieving well-designed places.

9. The Council also alleges a conflict with CLP Policy DM27 with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my conclusion on this matter.

Adjoining occupiers

10. The appeal proposal would result in built form extending closer to the sides of the site and beyond the rear of No 20a. The proposed building would also have a greater height than the existing dwelling on the site. However, there would be a reasonable degree of separation between the proposed building and property at No 20a. Given its staggered layout, the extent of the rear projection closest to that property would also not be significant.
11. In addition, there is soft landscaping (including trees) on the shared boundary and a notable drop in levels between the plots. The proposed site plan also indicates that a relatively high boundary fence would remain while soft landscaping would be retained/provided on the site. Accordingly, despite the presence of some side- and rear-facing windows in No 20a, the appeal proposal would not result in a significant loss of daylight or outlook for the occupiers of that property. The visibility of the proposed building from No 20a and its north-facing rear windows does not lead me to a different conclusion.
12. For the above reasons, I conclude that the development would not harm the living conditions of adjoining occupiers, with particular regard to outlook and daylight at No 20a. I therefore find that it accords with CLP Policy DM10 which, amongst other aspects, seeks to protect adjoining occupiers' living conditions.
13. The Council also alleges a conflict with the London Housing Supplementary Planning Guidance with regards to this matter. However, my attention has not been drawn to which parts of it are relevant to this issue. The document has therefore not been determinative in my conclusion on this matter.

Flood risk

14. The Council's Officer Report sets out that the site is within a 1 in 30 year surface water flood risk area and the appellant's Envirosearch identifies a potential risk of river and surface water flooding and a high risk of groundwater flooding. However, the risk it identifies relates to potential flooding between 25 to 250 metres of the site, with no risk identified within 25 metres. The maps in that document and the appellant's Addendum to Technical Statement (Addendum) also show the site as not being at risk of any form of flooding. Furthermore, whilst the locality may be at risk of flooding, the site's elevated position and sloping nature indicate that flooding on the site is unlikely.
15. The appellant's Technical Statement includes a drainage strategy, with surface water run-off proposed to be discharged via infiltration (using soakaways and

permeable paving) following sustainable drainage systems principles. Although details of the final system and its efficacy are limited at this stage, the available evidence indicates that the drainage strategy for the development is likely to be appropriate given ground conditions at another development on Haling Park Road have been found to be suitable for soakaways. Securing full details, via condition, of the drainage system at a later point is therefore acceptable in this instance. This will ensure appropriate management of surface water run-off and that proposed development does not increase the risk of flooding in the local area. The extent of excavation needed to accommodate the proposed development does not lead me to a different view.

16. For the above reasons, I conclude that the proposed development would not contribute to flood risk, with particular regard to drainage. I therefore find that it accords with LP Policies SI12 and SI13 and CLP Policies SP6 and DM25. Amongst other aspects, these expect development to minimise flood risk, reduce surface water runoff and manage it in-line with the drainage hierarchy, and utilise sustainable urban drainage systems.

Highway safety

17. To resolve the various highway safety issues identified by the Council, the appellant provided further details with the appeal. This includes the UU which, amongst other obligations, contains a contribution to sustainable transport for measures such as on-street electric vehicle charging points, car clubs and pedestrian/cycling improvements. This covers the final part of the Council's fifth refusal reason. The Addendum also contains a revised site plan and drawings showing swept paths within the site and vehicle visibility splays.
18. The revised site plan shows that pedestrian visibility splays can be provided either side of the site access. This demonstrates that the proposed development would not harm the safety of pedestrians using the adjacent footway (including people going to and from nearby schools and kindergartens). The revised plan also shows that, with only minor amends to the extent of soft landscaping between them, adequately sized parking bays could be provided which allow sufficient clear pedestrian access to the houses whilst also ensuring that people can exit both sides of parked vehicles. In addition, site levels indicate that proposed gradients would be acceptable, including for the separate vehicle and step-free pedestrian accesses, with a condition confirming full, final details.
19. The swept path drawings in the Addendum do show vehicles mounting the highway kerb to access the site. However, vehicles entering the site would not be as tight to the kerb as shown due to the on-street parking bays, and the available evidence indicates that vehicles entering the site would be able to make the turn into the proposed access – which would be wide enough for two vehicles meeting – without bumping the kerb. The appellant has also confirmed that the retaining wall within the site, shown as slightly overlapped by the delivery van's swept path, would be kerb height. Although the Council considers that tracking/swept paths for all on-site parking spaces is needed, a swept path for vehicles parking in the most western-end bay has been provided and demonstrates that a vehicle can satisfactorily turn on site. On the basis that this bay has more limited turning space than the others, it is clear that cars using other bays would also be able to sufficiently park and turn on site. The submitted evidence therefore indicates that vehicles, including delivery

vans, would be able to safely enter and exit the site in forward gear, whilst the vehicle visibility splay drawing demonstrates sufficient visibility of the carriageway for emerging vehicles.

20. Whilst I have taken account of the additional drawings and revised site plan, I have determined the proposed development with regards to the original plans which the Council made its decision on. The new and revised drawings are therefore not included in the approved plans condition. In addition to the landscaping condition covering details related to the final parking and turning layout, a specific condition covering pedestrian visibility splays and vehicle turning arrangements is therefore necessary to ensure they are provided consistent with the details supplied with the appeal.
21. Setting out that the proposal for one space per house is in-line with the requirements of the adopted development plan, the Council's Officer Report indicates that the level of on-site vehicle parking is, given the site's location and the level of access to public transport, acceptable. The appeal proposal would also include cycle storage while the UU includes three years' car club membership for each unit and restricts access to on-street parking permits (if a permit scheme comes into effect in the future). Accordingly, the level of on-site vehicle parking is sufficient and would not significantly increase demand for on-street parking. In coming to this view, I have taken into account that the appeal proposal would provide family-sized homes and on-street parking may be scarce in the locality.
22. 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 CLP Policies SP8 and DM29. Amongst other aspects, these apply LP parking standards and require development to not have a detrimental impact on the safety of highway users, not increase road danger, contribute to the provision of electric vehicle charging infrastructure and car clubs, and promote measures to increase the use of public transport, walking and cycling.

Other matters

23. The UU submitted with the appeal relates to various highway matters, as set out above. Although the appellant's appeal statement questions the need for the sustainable transport contribution due to, for example, the limited overall trip generation from the appeal proposal and that some other developments in the area have not provided similar contributions, the available evidence indicates that the contribution and the other obligations within the UU accord with the development plan and are necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to it. Accordingly, I find that the obligations in the Deed meet the tests set out in the Framework and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Collectively, they therefore constitute a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations.
24. A number of other matters have been raised by interested parties and I have taken them all into account. This includes: removal of mature trees from the site prior to the planning application being submitted and the resulting harm to wildlife; loss of light to occupiers in Lime Tree Court; overdevelopment; overcrowding; extra pressure on local public services; noise and air pollution; the effect of the development on trees, planting, bats and other wildlife;

disturbance during construction works; and developing nearby brownfield sites instead. 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 trees, planting, wildlife and construction works, can also be covered by planning conditions.

25. Indicating that the development would be liable for the Mayoral and Croydon CIL, the Council has requested that their standard CIL informative be included should the appeal be allowed. However, with the appellant having access to this information in the Council's appeal submissions, it is not necessary for me to provide it again here.

Conditions

26. I have had regard to the various suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency, and to ensure that details are submitted for the Council's approval where relevant.
27. 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. Given the site's position and access, and the extent of development, a pre-commencement condition securing a construction logistics plan is necessary and reasonable in the interests of the safe and efficient operation of the highway and the living conditions of existing residents. A condition requiring compliance with the arboricultural report submitted with the appeal is necessary to ensure trees are protected during construction in the interests of the character and appearance of the surrounding area. To ensure wildlife is suitably protected and enhancements provided, an additional condition securing compliance with the measures and recommendations in the ecology report is also necessary.
28. Given the site's topography and the need for excavation, I have imposed a condition relating to levels and level access in the interests of the character and appearance of the surrounding area and the living conditions of future occupiers. However, I have amended the condition to allow demolition and site clearance because the details do not need to be provided prior to all works commencing on site. A condition covering materials is necessary to ensure the development is finished to a sufficient quality. I have also imposed a condition covering landscaping and other related matters in the interests of the character and appearance of the surrounding area and wildlife.
29. A condition covering cycle and refuse storage and the provision of electric vehicle charging points is necessary to ensure sufficient storage on site and to support sustainable transport choices. For the sake of brevity, I have however combined the Council's suggested conditions covering these matters. I have imposed a condition covering drainage to avoid increasing the risk of flooding by ensuring surface water runoff is adequately managed. A condition covering visibility splays and vehicle turning arrangements is necessary to ensure highway safety. However, also for the sake of brevity, I have combined the Council's suggested conditions covering these matters.

30. Conditions covering water usage and energy generation are necessary in the interests of sustainable design/construction, and for the latter also in relation to the living conditions of residents and the character and appearance of the locality. Conditions covering fire safety and accessible/adaptable dwellings are necessary in the interests of the safety of residents and to ensure the adequate provision of accessible and adaptable dwellings respectively.
31. The Council suggested a further condition covering sound levels. However, I have little substantive evidence that the condition is necessary to make the development acceptable. I have therefore declined to impose it.

Conclusion

32. 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: Survey (Drawing No 18HPR P1); Proposed site plan (Drawing No 18HPR P2); Proposed plans (Drawing No 18HPR P3); Proposed elevations (Drawing No 18HPR P4); Street scenes and sections (Drawing No 18HPR P5); and Street scenes (Drawing No 18HPR P6), except in respect of the width of parking bays and landscaping fingers between them shown on the Proposed site plan (Drawing No 18HPR P2).
- 3) Prior to the commencement of the development hereby permitted (including demolition), a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development: hours of construction; hours of deliveries; parking of vehicles associated with deliveries, site personnel, operatives and visitors; facilities for the loading and unloading of plant and materials; details of any site hoardings; details of the precautions to guard against the deposit of mud and substances on the public highway; dust control methods; and access arrangements to the site during the demolition and construction periods. All construction phases of the development shall be carried out strictly in accordance with the details so approved.
- 4) The development hereby permitted shall be carried out in accordance with the Arboricultural Report and Tree Survey for 18 Haling Park Road, South Croydon, CR2 6NJ (including a Tree Protection Plan), prepared by Ruskins Tree Consultancy (dated January 2023, Ref 10123- 100801) and submitted as part of the Arboricultural Statement of Case (prepared by Ruskins Tree Consultancy, dated April 2023, Ref 0423- 10808). The tree protection measures set out in the report shall be provided prior to commencement of development and shall be maintained and retained for the full construction period.

- 5) With the exception of demolition and any site clearance, the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted: details of land levels, finished floor levels and datum line at a scale 1:50 including section drawings taken through the site in relation to the building and garden showing level access. The development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: external facing materials including samples of all materials and finishes (including bricks, mortar, roof); and detailed drawings in plan/elevation and section at 1:5 of typical windows including a suitable recess. The development shall thereafter be carried out in accordance with the approved details.
- 7) Prior to the 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 permeable samples as appropriate) to front and rear garden, access routes and parking spaces; soft landscaping details, including landscaped private garden areas, new planting including species, size, density, maintenance; ecology measures; boundary treatments; and exterior security lighting. With the exception of soft landscaping, the approved details shall be provided prior to the first occupation of the development and maintained thereafter. The soft landscaping/new planting shall be provided in accordance with the approved details 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.
- 8) Prior to the commencement of above ground works, a detailed surface water drainage scheme including the following shall be submitted to and approved in writing by the Local Planning Authority: calculation of the existing and proposed run-off rate (which should achieve greenfield run-off rates unless an alternative rate is adequately justified and achieved); details of on-site infiltration drainage and any on-site attenuation tank; confirmation of the impermeable and permeable site areas used for the infiltration calculations; details of any further sustainable drainage measures; an updated scaled layout plan of the proposed drainage scheme; details of the ownership and/or maintenance agreement for the drainage scheme. The approved scheme shall be implemented prior to the first occupation of the development and thereafter retained and maintained.
- 9) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: cycle parking including the type of cycle stands; refuse storage, including the size and number of bins and a dedicated area for the storage of bulky waste; and active electric vehicle charging points for all parking spaces. The approved details shall be provided prior to the first occupation of the development and thereafter retained and maintained for their intended purpose.
- 10) Details including section drawings and layout plans confirming House 1 will be constructed to M4(3) standards "wheelchair adaptable" and that the remaining houses will be constructed to M4(2) "accessible and adaptable" standards, to

comply with Building Regulations 2010 (as amended), shall be submitted to and approved in writing by the Local Planning Authority before the relevant works begin. The approved details shall be provided prior to the first occupation of the development.

- 11) Prior to the occupation of the development hereby permitted, full details of vehicle turning arrangements within the site and visibility splays on either side of the vehicle access shall be submitted to and approved in writing by the Local Planning Authority. The approved turning arrangements and visibility splays shall be provided prior to occupation and thereafter be maintained and kept available for their intended purpose.
- 12) Prior to the occupation of the development hereby permitted, full details of any external energy generation measures (such as air source heat pumps, photovoltaic panels etc) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 13) The development hereby permitted shall achieve a minimum water efficiency standard of 110 litres per person per day.
- 14) The development hereby permitted shall be carried out in accordance with the submitted Fire Safety Statement (by Graham Rix, dated 10 January 2023, received by the Council on 19 January 2023).
- 15) The development hereby permitted shall be carried out in accordance with the recommendations contained within the submitted Preliminary Ecological Appraisal (by Simlaw Ecology Ltd, Reference SE22-1271, Version V.02, dated 10 January 2023).

END OF SCHEDULE