



Appeal Decision

Site visit made on 1 November 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/L5240/W/22/3308020

21 Woodmere Gardens, Croydon CR0 7PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Clifford Blackmore Investments Ltd against the Council of the London Borough of Croydon.
 - The application Ref 22/02598/FUL, is dated 20 June 2022.
 - The development proposed is demolition of a single family dwelling and garage and the erection of one storey semi-detached houses with accommodation in the roof space, comprising of 2 dwellings and 2 off-street car parking spaces and a detached 2-storey building with accommodation in the roof space, comprising of 5 self-contained apartments with bike and refuse stores and 6 off-street car parking spaces.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Council issued a delegated report on 18 July 2023 which provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so. The main issues below are therefore taken from the delegated report.
3. The Council have confirmed that the Croydon Suburban Design Guide Supplementary Planning Document was revoked in 2022 and it is not a material consideration relevant to the determination of this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of the neighbouring occupier at 19 Woodmere Gardens with particular regard to outlook
 - whether the proposal would create a need for mitigation in relation to sustainable transport.

Reasons

Character and appearance

5. The appeal site comprises a single storey house set in a substantial plot on the corner of Woodmere Gardens and Woodmere Avenue. The open expanse of Ashburton Playing Fields lies immediately to the north, which is designated as

Metropolitan Open Land (MOL). This area of MOL, along with the substantial plot sizes in the area, give the locality a spacious and verdant character and appearance.

6. The area largely comprises low density residential development, with single storey or chalet style houses set within large plots. Whilst there are some two storey houses further to the east on Woodmere Avenue and some to Woodmere Gardens, the immediate context of the appeal site is defined by single storey or chalet dwellings.
7. The proposal seeks to demolish the existing building on site and replace it with a 3-storey building, with the top floor set within the roof. It would comprise five self-contained flats and would have elevations to both Woodmere Gardens and Woodmere Avenue. To the rear, a pair of semi-detached dwellings is proposed which would face Woodmere Avenue, they would be single storey with accommodation in the roof.
8. A proposal for the appeal site was recently dismissed at appeal¹. The appeal decision found that the previous proposal would dominate the street scene physically and visually, particularly given its exposed position next to the MOL, from where its height and bulk would be seen in stark contrast to the low height and profile of surrounding bungalows. The proposal before me has reduced the ridge height and the building would be further set back from the Woodmere Avenue frontage. However, the alterations are marginal in respect of their effect upon the overall height and bulk of the building. The bulk of the second floor would be particularly apparent from the rear with the recessed balcony and gabled roof form. The 3-storey flatted building would remain significantly taller and bulkier than surrounding buildings.
9. The hipped roof adjacent to No 19 Woodmere Gardens would be large, to accommodate the flats within the roof space at second floor and would dominate against the much lower adjacent dwelling of No 19. The overall effect of this composition, whilst drawing some bulk away from No 19, would appear as a very dominant roof form at odds with those found in the area.
10. There have been no substantive changes in development plan policy since the previous appeal was dismissed. When taken alongside the minimal changes in the height and bulk between the appeal proposal and that previously dismissed at appeal, I have no reason to reach a different conclusion than the previous Inspector with respect to the effect of the proposed flatted building on the character and appearance of the area.
11. The proposed dwellings to the rear would also be taller than the adjacent buildings along Woodmere Avenue which comprise detached single storey buildings with a uniform roof ridge height. The semi-detached houses would not sit comfortably within the street scene due to their height and form, particularly their vertical emphasis set against the more horizontal emphasis of the surrounding single storey dwellings. Whilst I acknowledge that the gable roof form would have the effect of breaking up the mass somewhat, particularly when compared to the previously dismissed appeal, the buildings' height and bulk would still be at odds with the prevailing height and form of buildings in this part of Woodmere Avenue and would appear as an incongruous addition to the street scene.

¹ Appeal reference APP/L5240/W/22/3298225 decision date 14 February 2023

12. The use of brick, clay roof tiles, vertical tiling to the gable walls and aluminium windows proposed for both buildings would fit with the style and materials found in the local area; these details would be in line with the expectations of Policy SP4 in this regard. This matter holds neutral weight in my determination of the appeal.
13. Policy DM10.1 of the Croydon Local Plan 2018 (CLP) sets out an expectation of a minimum of 3 storeys for new development on brownfield sites. This is, however, subject to the surrounding context. In this case, the local pattern of development and the scale, height, massing and density of the immediate area are such that the proposals' height and bulk would be out of context; they would fail to respond to the prevailing pattern and form of development.
14. For the reasons set out above, the proposal would cause significant harm to the character and appearance of the area and would run contrary to Policies SP4 and DM10 of the CLP and Policies D2, D3, D4 and H2 of the London Plan 2021 (LP). Taken together, and amongst other things, these policies require high quality design and the support of well-designed new homes on small sites. There would also be conflict with the similar aims set out in chapter 12 of the National Planning Policy Framework (the Framework) to secure high quality design.
15. The Council in their delegated report also refer to Policy DM26 of the CLP which relates to development within MOL. Given that the appeal site is located adjacent to, but not within MOL, I do not consider this policy determinative.

Living conditions

16. The single storey house at 19 Woodmere Gardens lies adjacent to the appeal site; its garage runs along the shared boundary and there are also two side facing windows which are set back from the side boundary which would directly face the proposed flatted building. Its garden has a very open aspect due to the low density, largely single storey, buildings to either side and to the rear. I acknowledge that the proposed flatted building is set back from the boundary with No 19 and the proposed catslide roof is positioned slightly lower than the previously appealed scheme. The differences, however, are marginal.
17. I have no detail before me as to the use of the rooms served by the windows to No 19, but the height and mass of the proposed flatted building would cause a significant enclosing effect upon them. Additionally, given the sense of openness to the garden of No 19, the proximity, height and mass of the proposed flatted building would have an overbearing effect and would be harmful to the outlook from the garden.
18. The proposed pair of houses to the rear would be set back from the northern boundary of the rear garden to No 19. The proposed houses' single storey and pitched roofs would not be of sufficient scale or bulk so as to result an unacceptably harmful loss of outlook to the house or garden of No 19.
19. In terms of the living conditions of neighbouring residents therefore, I find that the proposed 3-storey flatted building would be an overbearing form of development and would be harmful to the outlook of 19 Woodmere Gardens. The appeal proposal would conflict with Policy DM10.6 of the CLP which requires development to ensure the amenity of occupiers of adjoining buildings is protected.

20. The Council, in its delegated report, refers to policy DM10.7(d) which relates to the design of roof forms. I do not consider this directly relates to the issue in dispute and is not therefore determinative. Similarly, the Council also refers to LP Policies D3 and D6 in relation to the loss of outlook to No 19. There is no direct reference in these policies to the impact of development upon neighbouring occupiers and as such I do not consider them determinative in this particular matter.

Sustainable transport

21. Policy SP8.13 of the CLP requires new development to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes; CLP Policy DM29 promotes sustainable travel. Policy T4 of the LP sets out that where appropriate, mitigation either through direct provision of public transport, walking and cycling facilities and highway improvements or through financial contribution will be required to address adverse transport impacts that are identified.
22. Whilst I acknowledge that the proposal includes cycle storage and electric vehicle charging points, given that the area is not very accessible by public transport, it is likely that there would be increased reliance on private vehicles due to its location. As such, mitigation would be necessary to make the development acceptable in planning terms, when considered alongside the aims of CLP policies SP8.13, DM29 and LP Policy T4. I have had regard to the High Court decision² which accepted the reasoning of the Council in respect of how the £1500 per dwelling figure was arrived at. Paragraph 38 of that decision acknowledges that whilst it was based on a transport study commissioned for Kenley ward, the figure was calculated on the basis that it would be applied across the whole borough.
23. In relation to the appeal scheme therefore, I am satisfied that the Council's suggested financial contributions towards sustainable transport initiatives are necessary to make the development acceptable in planning terms, that they would be directly related to the development, and fairly and reasonably related in scale and kind to the development as required by paragraph 57 of the Framework, and by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. In the absence of a legal agreement to secure this contribution, the appeal proposal would be contrary to CLP Policy 8.13 and LP 2021 Policy T4.

Other Matters

24. The Council have indicated that had the application been determined, it would not have been refused in respect of the standard and type of accommodation, effect upon highway and pedestrian safety, effects on trees, protected species and ecology, carbon reduction, water efficiency and flood risk. I do not have substantive evidence to contradict the conclusions of the Council in these matters. The absence of harm means these are neutral considerations in my determination of the appeal.

Planning balance

25. I acknowledge that the appeal proposal would contribute to the Council's housing stock and would provide a good standard of accommodation in line

² Reference CO/1225/2022 dated 21 December 2022

with the standards set out in the development plan. Furthermore, the appeal proposal would involve the redevelopment of an existing small, brownfield site, for which there is both local and national policy support. There would also be some modest economic benefits arising from construction employment and subsequently from new residents using local services.

26. The harm I have identified to the character and appearance of the area and to the living conditions of the neighbouring property at 19 Woodmere Gardens, along with the absence of appropriate mitigation for the increased reliance on private vehicles, outweighs the identified benefits. As such the proposal is contrary to the development plan read as a whole. The material considerations in this case do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

27. For the reasons set out above, the appeal is dismissed and planning permission refused.

L Francis

INSPECTOR