



Appeal Decision

Site visit made on 23 October 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th December 2023

Appeal Ref: APP/L5240/W/23/3317551

142 A Bensham Lane, Thornton Heath, Croydon CR7 7EN

- 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 Harson Investments Limited against the decision of the Council of the London Borough of Croydon.
- The application Ref 22/02181/FUL, dated 4 October 2022, was refused by notice dated 29 November 2022.
- The development proposed is described as 'the development to the rear of 142 Bensham Lane is for the demolition of the existing garages and for the construction of 3 no. terraced dwellings, including 2 no. three-bedroom 2 storey dwelling houses and 1 no. one bed single storey dwelling house with a communal garden, bike storage, 2 no. car parking spaces, communal bin storage, re-surfacing of the existing access road and all ancillary works'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A transport statement and amended plan were submitted with the appeal documents. The plans now show an area suitable for bulky storage. The Council and any others who read the submitted appeal papers have had the opportunity to comment. Having regard to the "Wheatcroft"¹ principles and other case law² I have accepted and considered the transport³ statements and amended plan⁴. I am satisfied that no party has been prejudiced.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on highway safety, with particular regard to parking;
 - whether the proposed development would make adequate provision for cycle storage; and
 - whether the proposed development would make adequate provision for refuse storage.

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

² Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

³ 300918-001-01 Transport Statement, 191222_152621-001-01 TN - Response to Refusal

⁴ 2216-P-01-2010-Z00_ProposedGroundFloorPlan_02

Reasons

Character and appearance

4. The appeal site is located within a mixed use, but predominantly residential area that is characterised by similar styles of traditional semi-detached buildings, terraces and detached properties mainly facing and set a similar distance from the road. The site comprises the access between two properties on Bensham Lane and an area of land used as storage for a garage business which has a rear boundary with the site. Overall, the area has a relatively formal residential character and appearance.
5. I acknowledge the proposal is intended to appear as a modern terrace. I accept it would reflect the features of the rear outriggers on the properties on Kimberley Road and bay windows on the front elevations of properties in the area. I note the finish would also blend with the surrounding materials and other architectural features would be appropriate. As such the external appearance of the development would be sufficiently well related in terms of the appearance of nearby buildings in the area. I also note the site is currently of dilapidated, disused and of poor appearance and there are a variety of relatively small buildings behind those which face the roads in the immediate area.
6. However, the proposal would introduce a significantly larger scale of built development into a small area at the rear of existing buildings in the area. The development would fill the majority of the site width and introduce a new large building with limited space around it, uncharacteristically behind properties which are arranged along road frontages.
7. The proposal would therefore appear as a cramped, dominant and incongruous form of development at odds with the formal layout and pattern of development in the area. Although it would not be clearly seen in views from outside the site, it would be highly visible from the surrounding dwellings.
8. In reaching conclusions, I note the existing site detracts from the character and appearance of the area due to its condition. I observed that the site was overwhelmed with general detritus including bricks, log piles, tyres and numerous van and cars, as well as the dilapidated garages. It may well be that tidying the site up would make it less of a hazard to any visitors, residents and to the neighbourhood. However, there is no substantive evidence that these matters cannot be resolved without implementing the appeal proposal.
9. I have also considered, the example of residential development at No 4 Green Lane. Although the context appears similar, I have no plans to consider whether the circumstances in terms of relationship with buildings to the front and rear of the site where the roads converge and narrow are the same as the appeal before me. In any event this would not justify development which I have found to be harmful to the character and appearance of the area which is relevant to the case.
10. For the reasons give, the proposal would harm the character and appearance of the area. It would therefore conflict with Policies SP4 and DM10 of the Croydon Local Plan 2018 (the CLP). It would also conflict with Policies D3 and D4 of the London Plan 2021 (the LP). Combined and insofar as they are relevant to the

appeal these require development to be of a high quality which respects local character.

Off-street parking

11. There are numerous residential roads within the vicinity of the site which are in a Controlled Parking Zone (CPZ) and pay by phone zone with delineated parking areas on the road. The road environment is busy, used as a bus route and is close to local shops. The site has a Public Transport Accessibility Level (PTAL) rating of 3 adjoining a PTAL 1 area. This represents good access to public transport. However, in this location the development would result in a shortfall of 1 space against the maximum parking requirements of the Policy T6 of the LP.
12. Having regard to the PTAL rating, and distance to services and bus routes together with the provision of cycle storage spaces, a matter which I return to, there is a likelihood of some future occupiers of the appeal scheme using alternative modes of transport other than the car. The appellant has provided some analysis of car ownership. Despite the proximity to services within the area⁵ it suggests that car parking demand would be 2.12 vehicles for the development.
13. The swept path analysis for the access and parking spaces does not provide a calculation based on larger vehicle sizes required by the Council. Although there is no evidence that car size is directly related to the size of accommodation, clearly some vehicles would be able to access these spaces. That being said, it cannot be ruled out that future occupants of the 3 bed family homes may require or have larger vehicles. I have no further evidence that a larger vehicle could access the spaces safely or use them as intended. Furthermore, there is no mechanism before me to prevent the grant of parking permits to restrict access to the CPZ for the development as a whole or should a resident have a larger vehicle which cannot access the spaces.
14. At my site visit during a weekday morning there was some limited parking availability around the appeal site and nearby roads, which I would expect at that time of day. However, I could see that very few properties had driveways, and there were numerous local commercial premises in the vicinity of the site which would attract visitors. These characteristics would be likely to increase pressure in the immediate and surrounding area for on-street parking. I have nothing further before me by way of substantive survey evidence regarding parking levels here and on surrounding streets. I cannot be certain that there would consistently be sufficient on-street parking capacity in the vicinity of the site to cater for even a limited increase in on-street parking demand, particularly during evenings when more people are likely to have returned home or at other times of day to my site visit.
15. Drawing these threads together, on the basis of the evidence before me the development could create additional parking pressures, causing disruption and inconvenience to existing highway conditions and for existing residents. This could result in inconsiderate or illegal parking and be detrimental to highway safety.

⁵ Croydon 015 Middle Super Output Area

16. Therefore, for the reasons given, I conclude that the proposed development would have a harmful effect on highway safety, with particular regard to parking. Whilst the appellant has highlighted the effects of the development are not severe, the Framework at paragraph 112 also requires development to create places that are safe and minimise scope for conflicts between all road users.
17. Consequently, the proposal would be contrary to Policies SP8, DM29 and DM30 of the CLP. The proposal would also conflict with Policy T6 of the LP which combined seek to ensure suitable parking arrangements are made in line with their accessibility and existing parking levels which do not harm highway safety and road users.

Cycle storage

18. The Council in their statement of case has revised the cycle storage requirement from 5 to 6 cycles in line with Policy T5 of the LP. This policy also sets out that cycle parking should be designed in accordance with the London Cycling Design Standards (LCDS). I have not been provided with this document, and it has not been explained whether the standards suggested in the Councils statement of case from the LCDS, which is explained to be guidance, are indicative.
19. However, based on revised dimensioned ground floor plans there would be sufficient space within the communal garden to accommodate the maximum sized facility suggested by the Council. Whilst this would reduce the size of the communal garden area, it would not impinge on private outside space. Therefore if I were to allow the appeal, I am satisfied that amendments to the overall layout and size of the cycle store would not change the nature of this scheme and could be secured through the imposition of suitably worded planning conditions.
20. Consequently, subject to the imposition of a planning condition, the proposal would accord with the Policies SP8, DM29 and DM30 of the CLP. The proposal would also be able to satisfy the requirements of Policies T4 and T5 of the LP. Combined, and insofar as they are relevant to this issue, they require development proposals to have adequate cycle parking provision that meets the standards set out therein.

Refuse storage

21. The proposal shows space for the storage of refuse bins integrated within the built form of development next to Unit 1. The Council does not now dispute the amount of space provided within this store would be adequate. The appellant states that the bins would be wheeled to the main road on collection days. The Council suggests that the bins would be collected by operatives.
22. The Council highlights the guidance in the Waste & Recycling in Planning Policy Document August 2015 edited October 2018 (WRPPD). It is not clear what the status of this document is. Nevertheless, it provides guidance on such matters pertaining to the Council's refuse collection services. This document suggests that 20 metres would be the maximum distance for operatives to collect refuse bins.
23. It has not been clearly explained why residents cannot take refuse bins to a designated collection point to meet the refuse operatives collection distance. I

have no substantive evidence that there would not be suitable space to store refuse along the site access on collection days. Although there would inevitably be a drag distance, the appellant has advised this access will be resurfaced to provide a smoother, level and continuous finish. I am satisfied a scheme or location for collection could be conditioned if I were minded to allow the appeal.

24. An area of land has also been shown to be capable of providing space for any bulky storage items. Although bulky items could occasionally block access of the private alleyway this requirement would be for occasional use pending collection. Furthermore, there is other space within the communal area and small courtyards which could be used temporarily for this purpose. I am satisfied that the occasional and temporary aspect of this requirement would not be unacceptably harmful to future occupiers or neighbouring residents if I were to allow the appeal.
25. The proposal would therefore accord with Policy DM13 of the CLP and Policy S17 of the LP. These, amongst other things, address the need for flexible and accessible storage space which manages waste generated from developments.

Other Matters

26. The site falls within flood zone 1, and no issues are raised regarding drainage, ecology or fire safety. However the absence of harm in relation to the above matters is neutral rather than weighing positively in favour of the proposal.
27. The proposal would make effective use of the site to deliver three additional dwellings, including smaller and three bed family housing. It would provide a green roof for surface water, exceed the energy efficiency requirements of the Building Regulations and would contribute to targets for the provision of new housing in the borough in an accessible location with access to local services and public transport on a brownfield site. These are matters clearly identified and supported within the Framework and London Plan Policy H2. However, there are also requirements within the Framework and that policy which relate to matters of design. The contribution including that of construction and spending by residents would be limited by the small scale of the development.

Planning Balance and Conclusion

28. The benefits I have identified above would be outweighed by the harm to the character and appearance of the area and highway safety and parking provision to which I have afforded significant weight.
29. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and other relevant considerations do not indicate that a decision contrary to the development plan should be reached.
30. I therefore conclude that the appeal should be dismissed.

K Williams

INSPECTOR