



Appeal Decision

Site visit made on 23 November 2023

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/L5240/W/23/3319652

5 Welcomes Road, Kenley, Croydon CR8 5HA

- 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 Barnfield Homes (Mr Richard Rumbles) against the decision of the Council of the London Borough of Croydon.
 - The application Ref:22/02402/FUL dated 7 June 2022, was refused by notice dated 1 February 2023.
 - The development proposed is the erection of a pair of semi-detached houses adj. to the house at 5 Welcomes Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the appeal stage, the Appellants submitted an amended proposed site plan (5WR P2c) to address one of the reasons for refusal, namely No. 4 in respect of on-site cycle parking. As this plan was submitted at the outset of the appeal and there has been the opportunity for consideration by both the Council and local residents, I am prepared to take it into account.
3. Submissions have also been made at the appeal stage by the Appellants to address two further reasons for refusal, namely No 3 in respect of highways related matters and No 5 in respect of ecology related matters. I am also prepared to take these submissions into account, given that they were submitted at the outset of the appeal to address reasons for refusal, with the opportunity for the Council and local residents to consider and comment if appropriate.
4. During the appeal process a further assessment was submitted in respect of reason for refusal No 5 which I consider below, under that issue.
5. The Appellant has raised, and the Council has acknowledged in its appeal statement, errors in the decision notice, for example the reference to Kenley Avenue in the third reason for refusal rather than Kenley Lane (although the Council has again referred to Kenley Avenue but has correctly referenced Kenley Lane in the main statement). In addition, and under the same reason for refusal the policies referenced (SP8.4 and SP8.14) were incorrect and should have been DM29 and DM30. The Appellant addressed these matters in their statements and so I am satisfied that no party has been prejudiced by these errors in the decision notice.

Main Issues

6. The main issues in this appeal are:

- a) the effect of the proposed development on the character and appearance of the local area;
- b) whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to the provision of private amenity space;
- c) whether the proposed development would provide satisfactory access and parking arrangements as well as cycle and refuse storage facilities;
- d) the effect of the proposal on the ecology of the site, including protected species and natural habitats.

Reasons

Issue a) Character and Appearance

- 7. The appeal site is part of the garden area to No 5 Welcomes Road, a detached residential dwelling which has frontages both to Welcomes Road to the west and Kenley Lane to the east. The two roads taper towards their northern end. The surrounding area is predominantly residential with a wide variety of building styles, including some newer developments on the west side of Welcomes Road (which is an unadopted road).
- 8. Although the individual houses are visible from the road with more open frontages, Kenley Lane, close to the appeal site, has a semi-rural appearance reflecting its narrowness with steep and heavily planted banks on either side. Welcomes Road also has a verdant appearance although the residential development particularly on the western side of the road is generally more visible, but given the generally good spacing between dwellings, overall, it retains a predominantly low density character. The appeal site and adjoining property is set at a higher level than Welcomes Road and there is a steep planted bank between Kenley Lane and the appeal site.
- 9. The proposal would introduce a pair of semi-detached dwellings, one fronting and with access from Welcomes Road and the other from Kenley Lane. Given their front to rear attachment they would appear from either side as one built form. There would be very narrow open margins to the front and sides within the development plot.
- 10. I acknowledge that both Policy D3 of the London Plan and Policy DM10 of the Croydon Local Plan encourage optimising site capacity and intensification but in such a way that the development still respects the local context and makes a positive contribution to local distinctiveness. The principle of seeking to intensify the site for further residential development is not at issue.
- 11. I agree that the proposal would retain an adequate garden for the host property at No 5 Welcomes Road but this would contrast with the extremely narrow margins around the proposed houses to serve the incoming residents of those two houses.

12. The plot would be dominated by the massing of the two houses with narrow margins to the front and to the sides. The proportion of built development to open space and the development plot would lead to a much more urban feel to this verdant setting. I consider that the proposal would be an overdevelopment of this plot and the proposal would be very harmful to the more open and verdant character and appearance of the local area.
13. The loss of a significant proportion of the existing planted banking to Kenley Lane and replacement with built form in close proximity to the road edge would harm the local distinctiveness of Kenley Lane in the vicinity of the appeal site. From my assessment of the plans and the limited space available, I do not agree with the Appellant's contention that the proposal would introduce extensive soft landscaping across the site. Given the proportion of built form to the individual plot sizes, as well as the need to accommodate hard landscaping for car parking and access to the houses as well as the cycle stores, the soft landscaping would be largely limited to small strips around the edges of the plots, which would not reflect the more verdant character and appearance of the local area. Furthermore, and taking into account the requirements for sight lines, the planting along the road edges would necessarily be restricted in height to enable the sightlines to be provided and maintained.
14. Although I share the Council's concerns regarding the proposed roof form which would appear disjointed, taken on its own, the design approach to the new houses would fit in with and respect the character and appearance of the varied development in the locality. It is the scale of the built form in relation to the site area which would appear as an over intensive form of development which would detract from the character and appearance of the local area. It would not be a sensitive form of development which would reflect the local character. I therefore share the views of the Council that it would fail to provide a suitable balance between the intensification of the site and respecting local distinctiveness.
15. I have also taken into account the more recent developments along Welcomes Road to which my attention has been drawn by the Appellant, including the redevelopment of 10 Welcomes Road for a number of dwellings. Whilst I agree that many of these schemes have resulted in a more intensive form of development, they do not, in my view, compare with the proposals in front of me in terms of the scale of intensification of development of the site and relationship of built form to the plot size. The two houses would appear very cramped within their plots and would be an overdevelopment of the available plot with resultant harm to the character and appearance of the local area.
16. I therefore conclude that the proposal would not respect the character and appearance of the local area. This would conflict with Policy D3 of the London Plan and Policies SP4 and DM10 of the Croydon Local Plan as well as the National Planning Policy Framework (Framework) and in particular Section 12, all of which amongst other matters seek a high quality of design which respects the local context.

Issue b) Living Conditions

17. I have noted that when taken all together the proposed amenity space for each dwelling would meet the Council's standards as set out under Policy DM10 of the Local Plan. However, the private amenity space for each house would be

primarily provided as narrow strips to the side and front of each house. Whilst when added together the overall amount of amenity space may meet guidelines, the way they are laid out around the house would not provide satisfactory levels of functional private amenity space in respect of either house, particularly taking into account that both houses would be family sized dwellings, with 4 and 5 bedrooms.

18. The revised plan submitted at the appeal stage to address the reason for refusal relating to adequate cycle storage would further restrict the available areas of private amenity space. This is particularly the case in respect of House 1 facing towards Welcomes Road where, once account has been taken of the car parking provision and cycle / refuse store, the amenity space is limited to very narrow margins around the front and side of the house. The amenity space would not be functional to serve family sized houses.
19. I agree that the existing house would retain a satisfactory amount of private amenity space, but this does not outweigh my findings in respect of the proposed provision for the two new houses.
20. I am not satisfied that either house would be provided with satisfactory private amenity space. The incoming residents would not therefore be provided with satisfactory living conditions, with particular regard to the provision of private amenity space. This would conflict with Policy DM10.4 of the Local Plan and Policies D3 and D6 of the London Plan as well as paragraph 130 of the Framework, all of which seek, amongst other matters, to provide a high standard of amenity for existing and future users.

Issue c) Access Arrangements, Cycle Parking and Refuse Stores

21. I have noted the remaining concerns of the Council in respect of the tracking diagrams submitted at the appeal stage as part of the Transport Report. However, I consider that the additional information submitted demonstrates that it would be possible for vehicles to park at the site, albeit that it is also clear that the parking would not be easy to access and again reflects the cramped nature of the site and layout. There would be no provision for off road servicing, but this would also appear to be the situation for other properties in the immediate locality.
22. However, given the small scale of the development I do not consider that there would be any planning or highway safety justification to withhold planning permission on this matter in isolation. I am therefore satisfied that there would be no material conflict with Policies SP8, DM29 and DM30 of the Croydon Local Plan with regard to the provision of car parking and access arrangements.
23. The amended plan (5WR P2c) shows the introduction of a cycle store for the house fronting Welcomes Road. I consider that both houses would be provided with adequate cycle and refuse storage to meet the required standards. However, the revised plan submitted at the appeal stage would result in a further erosion of the already very limited private amenity space to serve the property facing Welcomes Road.
24. I am therefore satisfied that there would be appropriate refuse and cycle storage on site to serve both houses. This would accord with Policy T5 of the

London Plan and Policies DM13 and DM30 of the Croydon Local Plan in this regard.

Issue d) Ecology

25. As set out under my Preliminary Matters, further information has been provided by the Appellants during the course of the appeal in respect of this issue. At the time the Council prepared their Statement of Case on the Appeal they were in receipt of the Appellant's Preliminary Ecological Appraisal (PEA) dated 29th March 2023, which was submitted with the appeal papers. Amongst other recommendations from the PEA, a Phase 2 botanical survey was indicated to be required to determine if the grassland on site is a habitat of principal importance. The timing for the survey was set out as being required to be undertaken between May and August, when plant species would be most visible.
26. The results of a botanical walkover survey were submitted on 1 June 2023, and I understand were also submitted to the Council, although it would appear that this may not have been received by the Council until very late in the appeal process.
27. I have noted the Council's invitation to review the results of the further assessment, but I am satisfied that the survey was properly conducted within the appropriate survey window. The survey sets out clear and precise recommendations as a result of the survey findings which could be addressed by condition, were no other matters of concern and planning permission were to be granted.
28. On the basis of this additional material, I conclude that with suitable mitigation that could be addressed by conditions, together with enhancements, the proposed development would not result in an unacceptable harm to protected species or natural habitats. There would therefore be no conflict with Policy G6 of the London Plan and Policy DM27 of the Local Plan in this regard.

Other Considerations

29. I have noted the Appellant's concerns about the lack of correspondence and feedback from the Council at the application stage, and the Council has responded to these matters in its Appeal statement. Any further concerns would need to be raised directly with the Council. My determination of this appeal is based solely on its planning merits.

Planning Balance and Conclusion

30. I have found that the proposed scheme, taking into account the additional material submitted at the appeal stage would provide satisfactory access and car parking arrangements, as well as cycle storage and refuse storage. Subject to the imposition of conditions, I am also satisfied that there would be no unacceptable harm to protected species or natural habitats. However, these findings do not outweigh the harm I have concluded to the character and appearance of the local area as well as in respect of the lack of suitable amenity space, resulting in harm to the living conditions of the future residents.

31. The proposed development would not accord with the development plan and there are no other material considerations that outweigh this finding. For the reasons given above and having regard to all other matters raised, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR