



Appeal Decision

Site visit made on 7 November 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2024

Appeal Ref: APP/L5240/W/23/3319742

2 Welcomes Road, Kenley, Croydon CR8 5HD

- 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 Chartwell Land and New Homes (2) Ltd against the decision of the Council for the London Borough of Croydon.
 - The application Ref 22/02285/FUL, dated 27 May 2022, was refused by notice dated 14 March 2023.
 - The development proposed is the demolition of existing dwelling house and erection of six apartments and three terrace houses, with associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing dwelling house and erection of six apartments and three terrace houses, with associated parking and landscaping at 2 Welcomes Road, Kenley, Croydon CR8 5HD in accordance with the terms of the application, Ref 22/02285/FUL, dated 27 May 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development has changed between the application form and the Council's decision notice and appeal form. I have used the description of development on the application form here to better reflect what was applied for.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
4. The Council's reason for refusal included a reference to air quality and local employment and training. However, the Council has since confirmed that they are no longer pursuing mitigation of such matters. Therefore, these are no longer matters in dispute.

Main Issues

5. The main issues are:
 - a) the effect of the proposed development on the character and appearance of the area; and
 - b) whether the proposed development would mitigate impacts on sustainable transport and carbon emissions.

Reasons

Character and appearance

6. Welcomes Road and the locality forms a verdant suburban area which is heavily characterised by large suburban, one and two storey, mid-twentieth century, detached houses along relatively narrow lanes. There are however a number of more recent examples of higher density redevelopments, often to form flat blocks.
7. Number 2 Welcomes Road is typical of this general character. It presently comprises a detached chalet bungalow. It has an extensive rear garden which slopes upwards towards the rear and a variety of mature trees and hedges to all boundaries. The appeal proposal would replace the existing dwelling with a three storey block of six flats, roughly on the siting of the existing bungalow. A terrace of three houses would be constructed to the rear, within the existing garden and reached by a small access road to the south side of the new flat block.
8. The appeal site is set within an Area of Focussed Intensification (AFI) as defined by policy DM10.11 of the Croydon Local Plan (CLP) where development may be significantly larger than existing and should contribute to an increase in density and a gradual change in character. The policy allows for a doubling of building height compared to the predominant height of buildings in the area. Nevertheless, such developments will be expected to enhance and sensitively respond to existing character by being of high quality and respectful of the existing place in which they would be located. The stated purpose of the policy is so that further growth can be accommodated through more efficient use of infrastructure and due to the high availability of community and commercial services.
9. The appeal proposal would notably change the character of the site and surrounding area. The proposed flatted building at the front of the site would be substantially larger than the existing building and the terrace of houses to the rear would notably enlarge the built footprint across the site. However, I am obliged to have regard to the designation of the site as being within an AFI where there is a strategic objective to intensify growth in certain locations throughout the Borough.
10. The design of the proposed buildings strikes an acceptable balance between intensifying the use of the land whilst also retaining a semblance of detached suburban character. The elevations to the buildings are well articulated and would add interest to the street scene, particularly the building containing flats to the main frontage of the site. Both the flat block to the front and row of terraces to the rear would present as three storey buildings but this is embraced by the provisions of CLP policy DM10.11. The introduction of the row of terraces as a form of backland development is acceptable considering the arrangement of nearby buildings and that the site backs onto houses addressing Redland Close where the density of development is slightly greater than that along most of Welcomes Road. In this regard I consider it meets the requirement of policy DM10.11 of the CLP insofar as it would assume a suburban character, especially along the site frontage, with spaces between buildings.

11. Sufficient space to the site boundaries and on the frontage would be retained to allow much of the existing vegetation to remain along the side boundaries. Where alterations to form the new access are proposed to the site frontage, there is ample room for replacement planting which would soften the development and could be controlled by condition. Indeed, given the space available and set-back of the flat building this may, in time, exceed the present landscaping on the frontage.
12. I recognise the concerns of the planning committee regarding the scale, appearance and density of the buildings to be built. Indeed, compared to the remainder of Welcomes Road, the nature of this development would be quite substantial. However, this outcome has policy support for areas within an AFI such as the appeal site.
13. I conclude that the development accords with policies SP4 and DM10 of the CLP, policies D2 and D3 of the London Plan 2021 (LP) and the provisions of the Framework including the National Model Design Code. These policies promote good standards of design that have regard to the character of the areas in which they are located whilst also recognising that some areas may be subject to an intensification of development.

Development mitigation

14. A Unilateral Undertaking (UU), dated 2 November 2023, provides for a financial contribution towards sustainable transport, carbon offsetting and a monitoring fee. It makes further provisions to off-site highway works required as a consequence of the development. Both parties have confirmed they are satisfied with the terms of the agreement. I agree, and The UU accords with the tests set out in the Community Infrastructure Levy Regulations 2010. Accordingly, I have taken it into account in my Decision.
15. I therefore conclude that the proposed development would appropriately mitigate impacts on sustainable transport and carbon emissions. It consequently accords with policies E11, SI1, SI2 and T4 of the LP and policies DM16, DM23, SP3, SP6, SP7 and SP8 of the CLP. These policies have various purposes and intents; in this context they seek to mitigate the impact of new development.

Other Matters

16. In reaching my decision I have had regard to the views of the planning committee and the concerns of neighbours.
17. The more intensive use of the site, with a net increase in eight dwellings, will invariably cause some increase in activity and disturbance. However, I have no reason to conclude that this would be to the extent that it would result in any material harm to neighbours living conditions. In particular I have noted that Welcomes Road is a narrow lane and is likely to be particularly sensitive to increases in traffic. However, the site is near the very end of the road and additional southbound vehicle traffic generated by this development would be highly unlikely to utilise this road as other, more convenient routes, are readily available, particularly along Park Road/Hayes Lane. This is a much wider road that broadly follows the route of Welcomes Road. As such, the increase in vehicle movements at this one limited end of the road is unlikely to have a material impact on the remainder of the lane. Construction traffic for this

development would be temporary and, as with resultant traffic from the development, is unlikely to use Welcomes Road due to its narrow, constrained, nature. The management of such operations could be controlled by condition.

18. Side facing windows above ground floor level to the flat block are to be obscure glazed to avoid overlooking, which could be controlled by condition. The distance from the front facing windows of the row of terraces to neighbouring homes addressing Welcomes Road are sufficient to mitigate any overlooking. Moreover, the generous vegetation on the side boundaries would further dilute any such concerns.

Conditions

19. The Council suggested a number of conditions which I have considered and amended in the light of government guidance on the use of conditions in planning permissions.
20. Condition 1 is a general time limit condition whilst condition 2 relates to the approved plans for certainty.
21. Condition 3 relates to construction logistics which is important given the residential nature of the area and constrained nature of much of Welcomes Road for construction traffic. It is therefore imposed in the interest of living conditions and highway safety and to comply with policy DM23 of the CLP. This condition is also a pre-commencement condition which the applicant has agreed to, having regard to the provisions of S100ZA of the Act. It is required as these details have not been confirmed in the submitted material but can be controlled to mitigate the adverse impacts from traffic.
22. Condition 4 secures material details in the interests of the appearance of the development to protect the character and appearance of the area. Condition 5 ensures adequate drainage and surface water details for sustainable water management and to accord with policy SP6.4.
23. Conditions 6 and 12 are imposed having regard to biodiversity and ecological improvements. Conditions 7 and 11 ensure adequate landscaping and tree protection. These are in accordance with CLP policy SP7 and ensure a satisfactory environment for biodiversity and in the interests of the character of the area.
24. Conditions 8, 9, 10, 14 and 15 ensure on site waste management, parking provision and water efficiency meet local standards.
25. Condition 13 is imposed to secure disabled access to ground floor dwellings which have the opportunity to provide accommodation for those with specific needs.
26. Condition 16 avoids the future insertion of windows that could overlook neighbours and requires obscure glazing to the flank side windows which could potentially cause overlooking concerns. I have not imposed the Council's recommended condition 17 to restrict "permitted development" rights as such rights are granted by Government Order and require special justification or circumstances for their removal. No such circumstances have been demonstrated that would warrant the removal of these rights.

27. I have imposed a final condition to ensure the development accords with the Fire Safety Statement.

Conclusion

28. For the reasons given above I conclude that the proposed development would not be harmful to the character and appearance of the area and would mitigate adverse impacts. The development complies with the CLP and LP and provisions of the Framework. Therefore, the appeal should be allowed.

Nick Bowden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development shall be carried out entirely in accordance with the approved drawings and supporting documents submitted with the application listed below:
 - PL22-634-01 REV.A (Site Location Plan),
 - PL22-634-02 REV.A (Existing Block Plan),
 - PL 22-634-03 REV.D (Proposed Site Layout),
 - PL 22-634-04 REV.D (Proposed Block Plan),
 - PL 22-634-06 REV.D (Section A),
 - PL22-634-08 REV.D (Section B),
 - PL22-634-09 REV.D (Section C & D),
 - PL 22-634-10 REV.B (Ground and First Floor Plan),
 - PL22-634-11 REV.A (Roof Space and Roof Plan),
 - PL 22-634-12 REV.B (Front Elevations),
 - PL22-634-13 REV.A (Rear & Side Elevations and Section),
 - PL 22-634-20 REV.D (Apartment Block Ground Floor Plan),
 - PL22-634-21 REV.D (Apartment Block First Floor Plan),
 - PL 22-634-22 REV.D (Apartment Block Roof Space Plan),
 - PL22-634-23 REV.D (Apartment Block Roof Plan),
 - PL22-634-24 REV.D (Apartment Block Front & Side Elevations),
 - PL22-634-25 REV.D (Apartment Block Rear & Side Elevations),
 - PL 22-634-30 REV.D (Proposed External Finishes),
 - PL22-634-31 REV.D (Fire Strategy Layout), and
 - AKJH.22-009-1 REV A (Landscape Masterplan).
- 3) Prior to the commencement of development (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:
 - a) Hours of construction.
 - b) Hours of deliveries.
 - c) Parking of vehicles associated with deliveries, site personnel, operatives, and visitors.
 - d) Facilities for the loading and unloading of plant and materials.
 - e) Details of the storage facilities for any plant and materials.
 - f) The siting of any site huts and other temporary structures, including site hoardings.
 - g) Details of the proposed security arrangements for the site.
 - h) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway.
 - i) Details outlining the proposed range of dust control methods and noise mitigation measures.
 - j) Details demonstrating compliance with the non-road mobile machinery (NRMM) regulations 2015.

- k) Details confirming that all delivery vehicles are registered under the Freight Operators Recognition Scheme (FORS) achieving a minimum of silver status.

All construction phases of the development shall be carried out strictly in accordance with the details so approved.

- 4) Prior to the commencement of above ground works, full details of facing materials including specifications of all facing materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details thus approved.
- 5) Prior to the commencement of above ground works, a detailed surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the Local Planning Authority:
 - a) 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);
 - b) Confirmation of the impermeable and permeable site areas used for the infiltration calculations.
 - c) Details of the on-site infiltration drainage.
 - d) Details of the on-site attenuation tank.
 - e) Details of further sustainable drainage measures.
 - f) An updated layout plan (to scale) of the proposed drainage scheme.
 - g) Details of the ownership and / or maintenance agreement for the SUDS on the site.

The approved drainage strategy shall be implemented prior to the first occupation of the development and maintained thereafter.

- 6) Prior to commencement of above ground works, a Biodiversity Enhancement Strategy for protected and priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) Detailed designs to achieve stated objectives;
 - c) Locations of proposed enhancement measures by appropriate maps and plans;
 - d) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) Persons responsible for implementing the enhancement measures.
 - g) Sensitive lighting scheme (if required); and
 - f) Details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.

- 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:
- a) Hard landscaping materials (including samples as appropriate);
 - b) Soft landscaping details, including existing planting to be retained, the species, size, and density of proposed new planting, as well as the dimensions of new trees;
 - c) Boundary treatments (including child's play space enclosure) and ensuring landscaping does not intrude on the site access visibility splay;
 - d) Lighting; and
 - e) A maintenance/management plan for all aspects of the hard and soft landscaping, including a 5-year planting plan.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development and maintained for the lifetime of the development except for new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development 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 planned.

- 8) Prior to first occupation of the development, details of a waste management strategy, to include details of a company or arrangement to collect bins from the site, frequency and bin storage or presentation location shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented prior to occupation and retained as such for the lifetime of the development.
- 9) Notwithstanding the approved cycle and refuse details, full details of cycle and refuse storage including the elevations, specifications and materials, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. The works shall thereafter be completed prior to first occupation of the development and maintained for its permitted use for the lifetime of the development.
- 10) Prior to the first occupation of the development, full details of Electric Vehicle Charging Points (EVCP) shall be submitted and approved in writing with the local planning authority. The approved details shall be installed prior to first occupation and shall thereafter be maintained as such.
- 11) The development shall be carried out in accordance with the submitted and approved BS5837 Arboricultural Implications Assessment and Method Statement rev.V2 prepared by Canopy Consultancy dated May 2022 and the Tree Protection Plan ref. 21-1285-TPP-01-A.
- 12) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (Darwin Ecology, December 2021). This must include the appointment of an appropriately

competent person e.g. an ecological clerk of works (ECoVV) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities.

- 13) All the residential units at ground floor level within the development hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable'. Plot 5 shall comply with either the optional requirement M4(3)(2)(a) 'wheelchair adaptable', or the optional requirement M4(3)(2)(b) 'wheelchair accessible'. Such provision shall be reasonably maintained for the lifetime of the development.
- 14) The development hereby approved shall not be occupied until parking spaces have been laid out within the site in accordance with the details shown on plan PL 22-634-04 REV.D. The parking areas shall be permanently retained thereafter exclusively for their designated purpose and boundary treatments located in the areas of the visibility splays shall not exceed 0.6m in height.
- 15) The development hereby permitted shall achieve a minimum 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the Building Regulations (2013) and achieve a minimum water efficiency standard of 110/litres/person/day.
- 16) No additional windows shall be formed in the flank elevations of the proposed buildings and approved windows to be installed in the flank elevations (excluding skylights) of all buildings at first floor level and above shall be glazed with obscure glass 3 and non-opening below 1.7m in height. The windows shall thereafter be permanently retained as such.
- 17) The development shall be carried out in accordance with the provisions of the Fire Safety Statement.

End of Schedule