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# Appeal Decision

Site visit made on 10 January 2023

**by B Pattison BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 February 2024**

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**Appeal Ref: APP/L5240/W/23/3325637**

**159-161 The Glade, Croydon, CR0 7QR**

- 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 Aspect Living Ltd against the decision of London Borough of Croydon.
  - The application Ref 23/00594/FUL, dated 10 February 2023, was refused by notice dated 28 April 2023.
  - The development proposed is described as the proposal is to demolish two existing bungalows and associated garages to create a combined site of 950 sqm which is remodelled to deliver 5 family homes with associated parking. The dwellings consist of four semi detached properties facing The Glade and one detached property on Brookside Way. All family homes have rear gardens and cycle storage. Two additional cycle storage spaces are proposed for visitor parking.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - The effect of the proposal on the character and appearance of the area;
  - Whether the proposal makes adequate provision towards car club membership and sustainable transport initiatives in the vicinity to alleviate traffic generation created by the development; and
  - Whether adequate provision is made for car parking, vehicular access, safe pedestrian access and cycle parking within the site.

## Preliminary Matter

3. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. Chapter 12 of the revised Framework included updates and seeks to achieve 'well-designed and beautiful places'. Both main parties have had the opportunity to comment on the amendments to the Framework and I have considered the appeal on this basis.

## Reasons

### *Character and appearance*

4. The appeal site contains a pair of semi-detached bungalows with a single storey side garage. The site is located on the corner of The Glade and

Brookside Way and the front elevations of the bungalows are set back from The Glade behind a garden at 159 and a gravel parking area at 161. Although there is another pair of semi-detached bungalows on the opposite side of Brookside Way, the existing dwellings on site are relatively small in comparison to the majority of nearby dwellings which are primarily a mixture of larger semi-detached two storey properties and small rows of terraced houses.

5. The range of dwellings on The Glade vary in style and age but are generally sited within modest plots, which contribute to the suburban character of the area. Large hardstanding areas fronting the highway and vehicle crossovers are also common within the street.
6. Conversely, the properties on Brookside Way are more uniform, generally being two storey semi-detached dwellings, with two storey bays and gable features. Properties are set back from the road in a largely consistent building line with parking to the front and gardens to the rear.
7. The submitted evidence indicates that the site is within 800 metres from a station and accordingly the principle of incremental residential intensification of the site is acceptable.
8. As a result of its corner location the site is highly visible in public views from both The Glade and Brookside Way. The proposed detached dwelling's position forward of the established building line in this section of the street would be a prominent addition on Brookside Way. Furthermore, its positioning within the rear garden of 161 The Glade would close the gap between it and the proposed semi-detached houses fronting The Glade, resulting in a significant reduction of openness. In turn, the proposed two storey dwellings fronting The Glade, which would be parallel with the building, would have appreciably and uncharacteristically shorter rear gardens than other properties within this section of The Glade. As a result, the detached dwelling would be 'squeezed' onto the site in a manner that would appear cramped.
9. The built form of the detached unit would also be at odds with the rhythm of properties on Brookside Way, which are primarily semi-detached and largely uniform in design. The overall impression would be of a building that would be very obviously narrower than buildings within the area, to the extent that it would appear incongruous. When combined with the narrow width of the dwelling its 'barn style' hipped roof would appear as a large and top-heavy mass which unbalances the building's composition.
10. The unit's proposed facing materials of London stock and dark red brickwork would be at odds with the predominant materials on the street which include white render and hanging tiles. As a result, they would fail to reinforce the character of the area.
11. Turning to the semi-detached units fronting The Glade, whilst taller than the existing bungalows, they would have a greater set-back from the highway, respecting the building line of neighbouring properties which follow the curve of the highway. The rear elevations would not be positioned significantly further to the rear of the plot than those of the existing buildings, and the units' footprints would not be excessive in scale, thereby avoiding the development dominating the plot and surroundings.
12. As two storey semi-detached properties are common within this part of The Glade the proposed semi-detached units would reflect the characteristics of

neighbouring properties in terms of their finished height and width. There is variation in roof forms throughout The Glade, however the roofscape design would reflect that found at other nearby properties such as at 102-104 and 149-151 The Glade. As a result of the greater width of the buildings the 'barn style' hipped roof would be a more successful design approach for the semi-detached units, than it is for the detached unit fronting Brookside Way.

13. The roof form helps reduce the properties' bulk closest to the site boundaries, and in particular, enhances the visual separation between the two pairs of semi-detached properties. This ensures that when viewed from The Glade, there is clear separation between the buildings which breaks up the overall massing of built form on the site.
14. Unlike on Brookside Way, there is considerable variation along The Glade in terms of the materials and fenestration used. The proposed external materials and fenestration, whilst of contemporary design, would add to the varied palette of materials, and would not detract from the character and appearance of this particular street scene. The mixture of brick colours, the brick banding above the ground floor windows and brick detailing above the first floor windows, whilst understated, would provide architectural interest and would prevent the buildings from appearing bland.
15. 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 surrounding the houses fronting The Glade, including at the front.
16. I have found that the semi-detached units fronting The Glade would not harm the character and appearance of the area. However, the impact of the detached dwelling, due to its positioning and impact on openness, its roof form and proposed facing materials would cause harm to the character and appearance of the area. Consequently, the proposal would conflict with Policies SP2, SP4 and DM10 of the Croydon Local Plan (2018) (CLP) and Policies H2 and D8 of the London Plan (2021) (LP). Collectively, these policies seek to secure high-quality development which respects and enhances Croydon's varied local character whilst ensuring that it is appropriate to the surrounding area in terms of its size and scale, and that proposals reflect the variety of local dwelling types.
17. The Council refer to LP Policy D4 in relation to this main issue, but as this relates to the contribution of masterplans and design scrutiny to the development process it is not directly relevant to this main issue and is not a material consideration to which I give any significant weight.

*Provision towards car club and sustainable transport initiatives*

18. The Council states that a planning obligation is required to secure a contribution towards sustainable transport initiatives in the area and towards membership of a car club.
19. Policy SP8.13 of the CLP states that new development will be required to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes. Equally, the provision of car clubs is a requirement set out in Table 10.1 of Policy DM30 of the CLP. As such, the requirement for a

Section 106 obligation to secure membership to the car club for the future occupants is both reasonable and necessary.

20. The Council has stated that £1,500 per unit is required as a contribution towards sustainable travel initiatives. I have considered this planning obligation in the light of the statutory tests contained in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. However, I have no substantive information before me as to how this level of contribution has been reached or precisely what the contribution would be used for. Therefore, I cannot be certain that the payment is necessary or fairly and reasonably related in scale or kind to the proposal before me.
21. I am mindful of the guidance within the Planning Practice Guidance (PPG) which outlines that a negatively worded condition limiting the development that can take place until a planning obligation has been entered into is unlikely to be appropriate in the majority of cases. Whilst the PPG does confirm that, in exceptional circumstances a negatively worded condition may be appropriate, I have not been made aware of any exceptional circumstances which are applicable in this instance.
22. Although the appellant has confirmed a willingness to provide the car club memberships, I have not been provided with a planning obligation. In view of the above, without a Section 106 obligation to secure this the proposal would be contrary to Policies SP8 and DM30 of the CLP which seek to, amongst other things, promote sustainable travel in part by improving infrastructure and requiring new residential development to contribute towards the provision of car clubs.

*Car and cycle parking, pedestrian access and vehicle crossovers*

23. Many properties on this stretch of the road have vehicular crossovers. Furthermore, it is evident from the existing damage to the highway and grassed areas that the wheels of vehicles accessing neighbouring properties (such as 122, 132, 134, 153 and 157 the Glade) already overrun the kerbs, pavement and grass to access properties which do not have crossovers. As a result, both formal and informal access across the grass verge along The Glade is part of the character of the area, and the new crossover would not be an uncharacteristic feature within the street scene.
24. The main parties agree that the Croydon Council Highway Vehicle Crossover Guidelines confirm that any grass verge more than 1.5m wide will not be allowed a new crossover in order to protect ecology, biodiversity, and the street scene.
25. The crossover would be located centrally to the site and would enable the retention of existing street trees. The proposal involves planting and landscaping across the site's frontage which would result in a decrease in hardstanding and increase in green coverage when compared to the existing situation. In my view, this would sufficiently mitigate against any ecological or biodiversity impacts associated with the loss of a small area of grass verge.
26. Off-street car parking would be provided for seven cars in front of the four semi-detached properties facing The Glade and a single car parking space in front of the detached property on Brookside Way. The Council has indicated that the quantum of car parking provided is acceptable, but that a coherent car parking strategy has not been provided. However, the parking layout fronting

The Glade provides adequately sized parking bays which allow sufficient clear pedestrian access to the houses whilst also ensuring that people can exit both sides of parked vehicles. There is also space for vehicles to turn and enter and exit the site in a forward gear. In coming to this view, I have taken into account that a specific car parking strategy has not been submitted.

27. Vehicular access to the site from Brookside Way would be via a single access point in the position of an existing, but disused, vehicular access adjacent to the boundary with 34 Brookside Way. The street is straight at this point and pedestrian visibility splays from inside the site could be achieved by ensuring that any obstructions above 0.6 metres in height would be removed. This could be adequately controlled by condition.
28. The appellant has indicated that cycle parking for the house fronting Brookside Way would be provided within its rear garden, which can be accessed via a shared access path alongside the appeal site and which future residents will have access rights over. I have noted interested parties concerns about the use of the path, and potential security issues arising from this. Regardless, there is sufficient space to the front of the property to provide appropriate cycle parking to meet the requirements. As such, this is a matter that could be resolved by planning condition in the event of an approval.
29. I therefore conclude that the proposal makes adequate provision for car parking, vehicular access, safe pedestrian access and cycle parking within the site. As a result, it would comply with Policies SP8 and DM30 of the CLP and Policies T4 and T6 of the London Plan (2021), insofar as the policies seek to ensure that development promotes and provides adequate access to sustainable modes of travel, sufficient off-street car and cycle parking and that the movement of pedestrians is not impeded.

### **Other Matters**

30. The Framework seeks to significantly boost housing supply and indicates the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would contribute to local housing supply, through the provision of five family sized homes and would represent a more efficient use of the appeal site.
31. I acknowledge that residential development in this general location is acceptable in principle and the proposal may be compliant with various other provisions of the development plan, for instance in respect of the standard of accommodation or living conditions of future occupiers. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
32. The proposal has not attracted a significant number of letters of objection from neighbouring residential occupiers. However, I have determined the appeal on its own merits and based on the appearance of the site during my visit.
33. I understand that the appellant undertook pre-application discussions with the Council in advance of the submission of the planning application. However, I am mindful that pre-application discussions are informal and not binding on any future decision the LPA may make once a proposal has been subject to the formal planning process.

34. The concerns expressed regarding the Council's conduct during the processing of the planning application are outside the remit of this appeal decision.

### **Planning Balance and Conclusion**

35. The proposal would be located where it would be accessible to local services, facilities and public transport. The proposal would contribute to local housing supply and would represent a more efficient use of previously developed land. The appellant also indicates that the proposal would provide net gains in biodiversity. These matters weigh moderately in favour of the development.
36. Three additional family size residential units (in net terms), would make a small but important contribution towards local housing supply. I recognise that the windfall development would incorporate high-quality building fabric and insulation levels alongside renewable technologies. When this is considered with the other benefits, they attract significant weight in my decision.
37. There would be some economic benefits from the occupiers of the residential units supporting local facilities and services in the area and there would be some benefits from construction employment, but these would be short term. I attribute moderate weight to these benefits.
38. Weighed against the above is the harm which would be caused to the character and appearance of the area, and the failure of the proposal to reduce the dependence on private cars through car club memberships. I find this harm, when taken together, to be significant.
39. The harm that I have found leads me to conclude that the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*B Pattison*

INSPECTOR