



Appeal Decision

Site visit made on 6th February 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 29.02.2024

Appeal Ref: APP/L5240/W/23/3325031

16 Coulsdon Road, Coulsdon, Croydon CR5 2LA

- 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 Mr Page against the decision of the London Borough of Croydon.
 - The application Ref.23/00348/FUL, dated 27 January 2023, was refused by notice dated 20 April 2023.
 - The development proposed is extensions and alterations to the existing dwelling and separation to form 2 semi-detached 4 bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for extensions and alterations to the existing dwelling and separation to form 2 semi-detached 4 bedroom dwellings at 16 Coulsdon Road, Coulsdon, Croydon CR5 2LA, in accordance with the terms of the application, Ref. 23/00348/FUL, dated 27 January 2023, subject to the Schedule of Conditions at the end of this decision.

Main Issues

2. The main issues in the appeal are the effect of the proposal on the character and appearance of the surrounding area, whether satisfactory refuse arrangements are or can be provided and whether there is sufficient information on which to conclude that harm to a protected tree would be avoided.

Reasons

Character and appearance

3. The appeal site lies on the western side of Coulsdon Road and contains a detached chalet bungalow with an unusual deeply-sloping front roof and an integral garage. It is in a poor state of repair following flood damage. The surrounding area comprises predominantly two-storey detached dwellinghouses with some bungalows located further south and a three storey building on Petersfield Crescent. 14 Coulsdon Road is a two storey/single storey dwellinghouse to the north and 18 Coulsdon Road is a two storey dwelling to the south. 18 Coulsdon Road has a polycarbonate canopy at the rear. The frontage of the appeal site building sits comfortably back from the building line of no.14 and also back from the building line of no.18.
4. There is a yew tree which is the subject of a Tree Preservation Order 'TPO' and which lies towards the top of an incline close to the pavement along the west

side of Coulsdon Road. There are fairly steep steps down to the house from the pavement in order to access the front door.

5. The appeal scheme seeks subdivision of the existing detached building into two semi-detached dwellinghouses each with 4 bedrooms. The proposal includes the erection of a three-storey front extension, a single-storey rear extension, two rear dormer roof extensions, two front dormer windows, and other external alterations.
6. The roof form to the front of the proposed re-modelled building would be a gable feature for each house and a hipped form to the main roof. The apex of the gables would be a very similar height to the roof ridge behind, resulting in a noticeable third level of accommodation. Each dwelling would have two windows on the third storey in the front elevation, one being significantly smaller than the main window framed in the gable.
7. Even though the top floor accommodation would be likely to be read as a third storey there are several mitigating design factors which would make it acceptable in this particular location. First, the two main windows in the gable would be shaped to follow the slopes of the gable roof and would appear as loft-type windows. Second, the main eaves which would be visible from the streetscene would be at a comparable height to neighbouring dwellings, thus helping to integrate it into the streetscene. The eaves of the existing building are low and appear unusually low as a result of the bungalow's idiosyncratic design.
8. Third, the tile-clad exteriors of the third storey would visually associate the accommodation as a roof storey and differentiate it from the two rendered full storeys below. Fourth, public views of the front of the proposed building would be from the pavement and road which are considerably elevated above the level on which the appeal site and its neighbours stand. This avoids the potential for the building to loom over or dominate the passer-by. Fifth, the proposed alterations to the building would only increase its overall height by about 30cm which is not a significant increase from the existing building. These factors, taken together, would bring about a sympathetic design which would respect local character. I am mindful of national policy not to discourage increased housing density where the design is appropriate.
9. There would be extensions both at the rear and front of the existing dwelling but these can be accommodated comfortably within the staggered building line without harming the character or appearance of the area. Whilst the overall depth is not typical of the nearby properties, it would be substantially concealed by neighbouring dwellings. Seeing a semi-detached dwelling where previously there was one dwelling would not be harmful given the varied architecture along Coulsdon Road even though there would be a vertical emphasis. The existing separation distances flank to flank with nos 14 and 18 would be almost the same, thus avoiding the appearance of a cramped and overdeveloped plot.
10. There would be an efficient and effective use of land in an urban area without undue environmental harm, which is an objective of national policy.
11. Therefore, on this issue I conclude that the proposed development would not unduly harm the character or appearance of the surrounding area or be contrary to policy D3 of the London Plan 2021 or policies SP4 or DM10 of the Croydon Local Plan 2018.

Refuse storage and collection

12. Whilst bin stores are shown on the submitted plans, the Council questions whether a suitable refuse collection point can be accessed. Notwithstanding that, there is sufficient available land within the plot to insert these facilities whilst taking account of the topography and achieving sufficient visibility splays. Consequently, a planning condition which requires details of bin locations and refuse collection points to be submitted and approved by the Local Planning Authority (prior to occupation) is sufficient to overcome that objection. Pedestrian and vehicle visibility splays are also required by condition and they would need to take account of any necessary refuse arrangements.
13. On this issue, I conclude that acceptable arrangements for bin stores and refuse collection points can be provided on the appeal site subject to conditions. There would be no conflict with policy SI 7 of the London Plan 2021 or policy DM13 of the Croydon Local Plan 2018.

Protected Tree

14. A few metres back from the public footpath and within the appeal site itself there is a Yew tree which is subject to a Tree Preservation Order (ref: 80/00002/TPO). It and its root protection area would be in the general location of planned off-road parking, landscaping and possibly boundary treatment and refuse facilities.
15. The Appellant has submitted an Arboricultural Appraisal and Impact Assessment 'AAIA' dated 3 June 2023 which, in brief, sets out that the extent of construction necessary in the whole root protection area of the Yew tree equates to about 6%. I am satisfied that, in accordance with the British Standard, the AAIA provides justification for conducting construction works in that area and that, in principle, works can be carried out without threatening the life of the tree. I am in agreement with the Council, however, that the precise method of construction remains vague and so I have concluded that a planning condition is needed to nail down precise details of construction and tree protection.
16. On this issue, I conclude that, subject to an appropriate condition, the proposed development would not harm the protected tree and would not be in conflict with policy G7 of the London Plan 2021 or policies DM10 and DM28 of the Croydon Local Plan 2018.

Other Matters

17. I consider that the on-site parking would be adequate and would not lead to any highway safety issues. I note that the Highway Authority is in agreement with this and has not objected on highway safety, capacity or parking issues, subject to the imposition of appropriate planning conditions. There are understandable concerns about noise and inconvenience during construction, however, there is a condition imposed which would require a Construction Logistics Plan to be submitted, approved and followed. This would minimise any potentially harmful impacts on neighbours.
18. Restrictive covenants to prevent development and easements to light are private law matters which are not within the remit of town and country planning decisions. When on my site visit and in coming to my decision I have considered the extent to which the proposal would reduce daylight to neighbours and in

particular to the kitchen at no.18 which is used by the current occupier for work. There would be a reduction in daylight to that room but it would not be reduced to an unacceptable level given the likely level of daylight that would reach that room after development has taken place. I have considered whether the proposal would cause an undue loss of outlook or loss of sunlight to any neighbouring occupiers, however, given the main orientations of the properties those concerns are not sustainable. There are no doors giving access to the roof of the proposed single storey rear extension shown on the submitted plans and no unacceptable overlooking issues.

Conditions

19. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. The Council provided some suggested conditions in the event that the appeal was successful. A condition which ties the built development to the approved plans is necessary for the avoidance of doubt. In order to protect the character and appearance of the host dwelling and its surroundings, a condition requiring the extensions and any making good to match the existing materials is necessary.
20. In order to safeguard the amenity of surrounding residents and the area generally and to prevent adverse impact upon the transport network during the construction phase of the development there is a condition requiring a Construction Logistics Plan to be submitted and approved. It is necessary for this to be a pre-commencement condition so that all demolition and construction works are anticipated and considered prior to works commencing so as to avoid potential damage and disturbance. The appellants agree to this form of condition.
21. To enhance the appearance of the development, protect the visual amenities of the locality, and to ensure that the new planting becomes established, I have imposed a condition requiring details of hard and soft landscaping on the site. In order to ensure that the Yew tree which is the subject of a Tree Preservation Order is adequately protected I have imposed a condition ensuring that precise details of tree protection and interference with its root protection area are approved. This must be a pre-commencement condition because any initial works on site could potentially damage the tree. The appellants agree to this form of condition.
22. I have attached a condition seeking details of secure cycle storage, refuse storage and collection and security lighting for external spaces in order to secure an acceptable standard of development.
23. I consider that there may be harm to residential amenity given the proximate location of neighbouring properties if permitted development rights in Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 were to be exercised and therefore I consider there is sufficient justification to remove those rights via condition. I have imposed a condition requiring any upper-floor window located in a wall or roof slope forming a side elevation of the development to be obscurely glazed and partially non-opening in order to protect neighbours' privacy.
24. To ensure that the development incorporates necessary fire safety measures in accordance with the policy D12 of the London Plan 2021 I have tied the development to the submitted Fire Safety Strategy. For highway safety

reasons, there is a condition requiring pedestrian and vehicular visibility splays and a condition requiring the car parking spaces to be laid out prior to occupation. For sustainability reasons there is a condition controlling how much water should be used per person per day.

Conclusion

25. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas K.C.

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the following plans: 16CR/22-01; 16CR/22-02; 16CR/22-03; 16CR/22-PD & 16CR/22-OS, received 27.01.2023.
- 3) Unless otherwise specified in the application the materials to be used for the external surfaces of the development hereby permitted along with work of making good shall be carried out in materials to match those of the existing building.
- 4) 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 delivery 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 legislation k) Details confirming that all delivery vehicles are registered under the Freight Operators Recognition Scheme achieving a minimum of silver status. All construction phases of the development shall then be carried out strictly in accordance with the details approved.

- 5) The development shall not be first occupied until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) existing trees and planting to be retained
 - b) areas of new planting ensuring no obstruction of vehicle visibility splays at site accesses
 - c) details of species, size and density of new planting and a maintenance scheme for a minimum period of 5 years
 - d) boundary treatment
 - e) hard landscaping including paths and open area(s) including details of materials (which shall be permeable as appropriate)

The approved items shall be completed on site by the end of the first planting season following completion of the development. All planting shall be maintained for a period of five years from the date of planting; any planting which dies or is severely damaged or becomes seriously diseased, or is removed within that period shall be replaced by planting of similar size and species to that originally provided.

- 6) Prior to the commencement of development (including any partial demolition), precise details of works affecting the protected Yew tree (T6) or its root protection area and details of Tree Protection shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
- 7) Prior to the occupation of the development the approval of the Local Planning Authority shall be obtained in writing with respect to the following matters:- (1) Secure cycle storage details (2) Details of refuse storage and collection (3) Security lighting for external spaces. Once approved in writing, these matters shall be provided on site prior to occupation and retained for the lifetime of the development.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no development pursuant to Part 1 of Schedule 2 shall be undertaken without express planning permission from the Local Planning Authority.
- 9) Any upper-floor window located in a wall or roof slope forming a side elevation of the development hereby approved shall be fitted with obscured glazing, and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor measured from a point immediately below the centre of the window upwards to the opening part of the window. Such measures shall be provided and fully installed prior to the first occupation of the development and retained for the lifetime of the development.
- 10) The development shall be carried out in accordance with the provisions of the submitted Planning Fire Safety Strategy by CONSULT3063 dated 9 January 2023.
- 11) Prior to the first occupation of the development, pedestrian and vehicle visibility splays shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with those details thereafter.

- 12) The development hereby permitted shall achieve a minimum water efficiency standard of 110 litres/person/day.
- 13) The development hereby approved shall not be occupied until the proposed car spaces have been laid out within the site. Each must provide an active charging point.