



Appeal Decision

Site visit made on 20 February 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2024

Appeal Ref: APP/L5240/W/23/3321243

47 Graham Road, Purley CR8 2EN

- 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 CJA Harvey Construction against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/01792/FUL, dated 21 April 2022, was refused by notice dated 12 January 2023.
 - The development proposed is described as "demolition of existing house and redevelopment consisting of three stepped terrace houses and a detached house of 2 storeys with roof accommodation."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted an amended level plan P/10A to replace plan P/10 with the appeal documents. This shows additional information on levels and gradients. However, as there are inconsistencies in the way it shows the height of the proposed houses compared to the existing house on submitted plan P/08, my consideration of it could cause prejudice to interested parties. Therefore, my decision on the appeal is based only on the drawings and documents submitted with the original planning application.
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 were not invited to make further comments.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposed development on road user safety, with particular regard to access and parking arrangements;
 - whether satisfactory waste storage facilities would be provided;
 - whether the development would expose future occupiers to an unacceptable fire safety risk, with particular regard to site access; and
 - whether flood risk would be adequately mitigated, and the development would be safe for its lifetime.

Reasons

Character and appearance

5. The site comprises a detached dwelling in a suburban residential area. It slopes up from Graham Road, with the houses on this side of the street at a higher level making them more prominent than the buildings opposite. There is a mix of types, styles and ages of properties in the wider area, but Graham Road largely consists of two-storey detached and semi-detached dwellings. A development of large, detached houses around a cul-de-sac adjoins the site.
6. The proposal would replace the existing property with a row of three terraced houses and a two-storey detached dwelling. The detached structure and adjacent terraced property would be set back significantly from the road. Due to the introduction of terraced houses, their staggered layout and the distance of some buildings from the street, the proposed layout would fail to reflect the existing pattern of development of detached and semi-detached properties facing the road.
7. I note that there is more dense terraced housing in the wider locality. However, much of the frontage would be occupied by the proposed access road, turning head and car parking areas with limited space for landscaping and refuse storage. Further, the parking spaces for the terraced properties would be directly beside kitchen windows. As such, the proposal would create significant urbanisation and a cramped form of development, incongruous in a street characterised by dwellings in good sized plots.
8. Sitting above the houses on each side of it, the existing large traditional dwelling has gables facing the road. The appellant states that the proposed detached house would have a lower ridgeline than the existing property, creating a transition to the more modern development adjacent, and would be seen against an existing backdrop of housing. However, it would be sited considerably higher than the other buildings in the street and, in contrast to the existing structure, would have a large front facing pitched roof. Therefore, due to its elevated position, height and roof form, the proposed detached dwelling would be a prominent and discordant addition to the street scene.
9. The proposed houses would have similar roof slopes to other buildings in the area, but their pitched, gable ended roofs would contrast with the predominantly hipped roof structures in Graham Road. Due to their roof shape and small frontages, the dwellings would have a vertical appearance at odds with the more horizontal forms of buildings in the street. Whilst the staggered siting of the terraced properties would result in the front house being the most visible from the road, this layout would emphasise their vertical form.
10. The houses would have materials and window proportions similar to those on other local buildings, but they would be simply designed with pitched roofs. Other dwellings in Graham Road include features such as mock tudor detailing and projecting gables, bay windows and porches. The absence of architectural features on the proposed structures would fail to respect the style of buildings in the street.
11. The appellant suggests conditions requiring the provision of window and door reveal details and a landscaping scheme. However, these would not overcome the issues relating to the design and layout of the proposal.

12. I note that Policy DM10 of the Croydon Local Plan 2018 (CLP) states that proposals should seek to achieve a minimum height of three storeys. However, this is subject to them respecting the development pattern, siting, scale and appearance, amongst other things, and, for the reasons set out above, I find conflict with Policy DM10 in this regard.
13. Therefore, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy D3 of the London Plan 2021 (LP) and Policies SP4 and DM10 of the CLP. Together, these require developments to respond to local distinctiveness and respect local character, amongst other things. It would also conflict with the Framework which sets out that development should be sympathetic to local character and development that is not well designed should be refused.
14. Policy D4 of the LP relates to processes and actions required to deliver good design. As it does not directly link to the harm identified, I find no specific conflict with Policy D4 in reaching my conclusion.

Road user safety

15. The site lies adjacent to a footpath which provides through pedestrian access to residential areas beyond Graham Road. There is an existing steep vehicular access within the site, the entrance for which is set back from the footpath with a low wall and high hedge on one side and vegetation on the opposite side.
16. The existing access would be utilised to serve the proposed development, with parts of the site excavated and the creation of embankment walls. Provision would be made for six parking spaces adjacent to the houses on level ground and a turning head.
17. The proposed access road should have a maximum gradient of 1:12 for vehicles and pedestrians and 1:15 for wheelchair users. The plans indicate that the proposed new gradients to the houses would be 1:12 but it is unclear whether the access road would achieve this gradient along its entire length. As such, I cannot be certain that the proposed road incline would be suitable for pedestrians and vehicles and, in any event, a 1:12 gradient would make the proposed dwellings inaccessible for wheelchair users.
18. There is a requirement for 1.5m x 1.5m sightlines to be provided on either side of the access road. The appellant indicates that the pedestrian safety splays could be accommodated and secured by a condition, but in the absence of details, I cannot be satisfied that such provision could be made. Although there is no through traffic and regardless of pedestrian footfalls, without suitable visibility splays the development would have the potential to obstruct visibility for drivers of vehicles exiting the access of pedestrians using the footpath. This would create a risk of accidents and, therefore, harm to the safety of other road users.
19. The Council raises concerns about the ability of vehicles to turn within the site and leave in a forward gear. The swept path analysis indicates that this would be achieved for cars, and I have no substantive evidence from the Council to the contrary. However, there is no provision for service vehicles to turn and egress the site in a forward gear. The appellant indicates that refuse vehicles would not need to access the site as residents could wheel their bins out on collection day to a temporary refuse collection point. However, there is limited

information on the size and location of this, and uncertainty about the access road gradient may make this arrangement impractical. As such, I cannot be certain that the access road and turning area would be sufficient to serve the proposed development and there would be no harm to highway user safety.

20. The Council states that the proposed parking spaces are not based on a vehicle length of 4.8m. Conversely, the appellant confirms they would be a minimum of 4.8m long, and not block the front doors of the proposed houses. As the Council has not provided any further information in this regard and based on the evidence before me, I do not find that the proposed parking spaces would be substandard. Further, the Council raises no concerns about the number of proposed parking spaces. Thus, I find no conflict with Policy T6 of the LP and Policy DM30 of the CLP where they set out parking standards and seek to ensure that the movement of pedestrians is not impeded by the provision of car parking.
21. Whilst the proposed development would provide satisfactory parking arrangements, I conclude that it would harm road user safety, with particular regard to access. This would be contrary to Policy T4 of the LP and Policy DM29 of the CLP. Together, these require development to not have a detrimental impact on highway safety for pedestrians, cyclists and private vehicles, amongst other things. It would also conflict with the Framework which requires developments to provide safe and suitable access to the site and to not have an unacceptable impact on highway safety.
22. Policy SP8 of the LP relates to new transport schemes. As it does not directly link to the harm identified, I find no specific conflict with this policy in reaching my conclusion.

Waste storage facilities

23. The Council's Waste and Recycling in Planning Policy Document 2015 (WRPPD) requires each unit to provide space for 2x240 litre bins, 1x180 litre bin and a 23 litre food caddy. It also includes a requirement for a 10sq m bulky waste area so that residents can present large items for collection without causing obstruction to building exits and general waste and recycling bins. Policy DM13 of the CLP also requires adequate space for the temporary storage of waste (including bulky waste), with development providing layouts that ensure refuse and recycling facilities are safe, conveniently located and easily accessible by occupants, operatives and their vehicles.
24. The proposal includes space for 2 wheelie bins for each house which would be insufficient to meet the requirements in the WRPPD. Further, some proposed bin stores would be located adjacent to parking spaces, restricting access to them when vehicles are parked. Some would be sited to the side of the properties, constraining access to them by future occupants, whilst one rear bin store would require waste to be taken through the building. In addition, located over 25m from the rear of the refuse vehicle, some bin stores would exceed the maximum 20m distance for wheeling containers outlined in the WRPPD. Therefore, there is insufficient provision for bin space and the proposed bin stores would not be conveniently located and easily accessible as required by Policy DM13.
25. The appellant considers that there would be sufficient space for the required bins, and that the rear bin store could be moved adjacent to the front entrance

with others repositioned. It is suggested that their location and design could be secured by a condition. However, as it is unclear how or where these would be accommodated, there is inadequate information to determine whether there would be adequate space in suitable locations for the required bins.

26. Further, although a bulky waste area would create additional hardstanding and would only be used occasionally, failure to provide such an area on the site would likely result in bulky waste being left on the footway, causing an obstruction to pedestrians.
27. Overall, I conclude that the proposed waste storage facilities would be unsatisfactory. This would be contrary to Policy D6 and Table 3.2 of the LP and Policy DM13 of the CLP. Together, these require housing to be designed with adequate and easily accessible storage space for recyclable, food and residual waste, amongst other things. It would also conflict with the Framework which requires developments to function well.
28. Policy SI2 of the LP relates to minimising greenhouse gas emissions. As it does not directly link to the harm identified, I find no specific conflict with Policy SI2 in reaching my conclusion.

Fire safety

29. Policy D12 of the LP requires all development proposals to achieve the highest standards of fire safety and ensure that they provide, amongst other things, suitable access and equipment for firefighting which is appropriate for the size and use of the development.
30. The Fire Safety Strategy includes arrangements for evacuation, physical measures needed to comply with Building Regulations, and information on fire control zones and fire doors. The Council considers that it fails to demonstrate suitable access arrangements for firefighting personnel, but it does not provide any further information on the relevant requirements.
31. The appellant confirms that the proposed access road would be 4m wide, more than the 3.7m minimum required for a fire tender, and that building regulations control the matter of fire access. Based on the evidence before me, there is no reason to consider that the proposal would result in harmful fire safety risks.
32. Accordingly, I conclude that the development would not expose future occupiers to an unacceptable fire safety risk, with particular regard to the site access. It would comply with Policy D12 of the LP. It would also accord with the Framework which requires decisions to achieve safe places and buildings.

Flood risk

33. The submitted flood map indicates that the site is not within an area at risk of river flooding and the Council has not provided information to show that it is within a critical drainage area or at risk from any other type of flooding.
34. Policy SI12 of the LP sets out requirements for managing flood risk and LP Policy SI13 outlines the need for sustainable drainage, including that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible. Together, CLP Policies SP6.4 and DM25 seek to steer development to areas with a lower risk of flooding, requiring the incorporation of sustainable drainage

systems to ensure surface water run-off is managed as close to the source as possible, amongst other things.

35. Based on the evidence before me, the site is not within an area at risk of flooding. This would negate any requirement to mitigate flood risk and ensure that the development would be safe for its lifetime, other than by incorporating sustainable drainage systems which could be secured via a condition.
36. Consequently, I conclude that flood risk would be adequately mitigated, and the development would be safe for its lifetime. It would accord with Policies SI12 and SI13 of the LP and Policies SP6.4 and DM25 of the CLP. It would also comply with the Framework which directs development away from areas at the highest risk of flooding.

Other Matters

37. The proposal would replace a dwelling in poor condition and make more efficient use of suburban land, contributing three additional dwellings towards the local supply of housing. There is no substantive evidence to demonstrate that the Council is failing to meet the needs for housing in its area which tempers the weight I have attached to housing delivery. Nevertheless, the provision of three additional houses is still a limited benefit to be factored into the planning balance.
38. The Council does not raise concerns or find development plan conflict in relation to several other matters, including the principle of residential development, living conditions, trees, protected species and energy efficiency. There is no compelling evidence before me that would lead me to reach a different conclusion to the Council on them. However, the absence of harm is a neutral factor in the planning balance.

Planning Balance and Conclusion

39. I have found that the proposal would harm the character and appearance of the area and road user safety and provide unsatisfactory waste storage facilities. These are planning harms which attract considerable weight. The delivery of housing attracts limited weight and the remaining matters only neutral weight, which accordingly do not outweigh the harm I have found.
40. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

A Wright

INSPECTOR