



Appeal Decision

Site visit made on 11 March 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12.04.2024

Appeal Ref: APP/L5240/W/23/3326279

Boulevard Point, 15 Scarbrook Road, Croydon CR0 1SQ

- 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 H Salman against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/02493/FUL, dated 10 June 2022, was refused by notice dated 20 January 2023.
 - The development proposed is the erection of an additional storey to provide three residential units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Planning Inspectorate Procedural Guide: Planning Appeals – England 2024 states that the appeal process should not be used to evolve a scheme, and that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Council and by interested parties at the application stage.
3. In this case, the appellant has submitted drawings depicting changes to the original scheme that was considered at application stage. In summary these amendments primarily comprise changes to the internal layout with the addition of a WC and storage area at ground floor level, the removal of a pedestrian staircase on the north of the site, the introduction of privacy screens, and the realignment of the frame that delineates the communal terrace on the tenth floor.
4. The Council is content for me to consider those amended drawings, and the appellant contends that the design of the building would be enhanced as a result. However, considered cumulatively, these changes are not insubstantial, and as well as internal alterations, they would impact the appearance of the building. I cannot be certain that all interested parties who commented on the original scheme are aware of these changes, nor that parties who did not originally comment would not wish to do so as a result of those changes. Consequently, I am not satisfied that my acceptance of those drawings would not prejudice any interested parties, and I have not therefore considered them as part of the appeal.
5. As part of the appeal, the appellant has also submitted a number of additional documents. These include a Daylight and Sunlight Report by Right of Light

Consulting ('DSR'), a Transport Technical Note by Crosby Transport Planning ('TTN'), a Planning Fire Statement by AW Fire Safety Consultancy ('PFS'), a unilateral undertaking ('UU'), and an architectural report by Kruszelnicki Leetch Architects ('the AR'). These documents were provided in support of the appellant's case and to address the Council's reasons for refusal, but do not amend the scheme. Moreover, the Council and interested parties have had an opportunity to consider that evidence as part of the appeal process. Accordingly, I have taken those documents into account, I will discuss them later in my decision, and I am satisfied that no prejudice arises from me doing so.

6. The DSR was based on numerical tests in the BRE 'Site layout planning for daylight and sunlight: a guide to good practice 2022'. Based on that evidence, the Council does not wish to contend its second reason for refusal, which alleged harm to neighbouring occupiers due to light reduction and overshadowing. For this reason, this is not a main issue in the appeal, but given the concerns raised by interested parties, I have undertaken an assessment of this matter following the main issues.
7. The TTN details on-site cycle parking provision and arrangements for refuse storage. The Council confirms that, based on the TTN's findings, it does not wish to contend those concerns in its third reason for refusal. This is therefore also not a main issue in the appeal.
8. Finally, the revised National Planning Policy Framework was published in December 2023 ('Framework'). Having regard to the main issues in the appeal, there are no material differences between it and the now superseded version. It is therefore the current version that I refer to in my reasoning, rather than the superseded version which was in place at the time of the Council's decision.

Main Issues

9. The main issues are:
 - the effect of the proposal on the character and appearance of the host building and the area; and
 - whether the proposal makes appropriate provision for fire safety.

Reasons

Character and appearance

10. Boulevard Point is an eleven storey building which sits within the Croydon Metropolitan Centre, amongst a cluster of tall buildings in the Croydon Opportunity Area ('the COA'), as designated in the Croydon Local Plan 2018 ('CLP'). The COA is identified as having capacity to accommodate new homes, and is an area where tall buildings are encouraged provided that they respect and enhance local character.
11. Nearby tall buildings include Canius House on Scarbrook Road to one side of the site, and the thirteen storey Vertex House on the junction with Wandle Road to the other side. There are further tall buildings on the rising ground leading to High Street, and Kindred House is a particularly tall tower block on

Scarbrook Road to the south-west. Opposite the site on the other side of Scarbrook Road are a group of lower four to six storey buildings.

12. The existing building at Boulevard Point has a well-balanced, tripartite appearance with distinct base, middle, and upper sections. It is visually interesting, with a contrasting, subordinate and stepped back penthouse element, and it is respectful of the area's high-rise character.
13. However, although the scheme would be designed to reflect the style and materials of the two floors beneath, the additional floor would not be set back from the floor beneath on three sides, and it would thus add significantly to the building's roof level bulk. Rather than lessening the impact of the additional floor, the dark coloured brick, whilst matching the materiality of the floors beneath, would make this upper section of the building significantly more dominant.
14. The proposed additional floor would be set back from the floors beneath on its south-west elevation so it would not extend over the open communal terrace. However, that terrace helps to give the top of the existing building a more lightweight appearance. The proposed shorter top floor would also give the resultant building a slightly lopsided form.
15. The overall result would be an awkward, top-heavy bulk, which would disrupt the building's well-balanced appearance, draw the eye, and appear detached from the remainder of the building. It would also be at odds with many nearby buildings which typically have less dominant upper floors or, such as in the case of Vertex House, are much lighter coloured.
16. That harmful impact would be apparent from various public vantage points on Scarbrook Road and, as illustrated by the photomontage of the building in views 11 and 12 in the AR, when seen from Waterworks Yard and from Charles Street. Its north-east side elevation would be largely unalleviated by articulation or design features and it would therefore present a bland aspect from High Street as illustrated by View 09 in the AR. In views from there it would contrast unfavourably with the more detailed design features and architectural embellishments of the buildings in the foreground.
17. Whilst the impacts may not be prominent in more distant views, and in the context of the COA the resultant building's height would not be incongruous, the scheme's significant harmful short and medium distance visual impacts would endure. Its detailed design and top-heavy bulk would harm the character and appearance of the host building and the area.
18. On this issue, the scheme would therefore conflict with CLP Policies SP2, SP4 and DM10, and with the broad thrust of Policy D4 of the London Plan 2021 ('LP'). Amongst other things, and in general terms, these seek to protect the physical environment, and set out that whilst tall buildings will be encouraged in the COA, development should be high quality, should protect or help to establish a local identity, and shall respect the character of the area, having regard to matters such as scale and massing.

Fire safety

19. The PFS sets out various fire safety provisions and criteria, and how they will be complied with. It includes at Appendix 1, a form substantially to the same

effect as that published by the Secretary of State in relation to fire safety, based on the provisions of Article 9A of the DMPO.

20. However, the Council states that as the PFS was not provided at application stage, it has not received comments from the Health and Safety Executive ('HSE'). The Planning Practice Guidance on Fire Safety and High-Rise Residential Buildings sets out the need for early and timely engagement between developers and statutory consultees to avoid delays after an application has been submitted. Having regard to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) ('DMPO'), there is a requirement to consult the HSE before granting planning permission for this type of development.
21. This is not therefore a matter which could be addressed by means of a planning condition as suggested. Whilst the PFS appears to have been prepared by a suitably qualified assessor, as the HSE has not been consulted and the requirements of the DMPO have not been met, I cannot be certain that the scheme makes appropriate provision for fire safety and ensures the safety of all building users, and that it would not therefore be in conflict with LP Policy D12 Part A.

Other matters

22. The proposal would not extend beyond the side edges of the existing building in any direction, and the glazing on its elevations would reflect the pattern, size and distribution of the existing glazing on the floor beneath. In that context, the proposal would not have a harmful overlooking impact on the occupiers of surrounding flats including, having regard to distances and angles of view, their balconies and roof gardens.
23. The DSR found that the proposal would have a relatively low impact on the light receivable by neighbouring properties; that windows in Green Dragon House which would be most impacted in terms of sunlight serve bedrooms, rather than main living rooms; and that there would be no significant overshadowing impacts. In that context, and from my on-site observations, I am satisfied that the scheme would not cause nearby occupiers to suffer a harmful loss of light.
24. The UU makes arrangements for a site-related car club, and sets out that the owner shall not apply for a parking permit in connection with the occupation of any of the residential units, and that each new owner or occupier of a unit shall be informed that they shall not be eligible for a parking permit.
25. The Council contends that the undertaking is flawed, which the appellant contests. However, even if the UU is sound, it seeks to mitigate the impacts of the proposed development, but would not provide a wider benefit to weigh in favour of the development in the overall planning balance. Consequently, given my other findings, it has not been necessary for me to reach a conclusion on whether or not the UU is flawed, as the outcome of any assessment that I make on it would make no difference to my decision.
26. As the development includes a 60 space cycle store, and details of appropriate refuse storage areas are included on the ground floor plan, I concur with the Council, and with the view expressed in the TTN, that the scheme would make

appropriate provision for cycle parking and refuse storage for the additional residents.

27. In its favour, the scheme finds support from those development plan and Framework policies which seek to boost housing supply, particularly in accessible places with the most capacity to accommodate new homes, including the COA, but as just three additional units would be provided, this benefit attracts only limited weight.
28. However, whilst paragraphs 123 and 124 of the Framework promote an effective use of land and upward extensions, the scheme would not satisfy its requirements for such development to be well-designed and to safeguard and improve the environment.

Planning Balance and Conclusion

29. I have found that the proposal would harm the character and appearance of the host building and the area. Additionally, in the absence of consultation comments from the HSE, I cannot be certain that the scheme would make appropriate provision for fire safety.
30. The proposal's limited benefits would not outweigh the harm that it would cause. The scheme would conflict with the development plan when considered as a whole, and material considerations do not indicate that a decision should be taken otherwise than in accordance with it. Consequently, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR