



Appeal Decision

Site visit made on 9 April 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th April 2024

Appeal Ref: APP/L5240/W/23/3332055

168 Woodside Green, South Norwood, Croydon, London SE25 5EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by 168 Woodside Green Management Ltd against the decision of London Borough of Croydon.
 - The application Ref is 22/04697/FUL.
 - The development proposed is erection of a single storey dwellinghouse (Use Class C3) and associated amenity space, cycle parking and waste storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A unilateral undertaking (UU) has been submitted which seeks to mitigate the impacts of the development including imposing a restriction on parking permits for future occupiers.

Main Issues

3. The main issues are;
 - the effect of the proposed development on the character and appearance of the area,
 - the living conditions of nearby occupiers with particular reference to 168 Woodside Green,
 - highway safety with particular regard to car parking
 - the effect of the proposed development on the provision of accessible housing.

Reasons

Character and appearance

4. Along this part of Woodside Green, properties front the road with open areas to the rear, most of which are gardens although the adjoining site includes space for car parking. There are some modest outbuildings and additions in the rear gardens within this block. At 20 Cleaverholme Close there is a single storey addition which extends to the rear of the plot and adjoins the shared boundary with the appeal site. The size of this addition is uncommon in this area, and as such, does not form an overriding part of the character and appearance of the surroundings. Nonetheless, taking into account the size and use, these

structures are clearly secondary to the main buildings. This results in a pleasant sense of openness behind the row of frontage buildings in this area.

5. 168 Woodside Green is a two storey building that has been subdivided into flats. To the immediate rear of the building is a garden area which is surrounded by close board fencing. Beyond this is a hard surfaced area which is served by a vehicle access. The mainly open nature of this rear space makes a positive contribution to the spaciousness of this area.
6. The proposed development would introduce a new dwelling to the rear of 168 Woodside Green. The dwelling would be a single storey bungalow, with pitched rooflights. It would extend across the full width of the site, and to the rear boundary with an independent entrance via the existing hardstanding access.
7. Although the single storey appearance would be somewhat reflective of outbuildings in this area, the footprint, maximum height and overall size of the dwelling would be notably greater and would result in the development of a large part of this currently open site. Furthermore, due to its separate access, and the comings and goings associated with a residential property, the proposed development would be clearly perceived as a separate house. As such, the introduction of this dwelling in the size proposed would harmfully erode the positive open character of the appeal site and the surrounding area.
8. I am directed to appeals at 5-7 Old Road¹ and 3-7 Julien Road² where dwellings were permitted on backland sites. However, these properties are located some distance from the appeal site and as such, any assessment of the effect on the character of the area is not directly comparable to the scheme before me now.
9. Therefore, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, it would be contrary to policies D3 and D4 of the London Plan (2021) (LP) and policies DM10 and SP4 of the Croydon Local Plan (2018) (CLP). Together these seek high quality design with particular regard to scale, height and massing and the appearance of the surrounding area and local distinctiveness.

Living Conditions

10. The proposed dwelling includes a wall which is agreed to be 3.56m high close to part of the boundary with the garden area for no. 168. The wall is annotated to be around 6.2m away from the ground floor windows.
11. The outlook from the ground floor windows at no 168 is presently across the open garden towards a fence. Above this the outlook is open with the nearest built form at Cleaverholme Close being some distance away.
12. The proposed development would introduce a feature which is much taller than the existing boundary treatment along the majority of the width of the rear garden, immediately adjacent to the boundary. Although the ground floor windows would achieve a 25 degree sight line, and acceptable levels of light, nevertheless the height and proximity of this elevation would harmfully undermine the outlook from a number of these windows, and the garden. This would result in an unacceptable sense of enclosure to these occupiers.

¹ APP/L5240/W/23/3314504,

² APP/L5240/W/22/3313227

13. Taking into account the position of the proposed windows, I am not provided with substantive evidence that leads me to conclude that there would be harm to neighbouring privacy as a result of the proposed development. Nevertheless, the lack of harm in this regard is a neutral factor.
14. Therefore, the proposed development would have a harmful effect on the living conditions of nearby occupiers with particular reference to 168 Woodside Green. As such it would be contrary to policies D3 and D6 of the LP and policy DM10 of the CLP. Together these seek to ensure high quality design, including that the amenity of the occupiers of adjoining buildings are protected.

Highway safety

15. The appeal site is a hardstanding area with vehicular access from Woodside Green. It appears that this area was previously used for parking by the occupiers of no. 168. However, the appellant states that these residents no longer have access to this car parking and any parking that does occur is unauthorised. Nevertheless, I am provided with evidence which indicates that cars park on the site and at the time of my site visit cars were parked in this location. Therefore, notwithstanding if this parking was lawful, if the site were redeveloped this would result in these cars needing to park elsewhere.
16. The proposed dwelling is located close to public transport links and cycle parking would be provided. As such the parking demand generated from the new dwelling would be likely to be low. As such it would meet the requirements of Policy T6 of the LP, and policy DM16 and SP8 of the CLP which together seek development to be car free as a starting point and aim to promote active travel. A UU has been submitted which would restrict future occupiers from obtaining parking permits. However, as there is currently no controlled parking zone in this area and it is not demonstrated that one is forthcoming, I am not satisfied that this is necessary and therefore I have not taken it into account.
17. The Transport Statement includes a parking survey which indicated high levels of parking stress at 90% in this location, with between 15-19 spaces available within 200m of the appeal site on the two occasions surveyed. However, the evidence shows that some parking across dropped kerbs and on yellow lines already occurs. Given the very limited number of spaces available, in these circumstances, the increase in on street parking that would be generated as a result of this development is likely to lead to vehicles parking in unsuitable and unsafe locations with resultant harm to pedestrian and highway safety.
18. Therefore, the proposed development would have a harmful effect on highway safety with particular regard to car parking. As such, it would be contrary to policies GG1, T2, T3, T4, and of the LP and policy DM30 of the CLP. Together, in part, these require that development which would result in the loss of off street parking spaces should demonstrate that there is no need for these spaces, seek to reduce the dominance of vehicles on the streets, avoid an increase in road danger, safeguard walking networks, mitigate adverse transport impacts and build strong communities.

Accessibility

19. Policy D7 of the LP requires 10% of dwellings to be built to M(3) 'wheelchair user dwellings' standard. However, the proposed development is for a single dwelling, and although it may be desirable, given the scale of the development

I am not satisfied that a condition in this regard would be necessary. The proposed accessible and adaptable dwelling would therefore be acceptable.

20. A disabled persons car parking space is not provided. Policy T6 and T6.1 of the LP sets a minimum provision of disabled persons parking for developments of ten units or more and as such these standards would not apply to the development before me now. Consequently, given an accessible and adaptable dwelling is proposed, the lack of on site disabled persons parking provision would not be inappropriate.
21. Therefore, the proposed development would have an acceptable effect on the provision of accessible housing. As such it would not be contrary to policies D7, T6 and T6.1 of the LP, the aims of which are set out above.

Other Matters

22. The appellant has submitted evidence that the site is subject to fly tipping and vandalism. The development of the site would reduce the likelihood of this occurring. However, I am not satisfied that the scheme before me now is the only way in which such behaviour could be deterred or prevented.
23. The proposed dwelling would provide a family home with good quality living conditions in an accessible location on a small site. It would include cycle parking spaces and would therefore promote sustainable transport. However, taking into account the size of the proposed development, although these are important benefits, they are modest in their scale.
24. On the other hand, the appeal scheme would be harmful to the character and appearance of the area which is contrary to the fundamental aim of the planning and development process to achieve high quality buildings and places. It would be harmful to the living conditions of existing occupiers and would result in levels of on street parking that would also lead to issues of highway safety. Therefore, taken together these multiple harms would be significant. As such the modest benefits would not outweigh these significant harms.

Conclusion

25. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR