



Appeal Decision

Site visit made on 23 October 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/L5240/W/23/3318465

5 More Close, Croydon, Purley CR8 2JN

- 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 Mr Vipin Sood against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 22/01219/FUL.
 - The development proposed is for the demolition of existing building, erection of a four storey building to provide 9 residential homes, with associated works including: landscaping, parking, cycle and refuse store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023 and is a material consideration in planning decisions. The main parties were given the opportunity to comment on any relevant implications for the appeal.
3. Plans were provided showing an amended parking layout. As the revised plans do not change the substance of the proposed development that was considered by the Council, having regard to the “Wheatcroft” principles and tests in recent legal judgments¹ the Council and interested parties would not be prejudiced by my consideration of them. Furthermore the Council has had the opportunity to comment on a completed Unilateral Undertaking (UU) submitted during the appeal.
4. An outline planning application² was made for a similar type of development at the same site. The Council had resolved to grant permission subject to securing a legal agreement, but no decision was issued. The Council advised that an appeal against the failure of the Council to give notice within the prescribed time period on the application was lodged. The Council has drawn my attention to the status of this submission.³ As it is not a valid planning appeal, I am unable to take any further action on that or conjoin them.

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37 and Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Council Planning Application Reference: 20/0040/OUT Outline application for the consideration of access and layout only in relation to the construction of a part three, part four-storey building comprising nine flats (7 x 2-beds and 2 x 3-bed), associated four car parking spaces, cycle parking and refuse provision.

³ APP/L5240/W/23/3318463

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- the effect of the proposed development on highway safety with particular regard to parking provision and access arrangements.

Reasons

Character and appearance

6. The appeal site is currently occupied by a large two storey pitched roof detached dwelling located on the northern side of More Close. The surrounding area is predominantly residential and the area has varied land levels. The appeal site dwelling is set into a slope at a higher land level to the road and buildings on the southern side of More Close.
7. More Close is partly characterised by recent flatted three and four storey contemporary developments to the east of the appeal site. However, the western part is characterised by detached dwellings in spacious grounds which have a recognisable rhythm and spatial pattern. In particular 5, 7 and 9 More Close are oriented to face the road as it gradually curves. All elevated above and set back from the northern side of the road partly behind retaining walls this pattern and garden space contributes to the pleasant character and appearance of this less densely developed part of More Close.
8. The appeal proposal is for the construction of a part three and part four storey building under a flat roof containing nine flats. The front of the proposed development would be similarly oriented to the road. This would generally reflect and be at ease with the adjacent flatted block at 1 More Close which is afforded some separation by a wider highway turning point. However, the proposed development would be sited much closer to its side boundary to the dwelling at No 7.
9. The length of roof along the main axis of the proposed development, parallel to More Close would be significantly longer than that of the existing building. The building would appear significantly wider than the building it would replace. Although space is retained, nonetheless it would introducing an unusually elongated form of development into the streetscene detrimentally eroding the existing spaciousness at the side of the development. Due to the curve of the road, the additional bulk of the building would harmfully encroach forward and disrupt the established building line pattern towards the western side of More Close.
10. Excavated into the site, the parking area would be wider than the existing driveway and level with the road. This would be in even greater contrast with the character of the area of the adjacent No 7 and nearby No 9. The location of the bin storage areas could be screened which could be secured by a suitably worded planning condition. However, given the prominent position, the overall scale and engineered appearance from the excavation would increase the visual prominence of the development in the streetscene.

11. Even with the set-back upper floor, the development would appear higher than the adjacent dwelling at No 7. There would be a marked contrast in height here, which would be emphasized by the sloping form of the neighbouring roof at No 7. The development would also be seen in the context of the lower dwellings opposite the site and would appear particularly imposing in the streetscene due to their lower position.
12. The recessed elements on the facades of the proposed development would not be as appreciable due to the projecting balconies and the variegated brickwork would not significantly lessen the effect of the height at part three and part four storeys overall, particularly as a greater amount of building would be closer to the street edge. The proposed development would have the effect of making No 7 and those opposite appear more diminutive in comparison and the proposal would therefore appear obtrusive.
13. While Policy DM10 of the Croydon Local Plan adopted 2018 (the Local Plan) says that development should seek to achieve a minimum height of 3 storeys, it also makes clear that proposals should respect the development pattern, scale, height and massing of the surrounding area.
14. Design cues from the other flat roof residential blocks at 1, 2 and 3 More Close, have informed the proposed design. However overall the development would be four floors, at the street scene, with the additional lift riser projecting above this. I am not convinced that the set-back would reduce the side views of the fourth floor. Furthermore this is slightly at odds with the number of floors fronting the street of other flatted development in the area.
15. Other than the utilisation of brick the design cues in terms of scale and detail from development west of the site is not apparent. Whilst there is a variety in house types, the western part of More Close, following a sharp curve in the road and further separated by a highway turning point, marks a distinct change in character. Although More Close is not within a conservation area, and the character is varied, the development still fails to make a meaningful connection or integration with the overall and combined built form and character of the area due to the more regular appearance of the western side of More Close.
16. Whilst there would be no conflict with Policy DM13 of the Local Plan, which relates to bin storage, I conclude that the proposed development would harm the character and appearance of the area. As such, it would conflict with Local Plan Policy SP4 which require that development respects and enhances Croydon's varied local character. The proposal would also conflict with Local Plan Policy DM10 and Policies D3 and D4 of the London Plan adopted March 2021. Collectively these policies seek to ensure that development which increases residential densities it should also respect existing local character, including existing development patterns, scale, height and massing.

Highway safety

17. Policies T6 of the London Plan and Policy DM30 of the Croydon Local Plan set maximum parking standards for development. These standards are informed by the public transport access level (PTAL) for the location of the development. In this case the appeal site has a PTAL rating of 3, and a parking standard of up to 0.75 to 1 off street parking space per dwelling. The appeal proposal is for 9 self-contained flats, therefore based on the above standards has a parking requirement of up to 6.75 to 7 off street parking spaces.

18. The appeal proposal is to provide 4 off-street car parking space to the front of the property. There is moderate accessibility to public transport options and services. Although there is a likelihood of some future occupiers of the appeal scheme who would use alternative modes of transport other than the car due to the surrounding hilly topography of the area, those who are less mobile would be likely to and it is likely to result in future occupiers would seek to park their car in close proximity to the site.
19. In this instance, the Council's case is supported by the assertion from the Highway Authority that on street parking capacity does not exist and would thus be problematic here. Although I appreciate there may have been a previous resolution to approve a similar development, noting the concerns regarding the appellants survey, I have no substantive evidence regarding the parking stress levels at this time. From my observations, parking in the area was busy outside the Controlled Parking Zone.
20. Therefore, in accordance with Policy DM30 the proposal should seek reduce the impact of car parking. The provision of only four parking space is likely to result in overspill onto the surrounding road network, exacerbating existing parking stress levels to the detriment of the safe and efficient operation of the highway Whilst I acknowledge parking standards are a maximum, given the Highway Authority advise that parking stress in the area is close, if not exceeding saturation the provision of only 4 car parking space cannot be justified.
21. The appellant has provided a signed UU which secures sustainable transport contributions. The contributions are required to mitigate the effects of the development on local transport conditions by contributing towards a car club and improvement of walking and cycling routes in the local area. It also seeks to prevent future occupiers from obtaining residents' car parking permits within the CPZ or review for the provision of enhanced parking controls in the vicinity of the site.
22. The Council do not provide any reasoning why the measures contained within the UU would not be a feasible solution to address the shortfall, nevertheless the road is not designated as a CPZ. There is insufficient evidence before me that the Sustainable Transport Improvements and Residential parking permit restrictions could therefore be realised or introduced prior to the occupation of the development. Potentially the development could be occupied and result in parking pressure on the highway prior to any measures being introduced, Given the absence of evidence to the contrary that the parking capacity has been reached would not be acceptable. I cannot be certain the measure contained would alleviate parking stress which would be caused by the under provision of parking.
23. A condition could be imposed to address the dimension of the Blue Badge Space to ensure it complies with British Standards and Policy T6. However, I have no evidence that this could be incorporated within the bounds of the site without affecting the remaining level of parking.
24. The overall parking and turning area has been made wider for vehicle movements and those undertaking manoeuvres within the site, are likely to be moving at very slow speeds. I consider that the potential for conflict is likely to be low as drivers and pedestrians would be able to see clearly within the site, and access I clearly separated. Although there are a number of potential future occupiers, there would not be a significant number of vehicle movements

within the site. The existing driveway would involve manoeuvres close to the parking bay opposite, and I have no evidence that this arrangement has been problematic.

25. The effect upon the highway network would not be severe and there are elements of the Local Plan and London Plan policies which seek to ensure a balance is struck between promoting new development, preventing excessive car parking demand and promoting alternative modes of transport. However, the Framework also requires at paragraph 116 that development should create places that are safe, secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicles.
26. Although I do not consider that the proposed access arrangements are unacceptable, overall I conclude that the proposed development would have a harmful effect upon highway safety with particular regard to the parking provision. It would not accord with Policies DM29 and DM30 of the Local Plan and T4 and T6 of the London Plan. Together, these seek, amongst other matters, to ensure car parking standards, and that development does not harm highway safety, particularly in areas where there is parking stress.

Other Matters

27. Although there was a resolution to approve an outline application, planning permission was not granted. As such there is nothing before me that could be implemented. I have no details of the officer report, consultee responses or minutes of the committee meeting for this proposal. In any event, as this was in outline, appearance, landscape and scale were reserved matters, and therefore could have changed. The Council has not particularly explained why the earlier proposal had a resolution for approval, other than allude to a potential change to the revoked Suburban Design Guide, which it stated provided supportive guidance for intensification. But due to the above it is not a sufficiently comparable proposal and even if the appeal was valid there is no certainty that it would have been allowed. Similarly I cannot be certain that other development which is pending a decision at More Close will be granted permission.
28. The appellant has referred to the site as being brownfield. However, the Framework⁴ states that the definition of previously developed land excludes residential gardens in built up areas. Notwithstanding this I acknowledge that the proposal would optimise the delivery of a small windfall housing site, would optimise the use of land and contribute towards the borough's and London housing targets, particularly in respect of 3 bed dwellings. Furthermore I note the Council has not disputed the principle of development. As such there is support within the London Plan, the Local Plan and the Framework for such development which weighs in favour of the development.
29. The development would provide good quality accessible and family accommodation, private and shared garden space, children's play areas and landscaping. I also note the potential for the development alongside incorporating biodiversity enhancements could achieve additional landscaping or a green roof. The proposed development would provide economic benefits, through construction and occupancy of the development.

⁴ Annex 2: Glossary - Previously developed land

30. I note that the Council did not find harm to the living conditions of nearby occupiers, and that the development would avoid adverse impacts on flooding and provide a suitable fire strategy, cycle parking and refuse facilities these considerations are all matters which are required to comply with Policies and therefore weigh neither for nor against the proposed development.
31. Given the scale of the proposal such benefits would be limited in extent. Overall the combined level of benefits would not outweigh the significant harm to the character and appearance of the area or to highway safety.

Conclusion

32. The development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, which lead me to a decision other than in accordance with it. For these reasons I therefore conclude that the appeal should be dismissed.

K Williams

INSPECTOR

