



Appeal Decisions

Site visit made on 28 February 2024

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 MAY 2024

Appeal A Ref: APP/L5240/W/23/3332098

3 South Drive, Croydon, Coulsdon, CR5 2BJ

- 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 Macar Developments Ltd against the decision of London Borough of Croydon.
 - The application Ref 23/03069/FUL, dated 10 August 2023, was refused by notice dated 12 October 2023.
 - The development proposed is the demolition of existing building; erection of a three-storey building with roofspace accommodation comprising 8 no. residential apartments; provision of car and cycle parking, refuse storage and landscaped amenity areas.
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Appeal B Ref: APP/L5240/W/23/3332104

3 South Drive, Croydon, Coulsdon, CR5 2BJ

- 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 Macar Developments Ltd against the decision of London Borough of Croydon.
 - The application Ref 23/03195/FUL, dated 17 August 2023, was refused by notice dated 12 October 2023.
 - The development proposed is the demolition of existing building; erection of a three-storey building with roofspace accommodation comprising 4 no. residential houses; provision of car and cycle parking, refuse storage and landscaped amenity areas.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issues

3. The main issues for both appeals are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupiers of 5 South Drive, with particular regard to outlook;
 - The effect of the proposed development on highway safety; and
 - The effect of the proposed development on flooding.

Reasons

Character and appearance

4. The appeal site rises steeply upward from the road frontage. Notwithstanding the differences in the housing forms, both appeal developments propose similar buildings in terms of their siting, height and appearance from the street. In both cases, the proposed layout of the area to the front of the building would also be similar, with four open car parking bays level with the street and accessed via a crossover in the centre of the block, with the site's level difference meaning that the building would be substantially above street level. An external staircase and refuse storage area would be built into the retaining wall.
5. The Council has raised identical objections relevant to this main issue for both appeals, stating that the level of hard landscaping around the parking area and the design of the front embankment and retaining wall would fail to respect the character of the street scene and harm the area. The original buildings on the same side of the street as the appeal proposals are all raised above the street in a similar manner to the existing house on the property. Some sites have been the subject of redevelopment and have flat parking areas in front of buildings at street level, namely 1, 13 and 15 South Drive. These areas are mostly hard landscaped and have limited planting. I noticed during my visit that the area to the south of the appeals site has a character that is transitional between Coulsdon town centre and the less dense development of the northern part of South Drive.
6. The proposed parking layout and landscaping would not be dissimilar in form to the examples set out above, although the retaining wall on the appeals property would appear taller than these. However, it is clear from my observations that these redeveloped properties are influencing the character of the street, and the visible instances of hard landscaping and retaining walls are contributing to the change. The more built-up appearance of the development would be similar to that of the large new development adjoining the site at No. 1, and sympathetic to the transitional character of this part of South Drive.
7. The developments would allow for some soft landscaping on the borders of the parking area and, were one or both of the appeals to be allowed, a landscaping plan would allow for refinements. I therefore conclude in respect of both appeals that the proposed development would not harm the character and appearance of the area. There would be no conflict with *Croydon Local Plan* 2018 (CLP) Policies SP4 and DM10, and *The London Plan* (2021) Policy D3. Together, these policies require development of a high quality that respects and enhances local character and appearance, and responds positively to local distinctiveness, amongst other considerations.

Living conditions

8. In addition to the slope towards the rear of the site, the site also rises upward towards 5 South Drive, to the north. No. 5 is therefore set above the existing bungalow on the appeals site, and in both appeals the proposed development would have a ground floor level that remains below that of No. 5. The entrance to No. 5 is on the side facing the proposed building, but there are no apparent habitable room windows on this side of the dwelling.

9. The proposed buildings would project further into the appeals site than the present building, extending into the existing garden significantly further than the neighbouring dwelling. However, the appellant's plans indicate that the angle of outlook from habitable rooms in the rear elevation of No. 5 would remain wide, with new-build develop visible only on the periphery. Although there would be some enclosure of the garden, the higher position of No. 5 means that this the effect would not be unreasonably overbearing.
10. I therefore conclude in respect of both appeals that the proposed development would not have a harmful impact on the living conditions of the occupiers of No. 5, with particular regard to outlook. There would be no conflict with CLP Policies SP4 and DM10 and London Plan Policy D3, which together require development to protect the amenity of occupiers of adjoining buildings, amongst other considerations.

Highway safety

11. The Council's objections in respect of both appeals refer to the safe access and egress of vehicles to and from the site, the impact on parking in the area and the absence of a contribution to improvements to sustainable transport to mitigate the effects of the development. I shall examine each matter in turn.
12. The appellant has provided a *Transport Note*¹ that provides a swept path analysis indicating that both standard and longer cars could access each of the proposed parking bays. The Council considers that the manoeuvres required would be tight and that, were all of the bays to be occupied by longer vehicles, some of the movements would not be possible. It also contends that manoeuvrability of service vehicles would also be restricted given the location of landscaping around the parking area and potential presence of parked vehicles on the street, which are not taken account of in the analysis.
13. Although the appellant contends that the probability of all parking bays being occupied by longer vehicles is unlikely, it is not impossible. Additionally, I acknowledge that there is currently no provision for the turning of a servicing vehicle, the provision of a parking forecourt could encourage drivers of such vehicles to enter, after which potential turning movements would be restricted. The possibility that the Council did not consider this requirement for other development on the street does not mitigate the potential for harmful conditions to highway safety in this instance.
14. The Council considers that six car parking spaces are required, given the medium public transport accessibility of the site. Four spaces would be provided in both developments. The Transport Note considers the cumulative impacts of both the appeal proposal(s) and the recently built developments in South Drive, including the reprovision of on-street bays as a result of amended crossover locations. Parking stress in the area was found to be high, but not so high as to result in car users having difficulty in finding a parking space. I also note that the Council considers the conclusions of the survey to be flawed, concluding that there would be a very high level of parking stress.
15. However, having considered both submissions, the Council's assessment appears to be more accurate, taking into account the 'very high' as opposed to 'high'

¹ Prepared by Magna Transport Planning Ltd, dated May 2023.

outcome of the survey and additional consideration of parking stress on surrounding streets. In addition to this, I acknowledge the fact that there would still be some parking overspill from both the appeal development(s) and recently completed developments. Some of these other developments provide mitigation in the form of contributions to car clubs and sustainable transport, or preclusion from obtaining permits to park in any potential future controlled parking zone on the street. No mitigation would be provided in this instance. Taking all of these factors into consideration, the proposal would result in additional parking stress that, in an area of already very high stress, would be unreasonable. Such conditions can harm highway safety.

16. Although the appellant has considered the potential for a planning obligation for sustainable transport provision, one has not been provided for either appeal. In addition, there are no proposed contributions that would mitigate any of the harm that I have identified above. I therefore conclude in respect of both appeals that the proposed development would result in conditions that are harmful to highway safety. There would be conflict with CLP Policies SP8, DM29 and DM30, and London Plan Policies T4 and T6. Together, these require development to promote sustainable travel and highway safety, amongst other considerations.
17. Although the Council identified London Plan Policy T5 in its reasons for refusal pertaining to this issue, this policy refers to cycling. I do not consider it to be relevant to this issue.

Flooding

18. At the time of making its decisions, the absence of information in the appellant's submissions led the Council to consider that there was insufficient information to demonstrate no contribution to the cause and effect of flooding. The Council's guidance to appellants requires the submission of a drainage layout plan, but nothing has been provided in this instance.
19. The appellant's Flood Risk and SUDS Assessment² sets out a sustainable drainage strategy that includes suitable measures within the site's design to mitigate any risk of drainage flooding. Despite the omission of a drainage layout plan, the assessment indicates that drainage could be sufficiently contained within the site or mitigated as necessary. I acknowledge the site's location in a Critical Drainage Area but consider that the proposed measures would be appropriate.
20. I therefore conclude that in respect of both appeals the proposed development would not have a harmful effect on flooding. There would be no conflict with CLP Policy DM25 or London Plan Policies SI12 and SI13, which together require development to minimise flood risk, amongst other considerations.

Other Matters

21. I acknowledge the appellant's submission that there is a need for new homes in the area. Although the proposal would contribute to the borough's expected provision of 1,645 homes per year, the impact would be minor and this does not overcome my concerns, nor mitigate the harm that I have identified. Various other matters have been put forward that mitigate the effects of the proposed development or would result in potential benefits, such as the provision of public

² Prepared by Base Energy, dated 16 June 2023.

art and infrastructure contributions. However, the harm is not mitigated by these considerations.

Conclusion

22. Although I have found that both proposals would be acceptable in terms of their effects on the character and appearance of the area, living conditions and flooding, there would be harm in respect of highway safety. Any benefit or absence of harm in respect of the aforementioned main issues or other matters is not sufficient to overcome the harm that would result as a result of the proposals' impacts on highway safety.
23. Both of the proposed developments would conflict with the development plan for the area and there are no material considerations to indicate that a decision should be made otherwise than in accordance with the plan.
24. For the reasons given above, both Appeal A and Appeal B are dismissed.

G Rollings

INSPECTOR