



Appeal Decision

Site visit made on 25 April 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th May 2024

Appeal Ref: APP/L5240/W/23/3330189

196 Brighton Road, South Croydon CR2 6AF

- 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 Julian Florin Postolache against the decision of the Council of the London Borough of Croydon.
 - The application ref. 22/03608/FUL, dated 26 August 2022, was refused by notice dated 31 March 2023.
 - The proposed development is for the erection of two free standing, single storey garage and workshop units on the rear parking space of 196 Brighton Road. Increased roof height to existing garage on 11 Avon Path. Change of use to office and beauty parlour for the ground floor and basement of the existing building. Change of use to B2 (General Industrial) for the garage and workshop spaces.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.
3. Amended plans, which did not form part of the planning application considered by the Council, were submitted during the course of the appeal. These relate to changes to the car parking layout and the inclusion of a chimney to garage 1. Having regard to the Wheatcroft principles, I consider that these changes would not fundamentally alter the nature of the development previously consulted upon and considered by the Council. As such, I am satisfied that my consideration of these amended plans would not prejudice anyone's case in the appeal. I shall therefore determine the appeal on the basis of the submitted drawings, together with the amended plans.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of surrounding properties in respect of noise, disturbance and odour control; and
 - highway safety.

Reasons

Character and appearance

5. The appeal site comprises a semi-detached, two storey property consisting of a commercial use at ground floor level and residential above. The site fronts Brighton Road, a busy arterial route. To the rear of the building is a yard used for car repairs. This faces Avon Path, a private unmade highway serving myriad properties within the neighbourhood.
6. Walking along Avon Path from Brighton Road and through to Avondale Road, it is apparent that the appeal site is part of a high-density, urban setting. Buildings are of different eras, sizes and designs, with substantial variation in external materials and detailing.
7. Within this context, although the appeal scheme results in some further urbanisation of the site, to my mind it does not represent an incongruous or intrusive form of development into this area of land. The design of the new garage and workshop, whilst not exceptional, are acceptable and appropriate within their setting in close proximity to other single storey structures.
8. The height of the new and extended units is greater than many other buildings in the Avon Path surrounds but not to such an extent that demonstrable harm arises. The scheme would only be experienced in close proximity by a limited number of receptors, and the visual effects themselves would be minor given the significant presence of other development.
9. Taken in the round, I am of the view that the proposal would not materially harm the character and appearance of the area. It would meet Policies SP4 and DP10 of the Croydon Local Plan 2018 (LP) and Policy D4 of the London Plan 2021 (LonP), which seek to secure new development of acceptable scale and appearance.

Living conditions

10. The appellant has submitted further information on which activities are undertaken in which building as part of the grounds of appeal. However, I share the Council's concerns that insufficient details have been presented to demonstrate that there would be no adverse impacts upon the living conditions of the occupants of local residences.
11. I appreciate the industrial nature of land in and around the vicinity of the appeal site, and the Council also appears to acknowledge that a number of B2 uses have developed over the passage of time. Nonetheless, there is the potential for considerable activity and smell as a result of operations at the site, and I am not convinced that adequate mitigation could be provided based on the evidence before me, particularly having regard to the confined spaces involved and the proximity of adjacent dwellings.
12. In the absence of any soundproofing details, it is not possible to be sure that the proposals would be adequate in relation to noise and disturbance. Nor that the chimney to be installed in garage 1 would serve its intended purpose – both in terms of the noise it may create and in ensuring that odours are properly filtered and attenuated.

13. The Council does not object to the change of use in relation to the beauty parlour and office in the ground floor and basement of the main two-storey building, and I have no reason to disagree.
14. Having these matters in mind and taking a precautionary approach to this issue, I find that the scheme would be deleterious to the the living conditions of the occupiers of surrounding properties in respect of noise, disturbance and odour control. This would be contrary to Policy DM10 of the LP in relation to the protection of amenity.

Highway safety

15. The Council has confirmed in its appeal statement that the updated car parking layout and tracking details overcome concerns with regards to the accessibility and turning on the site.
16. In other respects, whilst I observed that Avon Path is narrow, the presence of a large number of potholes and uneven ground mean that vehicle speeds are low and manoeuvres are carried out with caution. There is already substantial parking to either side of shared driveway, and I consider that overspill onto the track would not be appreciable above and over that which already occurs. In any event, due to its linear nature visibility along Avon Path is relatively clear for pedestrians and cyclists to anticipate any vehicles in advance.
17. As such, I am of the view that there would be no injurious affect on highway safety as a result of the appeal proposals, which would accord with Policies SP8, DM29 and DM30 of the LP and Policies T1, T4 and T6 of the LonP.

Conclusion

18. Although there would be no adverse impacts upon character and appearance and highway safety, the appeal scheme would be detrimental to living conditions. Having regard to the above and all other matters advanced, the appeal is dismissed.

C Hall

INSPECTOR