



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/23/3329465

27 Orchard Rise, Croydon, London CR0 7QZ

- 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 Mahmood against the decision of the Council of the London Borough of Croydon.
 - The application ref. 21/04094/FUL, dated 30 July 2021, was refused by notice dated 15 March 2023.
 - The development proposed is for the demolition of the existing dwelling and the construction of 4no. semi-detached dwellings with associated parking, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on character and appearance of the surrounds; and
 - the impact upon the living conditions of the occupiers of 25 Orchard Rise with respect to privacy and outlook.

Reasons

Character and appearance

3. The appeal site comprises a detached bungalow with associated parking area to the front and rear garden accessed by a private driveway. The land is bounded by the curtilages of properties on Orchard Rise and Coverack Close. The locality is broadly characterised by residential properties set within suburban surrounds.
 4. At my site visit I walked through the neighbourhood, beginning at the junction of Orchard Avenue, Orchard Way and Orchard Rise. Heading east I noted the cul-de-sacs of Oakview Grove, Brock Villas, Pippin Close and Freshfields. I was able to complete a loop via Lyconby Gardens, stopping off at Coverack Close before returning to my starting point.
 5. The junction contains properties of varying scale and design, with detached bungalows and chalets, large houses and modern development incorporating attic accommodation and dormer windows at second storey roof level.
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6. Travelling along Orchard Rise, the size of dwellings becomes somewhat more diminutive, with a greater proportion of bungalows and chalets. Glimpses of the backland development at Brock Villas demonstrate units that appear to have been deliberately designed to minimise their height, through the introduction of crowned roof forms. Where two-storey houses begin to proliferate around the junctions of Pippin Close and Freshfields, these generally have shallow-pitched roofs that serve to reduce their overall mass and height. At the end of Orchard Rise are larger maisonettes, although these units surrounding a small green have a slightly more spacious feel, with several backing onto trees and open fields.
7. The appeal before me shows four semi-detached properties, the middle two being approximately 10 metres tall; they would be clearly visible from the public domain through gaps between existing built form. I have not been provided with section plans or similar to show the heights of other buildings in the vicinity of the appeal site. Nevertheless, it seems to me that the ridge lines of the middle dwellings in particular would significantly exceed other residences in the immediate setting. These elements would tower over the backland situation, and their inordinate height would appear discordant and incongruous within the context of the locale.
8. There is no apparent pattern or regimentation to built form in the neighbourhood, and many properties are set in close proximity to adjacent boundaries, and with only minimal separation distance between built form. In these circumstances I am satisfied that the orientation of the scheme would be appropriate in comparison to established housing, and the footprint would not appear cramped relative to the extent of the appeal site. I acknowledge that the elevations would be constructed near to the perimeter of the land, however this would not appear out of place in these suburban environs. The rear gardens meet the standards set out in the Nationally Described Space Standards and would be of a useable size and shape to serve the dwellings.
9. Space would be provided for car parking and turning, together with a bin collection facility. Although the hardstanding would exceed that which is currently on site, parked cars would barely be evident from any public viewpoints and I am of the view that the impact of the permeable gravel and bin collection facility could be softened through appropriate planting and landscaping.
10. The new dwellings would introduce distinctly modern additions to the neighbourhood, particularly with regard to the use of external materials. I note the Council's comments in this respect, however I am aware that the site is not located in a conservation area and I have not been told that there are any listed buildings nearby. Overall, I have no compelling evidence to indicate that there is a particular local distinctiveness that warrants protection.
11. Bearing this in mind, whilst the contemporary approach would appear different to other houses in the area, to my mind this is not in itself a reason to resist the proposal. Paragraph 135 of the National Planning Policy Framework states that decisions should not prevent or discourage appropriate innovation or change. In the absence of any particular heritage or design constraints, and given the multifaceted context of surrounding development, I consider that the scheme would be acceptable.
12. Given the above, I consider that the proposal would be injurious to the character and appearance of the surrounds. It would be contrary to Policy

DM10 of the Croydon Local Plan 2018 (LP) and Policies D3 and H2 of the London Plan 2021 (LonP), which seek to secure development of an acceptable scale and appearance.

Living conditions

13. The site location plan indicates that the nearest dwelling to the proposal is 25 Orchard Rise, the nearest elevation of which lies in a broadly southerly direction approximately 15 metres distant from plot 1, and at an oblique angle. Other properties are considerably further away. To my mind, given the suburban context and the space separation to surrounding properties, there would be no adverse overbearing impacts upon the occupants of local dwellings. Soft landscaping on the common boundary would provide for additional screening.
14. The oriel window serving the front bedroom within plot 1 is shown to contain a clear glazed opening to the side and a decorative metal screen to the front looking out to the south. On balance, I am satisfied that this arrangement would provide for both an adequate outlook for the users of the bedroom, whilst also preventing undue overlooking of the garden area of no. 25. Again planting on the common boundary would further mitigate any concerns in this respect.
15. Consequently, I consider that there would be no undue detriment to the living conditions of the occupants of 25 Orchard Rise having regard to overbearing effects and privacy. The proposal would accord with Policy DM10.6 of the LP and D3 of the LonP, which require development to respect the amenity of occupiers of neighbouring buildings.

Other matters

16. I acknowledge those matters that have been advanced in support of the scheme; the principle of residential development and mix of housing are acceptable; the site is in an accessible location for local shops and services; all properties meet housing quality standards in terms of minimum space standards; and no objections are raised by the Council with regard to loss of light, trees, landscaping, biodiversity, flood risk, drainage, cycle parking, construction and fire safety. These however do not outweigh the harm that I have identified above.

Conclusion

17. For the reasons given and accounting for every other matter advanced, I conclude that the appeal should fail.

C Hall

INSPECTOR