



Appeal Decision

Site visit made on 29 May 2024

by **Elizabeth Lawrence BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/L5240/W/24/3336629

1 Elmpark Gardens, South Croydon, CR2 8RW

- 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 Mrs Rowena Rainbow against the decision of the Council to the London Borough of Croydon.
 - The application Ref 23/03417/FUL, dated 6 September 2023, was refused by notice dated 7 November 2023.
 - The development proposed is described as erection of a new single storey dwelling following demolition of existing garage with associated parking, garden amenity, cycle and refuse storage.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new single storey dwelling following demolition of existing garage with associated parking, garden amenity, cycle and refuse storage at 1 Elmpark Gardens, South Croydon, CR2 8RW, in accordance with the terms of the application, Ref: TA/2023/1193, dated 8 August 2023 and the plans submitted with it, subject to the conditions set out in the schedule attached to this decision.

Main Issue

2. The main issue is the effect of the proposal on the appearance of the property and the street scene.

Reasons

Character

3. The Appeal site is located within an established residential area, where, in principle well-designed new housing developments on small plots are supported.
4. Elmpark Gardens and Sundale Avenue are characterised by two storey semi-detached and attached family dwellings from a mixed range of designs which include flat and pitched roofs, shallow projecting bays and a broad range of materials and finishes. Typically the dwellings are set back from the highway behind front gardens which include a mixture of on-site parking, soft planting and boundary walls, fences and hedges. The land rises to the southeast and northwest, which results in the dwellings having varied roof lines and the front gardens on the southeasterly side of Sundale Avenue being slightly elevated

- above the highway. There are several dwellings that sit at right-angles to Sundale Avenue, that have single storey rear extensions, outbuildings and garages located adjacent to the highway. To the rear of 2 Elmpark Gardens a flat roofed bungalow that fronts onto Sundale Avenue has recently been constructed.
5. As a result of these factors and notwithstanding the broadly consistent front building lines of the dwellings along Sundale Avenue, the street scene is both busy and mixed.
 6. 1 Elmbank Gardens occupies a prominent position within the street scene, adjacent to the junction of Elmbank Gardens and Sundale Avenue. The appeal site is located to the rear of the existing dwelling and fronts onto Sundale Road. It is a shallow plot that currently includes a large flat roofed garage, associated hardstanding and the rear section of the garden, which is screened from the street scene by a tall fence and mature hedge.
 7. Together and amongst other things Policy D3 of the London Plan 2021 (The London Plan) and Policies SP4.1, SP4.2 & DM10 of the Croydon Local Plan 2018 (LP), seek to ensure that new development is designed to a high standard, respects and enhances local character and contributes positively to the public realm. New development should respect the pattern and form of the surrounding area. This is consistent with paragraph 135 of the National Planning Policy Framework December 2023 (the Framework).
 8. Collectively paragraphs 11, 60, 70, 124, 128 of the Framework support sustainable forms of development; seek to boost the supply of homes; and make full and effective use of underutilised sites in urban areas.
 9. The proposed modest sized bungalow would have a fully hipped roof and a central front projecting wing. Whilst deeper than the front projection of nearby two storey dwellings, the inclusion of a front projection would be in-keeping with that of other dwellings in the immediate area, including the recently constructed flat roofed bungalow. Similarly, the traditionally designed windows with top opening vents would blend in with the proportions and design of local fenestration.
 10. Due to the topography of the area dwelling roof heights vary considerably and the dwellings opposite the appeal site sit below the level of the highway. There are also numerous single storey side and rear extensions, outbuildings and a flat roofed bungalow that are visible within the street scene. Whilst the proposed roof pitch would be shallower than that of the adjacent dwellings, it would be comparable to the roof pitches of some front single storey porches, extensions and rear outbuildings that are visible from the street scene. The proposed roof would be clad in tiles to match the existing dwelling.
 11. Whilst the proposed dwelling would project forward of the dwelling at 2 Sundale Avenue (No.2), its front building lines would sit partially behind and partially in line with the side wall of the existing dwelling at 1 Elmbank Gardens and the side walls of other dwellings to the northwest along Sundale Avenue.
 12. The proposed dwelling would be separated from the original two storey dwelling at No.2 by a single storey extension and a vehicle access track. It would appear visually separate to the adjacent row of linked two storey dwellings. It would also be separated from the existing dwellings at No.1 and 3

Elmpark Gardens by good sized rear gardens. Having regard to these separation distances and the modest size and height of the dwelling, it would not result in a material sense of enclosure for the occupiers of the adjacent properties. It would similarly be unlikely to give rise to an unacceptable level of noise and disturbance of the occupiers of neighbouring properties.

13. It is acknowledged that the plot is small. However, due to the modest size and height of the proposed dwelling, together with the generous separation distances between the proposed dwelling and the adjacent dwellings the development would sit comfortably on the site and would respect and be readily assimilated into the street scene.
14. The council has suggested the imposition of a conditions relating to external materials, landscaping, accessibility, car parking, cycle storage, electric car charger, water efficiency, refuse storage, fire safety and adherence to the submitted drawings.
15. I agree that these conditions are necessary to ensure the development respects and contributes positively to the character and appearance of the street scene; protects the living conditions of existing residents; meets the long term needs of residents; meets fire safety standards; is satisfactorily drained; is water efficient; promotes sustainable modes of transport; and in the interests of certainty.
16. I conclude that the proposal would respect and blend in readily with the character and appearance of the host property and the street scene. As such the proposal would comply with LP Policies SP4.1, SP4.2 & DM10 and policy D3 of the London Plan.

Elizabeth Lawrence

INSPECTOR

Conditions schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2360/01A, 02, 03, 04, 05D, 06C, 07B and 08A.
- 3) The development hereby permitted shall be carried out in accordance with the provisions of the Fire Safety Statement submitted entitled Fire Safety Statement D12.
- 4) No works to any above ground external elevation of the building shall commence until details and samples of all external facing materials including window frames have been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with the approved details.
- 5) Prior to the commencement of development (save for demolition), a detailed sustainable urban drainage statement and strategy shall be submitted and approved in writing by the Local Planning Authority. The development shall only be carried out and maintained in accordance with the approved details.

- 6) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Hard landscaping materials (including samples as appropriate);
 - b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees;
 - c) Boundary treatments;
 - d) Confirmation of land levels within and immediately beyond the site.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and maintained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.

- 7) Prior to occupation, elevation/section/plans and details of capacity and bin type of the refuse store shall be submitted and approved in writing by the Local Planning Authority. The refuse store shall be provided in full prior to occupation and so maintained.
- 8) Prior to Occupation, elevation/section/plans of a cycle store shall be submitted and approved in writing by the Local Planning Authority. The cycle store shall be provided in full prior to occupation and so maintained.
- 9) Prior to occupation one active Electric Vehicle Charging Point (EVCPs) shall be provided, and shall so be maintained.
- 10) The residential unit within the development hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' Such provision shall be reasonably maintained for the lifetime of the development.
- 11) The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day.
- 12) Prior to occupation of the new residential unit, the car parking spaces as shown on plans hereby approved shall be provided, along with associated dropped kerb which has been installed to the satisfaction of the highway authority.