



Appeal Decision

Site visit made on 17 June 2024

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 July 2024

Appeal Ref: APP/L5240/W/23/3335855

101 Tamworth Road, Croydon CR0 1XX

- 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 Pathway Securities Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/01287/FUL.
 - The development proposed is the demolition of the existing building and the erection of a mixed-use building comprising flexible commercial floorspace (Use Class E), 9 residential flats (Use Class C3), with associated cycle parking, waste/recycling storage and other associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The mix of housing in the area;
 - The living conditions of future occupiers, with particular regard to:
 - communal amenity space and outlook,
 - safe and convenient access for servicing the building,
 - bicycle storage and waste / recycling storage.
 - Parking provision, sustainable transport and highway safety; and,
 - Flood risk and drainage.

Reasons

Character and appearance

3. The appeal site is located at the edge of central Croydon, close to the primary shopping area and the Central Croydon Conservation Area (CCCA) and near to two locally listed buildings¹. It is positioned on the eastern side of Tamworth Road, which slopes downwards in a generally north-to-south direction, and contains tram tracks and bus stops.
4. Tamworth Road contains various retail uses on its eastern side, including the *Centrale* shopping centre to the south, with both a customer entrance and service access for the centre to be found here.

¹ 127 North End and 151 North End.

5. Beyond the existing buildings on the appeal site, which are to be demolished, the rear of various 3-4 storey, mid-late 20th century buildings on North End, within the CCCA, are visible from Tamworth Road. To the north of the appeal site is a rear service yard and fire escape for one of these buildings.
6. Immediately to the south of the appeal site is a six-storey brick building with cladding to the front, Jessop Lodge, which has been converted for residential use. On the western side of Tamworth Road, opposite the appeal site, is a three-storey late 20th century housing development constructed from dark bricks.
7. In views north-eastwards, across the appeal site and towards the CCCA, several contemporary tower blocks, of various designs and materials, are visually prominent above the buildings on North End.
8. The proposed development would entail the erection of a part six / part seven storey building, following the demolition of the existing two-storey building on the site. The building would contain a commercial use at ground and first floor level (first floor is referred to as a mezzanine), with flats above.
9. The design of the proposed development is far from exceptional. Nevertheless, it has had regard to both the physical and functional context of the appeal site. The building would be clad in different coloured brick panels from the second floor upwards, whilst the ground and first floors would be clad in a grey textured panel. The front elevation would contain fenestration and balconies, typical of such mixed-use residential developments.
10. The building would be set-back from Tamworth Road in a manner not dissimilar to Jessop Lodge to the south, creating another roughly wedge-shaped forecourt by Tamworth Road.
11. The proposed building would be a storey higher than Jessop Lodge. However, its set-back position and the provision of a roof garden at the southern corner of the building reduces the visual impact of this from Tamworth Road. Whilst of a clearly different design there would be some similarities with the design of Jessop Lodge, including general alignment of the windows, and with both containing access voids at ground / first floor level.
12. The cladding of the proposed ground and first floor commercial use, alongside the access void on the southern side of the building, provides a visually coherent base. The void area would also allow for the evacuation of the building in the event of a fire and the evacuation route for the buildings to the rear would be maintained.
13. Whilst the proposed building would be significantly larger than the existing buildings on the site, it would relate well to the design, scale, massing, and materials of Jessop Lodge to the south. Furthermore, due to the sloping terrain of the area and the lower elevation of the appeal site, the proposal would not be unduly prominent in views from the north, and would be seen within the visual context of existing tower blocks in views from the south.
14. I note the Council's concerns regarding the effect of the proposed development on the setting of the CCCA, a designated heritage asset. The CCCA is described as *the commercial and civic heart of Croydon* and contains a number of distinctive character areas, of which the North End character area is of most relevance to the appeal proposal.

15. It is focused on the historic North End street and includes predominantly retail buildings on each side. These buildings date from the 19th and 20th centuries and vary in height, design, materials and architectural quality. Some buildings on North End are excluded from the character area and so from the CCCA.
16. In my view, the significance of the CCCA, insofar as it relates to this appeal, stems from the historic development of the area, including the pattern of streets and the buildings to be found there.
17. From the evidence, the scale, massing and position of the proposed building means it would not be visible from most of the CCCA, and would not be readily visible or obtrusive in views of the CCCA from the northern part of North End, from Poplar Walk or from Station Road. Its design, scale and massing would not dominate the CCCA and in my view, it would not adversely affect the architectural or historical character or appearance of the CCCA and so would not detract from its significance.
18. The proposal would also be seen within the visual context of 151 North End, a locally listed building, in views from the north. However, its design, scale, massing and position on Tamworth Road would not detract from the setting of this non-designated heritage asset.
19. For these reasons, the proposed development would not adversely affect the character and appearance of the area. It would, therefore, accord with Policies D3 (optimising site capacity through the design-led approach), D4 (delivering good design) of the Spatial Development Strategy for Greater London 2021 (the London Plan); Policies SP2 (homes), SP4 (urban design and local character), DM10 (design and character), and DM18 (heritage assets and conservation) of the Croydon Local Plan 2018 (CLP) in this regard.

Housing mix

20. The Council has a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms (Policy SP2 of the CLP), but has not provided any evidence regarding the progress that is being made towards achieving this target since the adoption of the CLP.
21. The proposed development would include one three-bedroom flat and eight two-bedroom flats, which would be considerably less than the strategic target for three bedroom homes.
22. I note the appellant's views on what type of occupier may be attracted to the proposed development given its design and location. Nevertheless, there is considered to be demand for at least one three-bedroom flat here, and it is not clear to me why there would not be demand for two or three such flats.
23. The appellant also makes reference to Policy H10 (housing mix and size) of the London Plan, which states, amongst other things, that a higher proportion of one or two bedroom flats are generally more appropriate in locations such as the appeal site. However, I note that no one-bedroom flats are proposed here, and in any event, this does not preclude the provision of larger dwellings in accessible, central locations like this one. Importantly, the policy also makes reference to the consideration of robust local evidence of need, such as would have informed Policy SP2 of the CLP.

24. Whilst clearly, not every development will be expected to achieve the 30% target, it is not clear from the appellant's evidence why this development could not accommodate a larger number of three-bedroom dwellings.
25. For these reasons, the proposed development would have an adverse effect on the housing mix of the area. It would, therefore, conflict with Policy H10 of the London Plan and Policy SP2 of the CLP, in this regard.

Living conditions

26. Each of the proposed dwellings would have private outdoor amenity space in the form of balconies, whilst the three bedroomed flat would also contain a roof terrace area. The size of these outdoor amenity areas would accord with the space standards listed under Policy DM10 of the CLP and I am satisfied they would be functional and acceptable.
27. For flatted residential developments such as this, Policy DM10 also requires the provision of communal outdoor amenity space for residents. No metrics for the size of this space are contained under Policy DM10, although it should be flexible, multi-functional, accessible and inclusive. In this case, no such space is proposed and the requirement for communal space is in addition to private amenity space.
28. This is a small and physically constrained urban site and the need to maintain a fire escape route across the site from the building to the rear is particularly restrictive in terms of providing communal amenity space. There are nearby parks, as well as a wide range of recreational activities in central Croydon, which would be accessible to future occupiers. Together with the acceptable levels of private amenity space, in this case and on balance, I do not consider the absence of communal amenity space would cause unacceptable harm to future occupiers.
29. The proposed development would have residential accommodation over five floors, above the ground floor and first (mezzanine) floor. All the dwellings would have a satisfactory outlook from habitable rooms at the front. The dwellings at fourth, fifth and sixth floor level would have a satisfactory outlook from habitable rooms at the rear, even though the lift / stairwell block would restrict this to some extent.
30. However, the rear bedrooms in the flats at second and third floor levels would be positioned some four-and-a-half to five metres from the western elevation brick wall of the building to the rear of the appeal site. This is clearly shown on the proposed elevation, section and plan drawings².
31. The occupiers of the dwellings at third floor level would have a slightly better outlook over the top of the brick wall than the occupiers of the dwellings at second floor level, but in both cases, this would be very poor. Notwithstanding the constrained nature of the site, and that the dwellings would receive adequate amounts of natural light, such a restricted outlook from habitable rooms would cause unacceptable harm to future occupiers of these dwellings.
32. In addition to its use by private vehicles, pedestrians and cyclists, Tamworth Road is also a tram and bus route, with double yellow lines along most of its length, including by the appeal site, together with a 'no loading at any time' sign.

² Refs. d343/07 rev F; d343/08 rev E; and d343/09 rev B.

33. It is unclear why the appellant has not provided any substantive evidence to show how the proposed commercial and residential uses would be serviced from this busy road, including deliveries and the removal of waste and recycling materials. From the limited evidence before me, including as described in the Design Statement, it is not clear whether safe and convenient servicing arrangements could be implemented for the proposed uses at the appeal site. Consequently, I am not satisfied this could be controlled by planning conditions, were the proposal otherwise acceptable.
34. The Council has raised some concerns with regard to the waste / recycling and bicycle storage areas. However, in this regard and were the development otherwise acceptable, I am satisfied these could be addressed by suitably worded conditions attached to any grant of planning permission.
35. For these reasons, the proposal would have an acceptable effect on the living conditions of future occupiers with regard to communal amenity space and bicycle and waste / recycling storage. However, it would cause unacceptable harm to the living conditions of future occupiers of the second and third floor flats with regard to outlook and to all occupiers in terms of servicing arrangements. Consequently, it would conflict with Policies D3, D4, D6 (housing quality and standards), T4 (assessing and mitigating transport impacts) and T7 (deliveries, servicing and construction) of the London Plan; and with Policies SP2 and DM29 (promoting sustainable travel and reducing congestion) of the CLP in this regard.

Parking provision, sustainable transport and highway safety

36. The appeal site is in a very accessible location in central Croydon and the appellant has proposed the development should be car-free. The Council is supportive of this approach but considers that measures to support the uptake of sustainable transport modes would also be necessary.
37. Furthermore, both the car-free³ status of the development and the promotion of sustainable transport modes would need to be secured through a legal undertaking or agreement. During the appeal process a Unilateral Undertaking (UU) was provided by the appellant to try and address these issues.
38. I am satisfied from the evidence that the submitted UU accords with the requirements set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010.
39. However, the submitted UU is not dated and contains no location plan ('Plan 1'), or evidence of title for the appeal site. Consequently, with reference to Government guidance⁴ I am not satisfied the UU is legally sound or complete and so it carries no weight in my determination.
40. For these reasons, the proposed development would adversely affect parking provision, sustainable transport and highway safety. It would, therefore, conflict with Policy T4 of the London Plan; with Policies SP8 (transport and communication) and DM29 of the CLP, in this regard.

³ Unless an occupier is or becomes entitled to, be a holder of a disabled persons badge pursuant to s21 of the Chronically Sick and Disabled Persons Act 1970

⁴ [Planning obligations: good practice advice - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-obligations-good-practice-advice)

Flood risk and drainage

41. The appeal site is in Flood Zone 1 which indicates it is at a low risk of fluvial flooding. The appellant has not provided a surface water drainage strategy for the proposed development. However, they have indicated that surface water runoff would be less than the current use of the site.
42. The Council did not consult the Lead Local Flood Authority, who are responsible for managing flood risk from surface water, on the proposed development and so its views on surface water drainage from the site are not known.
43. However, and as the appellant has offered, I see no reason why this could not be addressed by way of a suitably worded pre-commencement condition attached to any grant of planning permission were the appeal to be allowed.
44. For these reasons, the proposed development would not have an unacceptable effect on flood risk and drainage. It would, therefore, not conflict with Policies SI12 (flood risk management) and SI13 (sustainable drainage) of the London Plan; and with Policies SP6 (flooding, urban blue corridors and water management) and DM25 (sustainable drainage systems and reducing flood risk) of the CLP.

Planning balance

45. Whilst the proposed development would have an acceptable effect on the character and appearance of the area and on flood risk and drainage, this would be outweighed by the harm caused to the housing mix of the area, to the living conditions of future occupiers and to parking provision, sustainable transport and highway safety.

Other Matters

46. The appellant has provided a Daylight and Sunlight Assessment which has assessed the effects of the proposal on nearby properties. However, given the comments of a third party as to the effects of the proposal on other properties in the area, it is not clear that this document is adequate.
47. Were the proposal otherwise acceptable this would be something that would require further consideration. However, as I am dismissing the appeal for other reasons, this requires no further action.

Conclusion

48. For the reasons given above, I conclude the appeal is dismissed.

Andrew Parkin

INSPECTOR