



Appeal Decision

Site visit made on 13 February 2024

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 July 2024

Appeal Ref: APP/L5240/W/23/3321740

15 Pampisford Road, Purley, Croydon CR8 2NG

- 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 South and Seventeen Purley Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 22/03846/FUL.
 - The development proposed is demolition of an existing detached dwelling and redevelopment of the site to provide new residential accommodation (Class C3) with associated landscaping, refuse storage and cycle parking provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, the Government published the revised National Planning Policy Framework (the Framework). In the interests of natural justice, both main parties have had the opportunity to make representations. I have taken the appellant's comments received in response into account.
3. The proposal includes the construction of three houses and five flats. The appellant has submitted plans with the appeal statement to demonstrate that changes to the external cycle store could be secured by condition. I have therefore taken these plans into account on an indicative basis only, as an example of what could come forward as a conditional matter.
4. During the appeal the appellant submitted a completed Unilateral Undertaking. The Council has had the opportunity to comment on this.

Main Issues

5. The main issues are:
 - whether the proposal would provide a satisfactory standard of residential accommodation, in respect of the quantity, usability and functionality of outdoor amenity space;
 - whether the proposal would provide satisfactory waste storage arrangements, with particular regard to accessibility;
 - the effect of the proposal on the character and appearance of the area, and;
 - whether planning obligations are required to mitigate transport impacts of the development.

Reasons

Standard of residential accommodation

6. The proposed apartment building would occupy a corner position within the appeal site, with its frontage to Pampisford Road and side elevation to Hereward Avenue. The proposed houses would be located at the rearmost part of the site with their frontage towards Hereward Avenue. A communal garden, waste collection area, cycle parking and cycle store are also proposed within the Pampisford Road frontage. Additionally, Units 1 and 2 would each feature a front garden area adjacent to the entrance to the apartment building and courtyards towards their rear.
7. For Units 1 and 2, Policy D6 of the London Plan 2021 (the LP) and part DM10.4 of Policy DM10 of the Croydon Local Plan 2018 (the CLP) require a minimum of 5 square meters of private amenity space. The proposed front garden areas and rear courtyards would each individually exceed the minimum standard.
8. However, unless the front garden areas are enclosed by tall boundary walls, fences or landscaping, they would offer little privacy for the occupiers, due to their positions next to the entrance to the apartment building, near the route to the bin store and close to the other uses within the Pampisford Road frontage. I am not convinced that this could be resolved by planning condition as tall boundary treatment would likely affect light to and outlook from the front garden areas. Therefore, in either scenario, these spaces would not offer satisfactory private amenity space.
9. The appellant asserts that the proposed rear courtyard for Unit 2 would be bound by a wall that would range in height. However, the submitted proposed elevation drawings show a low brick wall. In the absence of a taller boundary, this space would be exposed to overlooking from passersby on Hereward Avenue, with little privacy for future occupiers. Should a taller boundary treatment be proposed, this would likely impact the light to and outlook from the window and within the rear courtyard, creating a dark and oppressive living environment. Future occupants of Unit 2 would therefore not have access to adequate private amenity space, despite the provision in excess of the minimum standards.
10. Notwithstanding this, the rear courtyard proposed for Unit 1 would not be so close to the hedging at the boundary of the neighbouring assisted living development that it would impact the usability of this amenity space. This space would have some grass and a patio area and would be useable for private amenity purposes such as sitting, socialising and drying clothes. Taking both the front garden area and rear courtyard together, the amenity space provision for Unit 1 would therefore be acceptable.
11. Whilst the appeal site is close to Rotary Field, this area would not provide the same functions as private amenity space. In particular, it would not provide space where the occupants could relax in privacy or dry clothing. As a result, public open spaces, are not a substitute for the provision of private amenity space directly attached to the proposed development.
12. The proposed communal garden would be within the Pampisford Road frontage, but it would be located away from the bulky waste collection area, cycle parking and cycle store. The communal garden would be largely enclosed by

the proposed landscaping and its shape and size would enable it to be used for a range of different activities that would typically occur in a residential garden. The communal garden would therefore provide useable amenity space and would meet the aim of part DM10.5 of Policy DM10 of the CLP, as it would be flexible, multifunctional, accessible and inclusive. However, the communal garden could not be relied upon to fulfil the private amenity needs of the occupiers of Unit 2 as it would be a shared space.

13. Although I have found the proposed communal garden and private amenity space for Unit 1 to be acceptable, the proposal would provide inadequate private amenity space for Unit 2. I therefore conclude that the standard of residential accommodation as a whole would be unsatisfactory. Accordingly, the proposal would conflict with Policy DM10 of the CLP and Policy D6 of the LP which amongst other things, set out criteria relating to the provision and quality of private amenity space.

Waste

14. The refuse and recycling store would be located within the side elevation of the proposed building adjacent to the footpath of Hereward Avenue. It is proposed to house two 1280-litre bins for general waste and recycling and a 140-litre bin for food waste.
15. The Council highlighted that there would be a distance of 800mm between the doors of the store and the side boundary. The space is therefore limited. The doors to the store would open outwards onto the hardstanding between the store and the side boundary, restricting this space further. With the store doors open, there would be no space to manoeuvre the bins through the site to Pampisford Road because the store doors would block the route out. Changes to the doors of the bin store could be secured by planning condition. However, as I have not been provided with the distance between the store and the side boundary, because of their size, there is no certainty that the recycling and general waste bins could be manoeuvred out of the store and along the hardstanding within the site.
16. The appellant asserts that the refuse and recycling bins would be taken directly from the store and along Hereward Avenue to Pampisford Road. While waste collection arrangements are shown in the Design and Access Statement, there are no detailed drawings clearly showing that it would be practically possible for the refuse and recycling bins to be removed from the store and presented for collection via Hereward Avenue which at the time of my visit had two bollards at the start of the footpath. The waste arrangements are therefore not feasible.
17. Details for matters such as refuse and recycling storage can often be secured via planning condition. However, there must be a reasonable degree of scope for a condition to resolve an issue. In this case, nothing has been put forward which would address the concerns raised. It would not be possible to address these issues by planning condition, as I cannot be certain that this would not require significant changes to the layout of the development.
18. The submitted proposed plans demonstrate that there would be no boundary wall in front of the store. Occupants of the proposed houses would therefore be able to directly access the store from Hereward Avenue, instead of walking round to Pampisford Road which would provide a convenient route.

19. Notwithstanding this, waste operatives would be unable to manoeuvre the refuse and recycling bins from the store to the collection vehicles. I therefore conclude that the proposal would not provide satisfactory waste storage arrangements and would conflict with Policy DM13 of the CLP and Policy D6 of the LP. These policies amongst other things, seek to ensure that the location and design of refuse and recycling facilities are treated as an integral element of the overall design and that housing is designed with adequate refuse layouts that are easily accessible by operatives and their vehicles.

Character and appearance

20. The Council's objections in respect of this main issue relate to the amount of activity and uses proposed for the space at the front of the apartment building adjacent to Pampisford Road and the presence of a communal bike store within this space. The appeal site is within a predominately residential area. Along Pampisford Road, there is a mixture of detached and semi-detached housing and blocks of flats. Some of these blocks have communal gardens at the front of the building with external stores.
21. Generally, it is common for the outdoor space surrounding flats to contain the various residential facilities required to serve the development. The space at the front of the proposal would be wide and relatively deep. Due to the large size of the site's frontage, the space between the apartment building and Pampisford Road would be big enough so that the communal garden space, bulky waste collection area, cycle store and cycle parking would not appear cramped or contrived. The space at the front of the site is reflective of other frontages in the area as the proposed building follows the established building line.
22. Although there are limited details regarding the height of the boundary of the front garden areas, there would be a clear separation between these spaces and the communal spaces in front of them. The trees, hedging and other soft landscaping would aid in creating a front garden feel. The hard surfacing would define the access to the bin store, entrance to the building and bike store, all of which are well-spaced out.
23. To comply with Policy DM13 of the CLP, the bulky goods storage area would also be within the frontage. However, any bulky waste stored in this area would only be in situ for a limited period and would therefore not cause harm to the character and appearance of the site and surrounding area. My attention has also not been drawn to any policies or guidance that suggest this area should not be at the front of the site.
24. As the appeal site is in an urban area, some level of activity is to be expected. There would be short periods of activity from future occupants using the bin store, accessing the bike store and entering and exiting the building. Use of the communal area and the front gardens would also generate a level of activity, similar to the nearby flats which have ground floor amenity space. However, these would be residential activities in the context of a residential building within a residential area and would not change the character of the area.
25. The plans submitted with the appeal statement demonstrate that the height of the bike store could be reduced so that it would be no taller than the front and side boundary treatment. This could be secured by condition so that the bike store is largely screened from public views when travelling along Pampisford

Road and Hereward Avenue. Further details regarding the external appearance of the bike store, including details of its materials could also be secured by condition.

26. The bike store would be the only freestanding structure within the space at the front of the site and would not create a cluttered appearance. It has also been demonstrated that it would be possible to reduce the height of the bike store which would allow for the front of the building to be the main feature of the site in public views and would not detract from the development. The bike store proposed at the front of the site would therefore be acceptable, subject to the relevant conditions.
27. For the above reasons, I conclude that the proposal would not cause harm to the character and appearance of the area and would comply with Policy DM10 of the CLP with respect to providing spaces that are visually attractive. This policy also requires cycle parking to be unobtrusively located.
28. The reason for refusal refers to Policy T5 of the LP. This policy is more focused on cycle parking standards and level of provision. It is therefore not determinative in the context of this main issue.

Transport

29. The Council's reason for refusal explains that in the absence of a legal agreement, the application does not offer a suitable financial contribution towards sustainable transport initiatives in the vicinity to alleviate traffic generation created by the development or promote more sustainable options or the provision of car club membership. The delegated officer report explains that a financial contribution would have been secured by a legal agreement had the application been acceptable, but no explanation is provided as to why the contribution is required. The Council's case in respect to this is therefore ambiguous.
30. The Unilateral Undertaking seeks to provide a contribution to promote various aspects of sustainable transport but, the appellant questions the necessity.
31. Policy T4 of the LP requires, where appropriate, mitigation to address adverse transport impacts. Policy SP8.12 of the CLP relates to the delivery of electric charging infrastructure, and Policy SP8.13 requires development to contribute to electric vehicle charging infrastructure, car clubs and car-sharing schemes. However, there is no explicit reference that this should be funded through financial contributions.
32. No further details to expand on the reason for refusal and why a contribution is sought have been provided. I have not been provided with any detailed evidence of the additional demands on infrastructure likely to arise, details of the extent to which the existing infrastructure is unable to meet any additional demands, or any other potential transport impacts, details of the facilities or infrastructure on which the contributions would be spent and how the figure for the contribution has been arrived at.
33. Notwithstanding the appellant's willingness to contribute to sustainable transport improvements, the contribution sought has not been demonstrated to be necessary to make the development acceptable in planning terms, directly related to the development or fairly and reasonably related in scale and kind to the development. Consequently, and notwithstanding the aims of the

development plan policies, I am unable to conclude that a planning obligation seeking to provide the contribution would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the Framework. I have therefore not taken it into account in reaching my decision.

34. For the above reasons, I conclude that no transport impacts have been presented that require mitigation, and it has not been demonstrated that a planning obligation is required.

Planning Balance and Conclusion

35. I have found that the proposal would provide unsatisfactory private amenity space for Unit 2 and the waste operatives would be unable to manoeuvre the refuse and recycling bins from the store to the collection vehicles. Although the private amenity space provision for Unit 1 and the communal garden area would be acceptable and no harm would be caused to the character and appearance of the area, I conclude that the proposal conflicts with the development plan taken as a whole.
36. The proposed building would be of a high-quality design, adopting sustainable design principles. The Council has raised no objections on biodiversity, drainage, trees and landscaping grounds and has not identified any detrimental harm to be caused to the amenity of neighbouring occupiers. However, these are neutral considerations and thus do not weigh in favour of the scheme. The size of the proposed units would also comply with the minimum standards. However, this is to be expected of all development in compliance with the relevant development plan policies and does not weigh in support of the scheme.
37. I have considered the appeal in the context of the development plan and the Framework in promoting an effective use of previously developed land with the potential to intensify the use of land to support additional homes and the role that small sites play in meeting housing need. Although I have not been provided with a full copy of the wording of Policy DM42 of the CLP, the appeal site is within the Purley District Centre which is a focus for residential growth. The proposal would provide 8 residential units in a highly accessible location, some of which would be family homes, and would have generous amenity space. Some social and economic benefits would also stem from employment associated with the construction phase and future occupants would bring trade to nearby shops and services.
38. Taken together, these benefits attract moderate weight given the quantum of development under consideration, but would not outweigh the harm I have identified or the conflict with the development plan.
39. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR