



Appeal Decision

Site visit made on 20 August 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2024

Appeal Ref: APP/L5240/W/23/3332848

Land rear of 51-53 Lower Addiscombe Road, Croydon CR0 6PQ

- 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 Mr Hitesh Patel against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/03365/FUL.
 - The development proposed is the erection of a two storey dwellinghouse with associated landscaping and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A draft National Planning Policy Framework was published in July 2024. The proposed changes would not materially affect the main issues in this case, so the parties were not invited to make further comments. As the draft document is currently subject to consultation, it carries very little weight.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of 49, 51 and 53 Lower Addiscombe Road, with particular regard to outlook and light;
 - the effect of the proposed development on parking provision and highway safety; and
 - whether the proposal would make appropriate provision for accessible cycle storage.

Reasons

Character and appearance

4. The appeal site lies in a mixed commercial and residential area comprising hardstanding to the rear of structures on Lower Addiscombe Road with access from Alexandra Road. Buildings along the roads have a predominantly Victorian character with tiled pitched and hipped roofs and a mix of brick, rendered and pebbledash walls. A modest two storey pitched roof dwelling abuts the site and

there are also some single storey extensions and outbuildings along the access which give a more varied character to the rear.

5. The proposal is for a two storey, contemporary dwelling. I note that policies in the Croydon Local Plan 2018 (CLP) do not require new developments to mimic nearby buildings and do not rule out a contemporary design approach. Nevertheless, due to its long frontage and large flat roof at a significantly higher level than the eaves of the adjacent house, the proposed building would have a substantial boxy design. Its size and cubical form would be considerably at odds with the scale and design of the neighbouring property and the wider roofscape. This would be evident in glimpsed views from Alexandra Road.
6. The proposed front door, fenestration arrangements and projecting wings would provide some visual balance to the frontage, and the proposed light-coloured brickwork would not look out of place. However, the rear projecting oriel windows over both levels would lack symmetry and thus appear overly complicated and unbalanced. These features would be discordant with the more simplistic and consistent appearance of other buildings in the locality.
7. Consequently, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy D3 of the London Plan 2021 (London Plan) and Policies SP4 and DM10 of the CLP. Together, these require developments to respond to local distinctiveness and respect local character, amongst other things.
8. Policy D4 of the London Plan relates to processes and actions required to deliver good design. However, this does not directly link to the harm identified and therefore I find no specific conflict with Policy D4 when reaching my conclusion.

Living conditions

9. The upper floor flats at 49, 51 and 53 Lower Addiscombe Road (Nos 49-53) have rear habitable room windows facing towards the appeal site. There is an existing two storey house behind No 49 at 2F Alexandra Road (No 2F) which involved the conversion of a pre-existing commercial building. The proposed dwelling would be located adjacent to No 2F, around 10-11m from Nos 49-53, with a close boarded fence on the boundary.
10. The CLP and the London Housing Supplementary Planning Guidance 2016 refer to a minimum distance of 18-21m between facing homes as a useful yardstick for visual privacy. The angled and obscure glazed rear windows would limit opportunities for direct overlooking between the new dwelling and the existing flats. However, due to its significant length and height, far larger than No 2F, and the limited separation distance to Nos 49-53, the proposed dwelling would dominate the outlook from the rear rooms of the neighbouring ground and first floor flats. The harmful sense of enclosure for the occupiers of the ground floor flat at No 51 would be exacerbated because of the small gap between the proposed 1.8m high close boarded fence and their rear windows.
11. The rear rooms at Nos 49-53 face north east and therefore currently receive little sunlight. No daylight and sunlight assessment has been provided to consider the impact of the proposal on light to these properties. Given the orientation of the adjacent flats and the proximity and scale of the proposed house, in the absence of such an assessment, I cannot be certain that the

scheme would not cause a harmful loss of light to the rear rooms of the ground and first floor units at Nos 49-53.

12. It has been put to me that the removal of the existing rear parking area and the associated comings and goings would reduce disturbance to occupiers of the neighbouring flats when using their rear rooms. Nevertheless, this would not outweigh the harmful visual intrusion and potential loss of light to the occupiers of the ground and first floor flats at Nos 49-53.
13. Therefore, I conclude that the proposed development would harm the living conditions of the occupiers of the ground and first floor flats at 49, 51 and 53 Lower Addiscombe Road, with particular regard to outlook. Further, there has been a failure to demonstrate that the proposal would not cause a harmful loss of light to the occupiers of these flats. This would be contrary to Policies D3 and D6 of the London Plan and Policies SP4 and DM10 of the CLP where they require proposals to provide appropriate outlook and not cause significant loss of sunlight or daylight to adjoining occupiers.

Parking provision and highway safety

14. It is indicated that the appeal site is currently used as a private car park for the commercial premises at Nos 51-53 with space to accommodate several vehicles, though at the time of my site visit there were no parked cars on it. The site has good access to a range of local services and facilities by cycle, on foot and by public transport, with a PTAL of 3. Alexandra Road is within a controlled parking zone (CPZ) where only paid and permit holder parking is available during the daytimes from Monday to Saturday.
15. The overall thrust of policies in the London Plan and the CLP is to minimise parking provision and encourage the use of other forms of transport. Located in outer London, the maximum number of parking spaces for a 3+ bed house in PTAL 3 areas allowed by London Plan and CLP policies is one. The Council considers that the proposed development should be car free, but CLP Policy DM30 only refers to the need to reduce the impact of car parking in areas with a PTAL rating of 4 or more or areas of existing on-street parking stress.
16. The proposal would result in the loss of the existing parking area for the commercial premises and no off-street car parking would be provided for the proposed house. There is no submitted legal agreement preventing future occupants from obtaining parking permits, and the Transport Statement applies a future need for three car parking permits, two for the existing business and one for the proposed dwelling.
17. The Transport Statement includes the results of a parking survey carried out in the early hours of three mornings in April 2023. It incorporates all parking spaces available at this time of the day, including that on single yellow lines, within the CPZ, and disabled bays. It found a residual car parking capacity for between 39 and 42 cars within a 200m walking distance of the site, at times when existing on-street car parking demand is likely to be at its highest. Whilst it found higher levels of car parking stress on streets closer to the site, Alexandra Place and Alexandra Road had space for 9-11 cars during the survey periods. As such, there would be space available to accommodate overnight parking arising from the proposed scheme.

18. Whilst only a snapshot in time, at my daytime site visit, I observed many cars parked along this part of Alexandra Road, but spaces were available further along this street and in Alexandra Place. Although the parking survey did not assess daytime parking provision, from my observations on site, I consider that the surrounding roads could accommodate the additional parking generated by the proposal during the daytimes.
19. The Council states that the Lambeth methodology used for the parking survey does not precisely assess the availability of parking space length and that the Richmond methodology should be used. However, it has provided limited information on its preferred approach or how this could affect the results of the parking survey.
20. There are concerns that the scheme would remove the ability for drivers of cars and service vehicles accessing the rear of 22 Alexandra Road and 49-55 Lower Addiscombe Road to enter and exit in a forward gear. The proposal would also block access from Alexandra Road to one of the flats and the commercial premises at Nos 51-53, though the appellant confirms that the business would be serviced from the front. As rights of access are a civil matter and the occupants of the neighbouring properties do not have a right of way over the land proposed for the new house, the proposal would not harm highway safety.
21. It has been put to me that the proposal should secure £1,500 towards sustainable transport improvements. However, the site is within an area with good access to public transport and the Council has not substantiated the need for such funding in this case.
22. Consequently, I conclude that the proposed development would not harm parking provision and highway safety. Thus, I find no conflict with Policies T3, T4, T6 and T7 of the London Plan and Policies SP6, DM29 and DM30 of the CLP where they set out the approach towards car parking and servicing arrangements and require development to not detrimentally impact on highway safety.

Cycle storage

23. London Plan Policy T5 sets out the requirements for cycle parking which for the proposed development would amount to two cycle spaces. This is reiterated in Policy DM30 of the CLP. The London Cycling Design Standards (the Design Standards) require cycle parking to be well located, close to the entrance of the property and to avoid narrow doorways (less than 1.2m wide).
24. The proposed cycle store would be located within the rear garden, close to the side pedestrian path and sufficient to accommodate two bicycles. At 1.2m wide, the proposed access would accord with the Design Standards, but there is concern that the 800mm side gate would be too narrow to accommodate bicycles. As most of the side path would meet the required width standard, I am satisfied that suitable access would be provided for cycle users in this case.
25. Therefore, I conclude that the proposal would make appropriate provision for accessible cycle storage. As such, it would comply with Policy T5 of the London Plan and Policy DM30 of the CLP.

Other Matters

26. The proposal would make more efficient use of previously developed land and contribute towards the supply of housing on a small, windfall site in a built-up area with good access to services and public transport, consistent with local, London and national planning policies. Although the appellant refers to housing targets in the CLP and the London Plan, there is no substantive evidence to demonstrate that the Council is failing to meet the needs for housing in its area which tempers the weight I have attached to housing delivery. Nevertheless, the provision of an additional family sized dwelling is still a limited benefit to be factored into the planning balance.
27. The Council did not find harm or development plan conflict in relation to several other matters, including the living conditions for future occupiers, heritage assets, refuse storage and fire safety. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposed scheme.

Planning Balance and Conclusion

28. I have found that the proposal would harm the character and appearance of the area and the living conditions of occupiers of neighbouring flats. These are planning harms which attract considerable weight. The delivery of housing attracts limited weight and the remaining matters only neutral weight, which accordingly do not outweigh the harm I have found.
29. For the reasons given above, 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.

A Wright

INSPECTOR