



Appeal Decision

Site visit made on 21 August 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/L5240/W/24/3338059

29 Stanger Road, South Norwood, Croydon, London SE25 5JZ

- 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 Anil Nayar against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/02083/FUL.
 - The development proposed was originally described as "Create a sustainable family home on the vacant plot of land to the rear of 29 Stanger Road in accordance with local planning policy."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" and "National Planning Policy Framework: draft text for consultation". Also, a Written Ministerial Statement entitled "Building the homes we need" was published on the same date. The Council and the appellant were given the opportunity to comment on these publications. I have considered their responses when determining the appeal.
3. Following the determination of the planning application a revised version of the National Planning Policy Framework (the Framework) was published. The parties had the opportunity to comment on how the changes to the Framework may affect the proposal within their representations.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of occupiers of 29 Stanger Road (No 29), with particular regard to outlook and the provision of light;
 - whether the proposal would provide adequate refuse and cycle storage; and
 - the effect on highway safety, with particular regard to an increase of on-street parking.

Reasons

Character and appearance

5. The appeal site is vacant land, located close to the junction between Stanger Road and Balfour Road. Based on the shape and size of the plot, as well as the wider pattern of development, it appears as though the land previously formed part of the rear garden of No 29. However, all parties accept it has been separated from No 29 for a long period. The properties on Stanger Road generally have long gardens which provide a visual break in built development, particularly near corner plots.
6. Although the appeal site's address is Stanger Road, it is accessed from Balfour Road. Most of the properties along Balfour Road are terraced and have a broadly uniform design and appearance, with a consistent height, width, plot size, and a strongly defined building line. The area comprises of high-density residential development, which occasionally is broken by the long, rear gardens, these factors contribute to the urban character of the area.
7. The proposed dwelling would include a modestly-sized rear courtyard. The footprint to plot ratio of the proposed development would be much higher than neighbouring properties. Given the proposed dwelling would span the entire width of the plot and the high footprint to plot ratio, the proposed dwelling would appear cramped.
8. No 29 has a modestly-size garden compared to its neighbours, and it has been extended toward the appeal site. This has reduced the visual gap around the junction between Stanger Road and Balfour Road. I acknowledge that most new development would reduce the openness of an area. However, the proposed dwelling would further erode, and almost lead to the complete loss, of the visual break at this junction. Therefore, the proposal would appear at odds with nearby development around corner plots.
9. I note that infill development rarely appears as though it was part of the original development. Policy H2 of the London Plan, The Spatial Development Strategy for Greater London, March 2021 (LP) also indicates that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. In addition, the proposal would respect the building line, mimic the front bay windows and eaves line of properties along the road, and would include similar external finishes to neighbouring properties. Notwithstanding this, the proposed dwelling would have a flat roof and would appear much shorter and wider than neighbouring properties. This would give the proposed dwelling a horizontal emphasis which would make it appear incongruous to nearby properties, which are tall and narrow.
10. Several examples of contemporary, infill development, including the nearby 51A Clifford Road, have been put before me. A contemporary infill development at the appeal site would be acceptable in principle. Nonetheless, it is necessary for proposals to preserve the character and appearance of the area and, for the reasons given above, the proposal would not.
11. The proposal would have a harmful effect on the character and appearance of the area. As such, it would be contrary to Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP), and LP Policy D3. These policies indicate that proposals should enhance local context by delivering buildings that positively respond to local

distinctiveness, and proposals should be high quality and should respect the development pattern, amongst other matters. The proposal would also be contrary to paragraph 135 of the Framework which indicates that planning decisions should ensure that proposals are visually attractive and sympathetic to local character.

Living conditions

12. No 29 has been sub-divided into flats. The ground floor flat has been extended toward the appeal site and has an opening within the north-east elevation directly facing the appeal site.
13. The proposal includes excavation works, which would lead to the proposed dwelling being sited lower than neighbouring properties. Also, the first floor would be set away from the boundary with No 29. Nonetheless, the ground floor would be built up to the boundary with No 29 and overall, the proposed dwelling would be much taller than the ground floor flat. Given the lack of separation and the proposed height of the dwelling, it would appear overbearing when viewed from within the ground floor flat and the garden.
14. The amount of daylight experienced in No 29's garden would be reduced as the proposed dwelling would be built up to its boundary. However, No 29's garden is next to the road and other gardens; as such, it is not enclosed by development. Consequently, a modest reduction in the amount of daylight experienced in the garden would not be harmful.
15. It has not been demonstrated that the proposed dwelling complies with the 25-degree rule, as set out in the BRE guidance¹, when assessed from the opening within No 29's north-east elevation. However, there are other openings within the extended section of the ground floor flat. Therefore, I am satisfied that even if the proposed dwelling would reduce the amount of daylight experienced in the extended section of the ground floor flat, it would not be to a harmful extent. In addition, due to the orientation of the appeal site and No 29, the proposed dwelling would not directly overshadow No 29.
16. Although the proposal would not have a harmful effect on the amount of daylight/sunlight experienced by occupiers of No 29, it would have a harmful effect on their living conditions, with particular regard to outlook. As such, it would be contrary to CLP Policies SP4 and DM10, and LP Policy D6. These policies indicate that the Council will require development to ensure well-being and support proposals that ensure the amenity of occupiers of adjoining buildings are protected, amongst other matters.

Refuse and cycle storage

17. Section 8.5.3 of the London Cycling Design Standards, Transport for London, 2014 (LCDS) outlines the requirements for residential cycle parking. The requirements include the need for the parking to be fully accessible for all types of cycle, and well located close to the entrance of the property and avoiding multiple and narrow doorways. The proposed vertical hanging cycle storage would not be fully accessible and, as such, it would not be in accordance with the LCDS.
18. Although the proposed refuse storage would be similar to nearby properties it would not be sufficient to accommodate the 4 bins required for the proposed

¹ BRE Guidance, Site Layout Planning for Daylight and Sunlight – a guide to good practice

dwelling. Moreover, it would open up onto the public highway which would be impractical as it would temporarily impede access to the footpath, and it would open over land not in control of the appellant.

19. I acknowledge that details of alternative cycle and refuse storage could be secured by condition. However, it has not been demonstrated that there would be sufficient space to the front of the proposed dwelling for an acceptable solution. Furthermore, internal cycle storage or storage within the rear garden, whilst common in the area, would not be appropriate as it would reduce the amount of internal circulation space to a harmful extent and/or lead to cycles being manoeuvred through multiple doorways.
20. The proposal would not provide adequate refuse and cycle storage. It would be contrary to LP Policies SI 7, SI 8 and T5, and CLP Policies SP8, DM13, DM29 and DM30. These policies indicate that developments should be designed with adequate storage space to support the separate collection of recyclables and food waste, and development proposals should secure the provision of appropriate levels of cycle parking which should be fit for purpose, amongst other matters. It would also be contrary to the LCDS, for the reasons given above.

Highway safety

21. There is conflicting evidence on whether the appeal site has a Public Transport Accessibility Level (PTAL) of 4 or 5. Regardless, the maximum parking provision for the proposal would be between 0.5 and 0.75 spaces, in accordance with LP Table 10.3. The proposal does not include any off-street parking and would be in accordance with the specified standard. Nevertheless, the Council has indicated it would be necessary for the appellant to enter into an agreement to restrict future occupiers from accessing parking permits, to ensure that the proposal would not increase parking stress. Furthermore, if the site has a PTAL of 5 LP Table 10.3 indicates the development should be car free.
22. The increase in demand for parking from one dwelling would be limited. However, there is no assessment of parking stress in the area. As such, I cannot conclude that the area is not already experiencing parking stress. Also, the presence of a Controlled Parking Zone (CPZ) does not indicate that there is no parking stress. Moreover, the cumulative effect on the demand for parking from multiple proposals for single dwellings would be significant.
23. Without sufficient capacity for on-street parking, there would be an increased likelihood of antisocial parking, including people parking vehicles closer to junctions, reducing visibility for drivers of manoeuvring vehicles. That would increase the chance of conflict with other road users. Consequently, this would lead to the proposal having an unacceptable impact on highway safety. As such, the proposal would be contrary to paragraph 115 of the Framework. Therefore, without further evidence to demonstrate that there is no parking stress, the need for the development to be car free is necessary to make the development acceptable.
24. To restrict future occupiers accessing parking permits for the CPZ a Traffic Regulation Order would need to be amended. The Planning Practice Guidance² is clear that only in exceptional circumstances would a negatively worded condition, requiring an agreement to be entered into, be appropriate. No case for exceptional

² Use of Planning Conditions, Paragraph: 010 Reference ID: 21a-010-20190723

circumstances has been put before me. Therefore, a planning obligation is necessary as the impacts of the development could not be addressed through a planning condition, in accordance with paragraph 55 of the Framework.

25. Without mitigation, the proposal would have a harmful effect on highway safety, with particular regard to an increase in on-street parking. The proposal would be contrary to LP Policies T4 and T6, and CLP Policies SP8, DM29 and DM30. These policies indicate that car parking should be restricted in line with levels of existing and future public transport accessibility, and development should promote measures to increase the use of public transport, amongst other matters.

Other Matters

26. I acknowledge the intended environmental credentials of the proposed dwelling including the installation of solar panels, a green roof, water collection and for the dwelling to be constructed to Passivhaus standards. Nonetheless, given the limited scale of the proposal, these benefits do not outweigh the identified harm.
27. Furthermore, I note that there is support in the CLP, LP and the Framework for a more effective use of land, delivery of sustainable development and to boost the supply of housing. Although the proposal would comply with some policies in the development plan, none of the cited policies support development which is contrary to the policies identified above. As such, the proposal would conflict with the development plan as a whole.
28. The appeal site is not located within a conservation area or in proximity to a listed building. These are neutral factors which do not alter my assessment of the appeal proposal.

Conclusion

29. 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 should be dismissed.

J Hobbs

INSPECTOR