

Appeal Decision

Site visit made on 5 September 2024

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/L5240/W/24/3339078

12 Fairdene Road, Coulsdon, Croydon CR5 1RA

- 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 and Mrs Livings against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/01969/FUL.
 - The development proposed is demolition of outbuildings. Erection of 3 storey 4 bedroom detached new dwelling on land adjacent to 12 Fairdene Road and alterations to associated parking, refuse, cycle storage, alterations to land levels, boundary treatments and alterations to dropped kerb.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the area
 - The quality of living conditions for existing occupiers with particular regard to light and outlook from 12 Fairdene Road
 - The quality of living conditions for future occupiers with particular regard to accessibility
 - Sustainable transport with particular regard to cycle storage.
 - Fire Safety

Reasons

Character and Appearance

3. In this area, land slopes steeply with properties on the western side of Fairdene Road set below road level with gardens sloping further downwards to the rear. This part of Fairdene Road is characterised by two storey semi-detached dwellings with generous separation between pairs. The gaps between dwellings are mainly open or occupied by modest, secondary outbuildings or extensions. The majority of these pairs have two storey rear additions. The additions share an important characteristic that they appear

subservient to the main part of the dwellings. Front gardens feature steps and railings, however these are generally minimal to serve an individual property. Together these features result in a pleasant spacious character to this area.

4. The properties at 3-29 are in a different style, with smaller gaps between the pairs and their appearance is noticeably distinct from the group on the opposite side of the road which includes no. 12. Further along the road, planning permission has been granted at 26 Fairdene Road for a residential building between nos 24A and 26 (No 26A). This has been implemented and, however such development is uncommon and does not form an overriding part of the character and appearance of the area.
5. 12 Fairdene Road forms part of a semi detached pair. It has a generous, stepped garden to the side and rear with a raised area for car parking to the front. This house also has a subservient two storey rear projection with a pitched roof which sits below the height of the main ridge and a smaller two storey flat roofed addition beyond. It makes a positive contribution to the important features of the character of the area in these regards.
6. The proposed development would introduce a large 4 bedroom house to the side of 12 Fairdene Road. To the rear, there would be a full width three storey elevation with the upper floor within a gable end at roof level which would extend for a significant part of the depth of the site. There would also be a single storey addition projecting further to the rear. The height and bulk to the rear would be exacerbated by the land levels, with the floor level of the single storey addition significantly above the ground level in this location. This would result in high eaves and ridge lines.
7. The height and bulk of the three storey elevation to the rear, in combination with the single storey projection, would result in a dwelling which would be overly bulky and unacceptably dominant in this context. It would harmfully erode the important feature of secondary rear additions and would unacceptably undermine this location's spacious character. Although the rear part of the proposed dwelling would not be highly visible in public views, nevertheless it would be seen from a number of the surrounding properties and as such this harm would be experienced.
8. Parking spaces and a bin store are proposed to the front elevation which would be likely to require retaining walls, rails or fencing. This would result in a multiplication of these functional features at this site directly to the front of the dwelling. This proliferation in such a prominent location would result in a visually cluttered appearance to the dwelling in the streetscene, harmful to the spacious character.
9. Therefore, for the reasons above, the proposed development would be harmful to the character and appearance of the area. It would consequently be contrary to policies DM10 and SP4.1 of the Croydon Local Plan (2018) (CLP) and policies D3 and D4 of the London Plan (2021) (LP) in this regard which, together seek high quality design which respects local character, amongst other things.

Living conditions - existing occupiers

10. There are windows along the side elevation of no 12. The windows that would be most affected would be The French doors at ground floor. The Council describes that these are main windows to a habitable room and this has not been disputed by the appellant.
11. The outlook from these windows would be onto a large expanse of wall forming the side elevation of the single storey rear projection in close proximity. Furthermore, the larger and bulkier side elevation to the main part of the dwelling would also be within a clear line of sight. The height and massing of the side elevation, in close proximity to this main window would therefore result in an unacceptable sense of enclosure and inadequate outlook to these neighbouring occupiers.
12. The plans show that this window would achieve a 25 degree line of sight above the single storey back addition, and as such even if it did not achieve 45 degrees in plan form it would be likely to receive acceptable levels of light from above the proposed development. It follows that the other windows at first floor, or towards the rear of the site, would also receive adequate light levels. Nevertheless, the lack of harm in this regard is a neutral factor and does not overcome the harm to outlook or sense of enclosure.
13. The dwelling at no. 24A has a different layout to the appeal property and does not appear to include main habitable room windows to the side elevation. As such the relationship between nos 24A and 26A is noticeably different to the scheme before me now.
14. Therefore, the proposed development would provide unacceptable living conditions for future occupiers with particular regard to outlook from 12 Fairdene Road. Consequently, in this respect, the proposed development would be contrary to policies SP4 and DM10 of the CLP. In part, these seek to protect the amenity of the occupiers of adjoining buildings including delivering appropriate outlook and enhancing wellbeing. Policy D1 of the LP seeks to define an area's character to understand its capacity and plan for growth, and Policy D4 relates to design analysis, scrutiny and maintaining design quality. As such, the policies set out above are more relevant to this main issue.

Accessibility

15. The proposed dwelling would have a level threshold and the appellant states that the property would be compliant with M4(1) of the building regulations. From the street to the front door there would be a sloped path. The property is then accessed via a narrow path between the projecting elevation of the home office and the car parking space. Access to the property would therefore be difficult for those using a wheelchair as well as prams and pushchairs.
16. Planning Practice Guidance states that local plan policies should take into account site specific factors such as topography, and where step free access is not viable neither of the optional requirements in part M should apply. Due to the ground levels at this site, slopes and steps would be likely to be required. However, even taking into account these site specific factors, the siting and arrangement proposed would not provide a suitable independent disabled ramped access to the front door. As such the building could not be entered and exited easily by all.

17. Therefore, the proposed development would result in an inadequate quality of living conditions for future occupiers with particular regard to accessibility. Consequently, it would be contrary to policies D3, D5, D6 and D7 of the LP and Policy SP2.8 of the CLP. Together these require that all dwellings should meet a minimum of M4(2) accessible and adaptable standard of building regulations and achieve the highest standards of accessible and inclusive design which meet the needs of residents over a lifetime.

Cycle Storage

18. Secure covered cycle storage would be provided in the rear garden. There is a route to the rear of the building that is not stepped. However, this would require bikes to be manoeuvred around the porch area, which, as set out above, has unsuitably narrow access paths around the car parking spaces and porch. On the other side of the building the route to the rear garden is stepped. Therefore, the proposed development would not provide an appropriate route for bikes to access the cycle parking.
19. The arrangement at no. 26A requires the majority of bikes to be taken up and down steps or through an internal communal stairwell. However, there is nothing before me to suggest that this is successful. As such I see no reason for the proposed development to provide cycle parking spaces that I find would not promote sustainable transport.
20. Therefore, the proposed development would have an unacceptable effect on sustainable transport with particular regard to cycle storage. Consequently, it would be contrary to policy T5 of the LP and policies SP8, DM10, DM29 and DM30 of the CLP which together require that development should promote sustainable travel and secure appropriate cycle parking which is fit for purpose, in a convenient location, amongst other things. Policy SP4 mainly relates to urban design and local character, as such, the policies set out above are more relevant to this main issue.

Fire Safety

21. The submitted fire statement makes reference to the proposed development being a loft conversion. However, the appeal scheme is clearly referred to elsewhere in the statement. I am satisfied that the statement has considered the development proposed. Aside from this description, I am not provided with any detail as to why the Fire Statement would not result in adequate fire safety at this site. Therefore, I am satisfied that acceptable fire safety could be provided.
22. Consequently, the proposed development would have an acceptable effect on Fire Safety. As such it would be in accordance with policy D12 of the LP which, amongst other things, requires that development achieves the highest standards of fire safety.

Other Matters

23. The proposed development would provide an additional housing unit on a small site, which would make a positive contribution towards increasing the supply of homes. However, taking into account the scale of the development, this would be a minor benefit. The proposed development would also provide

adequate fire safety, however the lack of harm in this regard is a neutral factor.

24. On the other hand, the proposed development would be harmful to character and appearance, harm the living conditions of existing occupiers, provide unacceptable living conditions for future occupiers, and would not promote sustainable transport. Together the harm that arises from these multiple matters would be significant. The minor benefits would consequently not outweigh this significant harms, contrary to the development plan.

Conclusion

25. The proposal conflicts with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

H Miles

INSPECTOR