



Appeal Decision

Site visit made on 22 August 2024

by R Lawrence BSc (Hons), PGDip (TP), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2024

Appeal Ref: APP/L5240/W/23/3328105

30 Wyvern Road, Purley, Croydon CR8 2NP

- 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 Motti Ifergan of UPP Architects and Town Planners against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/01063/FUL.
 - The development proposed is Conversion of the existing dwelling to provide 4no. self-contained flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. Whilst the description of development was amended by the Council during the determination of the application. Furthermore, the appellant has stated that they disagree with the revised description. Accordingly, I have used the description given on the original application.
3. Notwithstanding this, and the description set out above, it is clear from the plans and accompanying details that the development includes extensions to, as well as the conversion of, the existing building. I note that the Council dealt with the proposal on this basis, and I have done the same.
4. I have also dealt with another appeal (3336212) on this site. That appeal is the subject of a separate decision.

Main Issues

5. The main issues are
 - whether the development would provide a suitable standard of accommodation for future occupants, with particular regard to amenity space, accessibility and internal storage
 - whether the proposal would make appropriate provision for sustainable drainage features and would be acceptable in terms of flood risk, and
 - the effect of the development on the character and appearance of the appeal property and the surrounding area.

Reasons

Standard of accommodation

6. The proposal would provide 4 flats, over 3 floors. The flats would be accessed via a series of steps leading to the existing front entrance. External access would be provided along the side of the building via a ramp to the rear garden which would include communal amenity space and a children's play area. Additionally, private amenity areas would serve the ground floor flats - units 1 and 2. There would be no provision of private amenity space for the upper floor flats - units 3 and 4.
7. Policy D6 of the London Plan (LP) and Policy DM10 of the Croydon Local Plan (CLP) include a requirement for housing developments to provide private outdoor space for all units. The proximity of the site to alternative public amenity space is noted. However, the availability of public open space nearby does not diminish the need for future occupants to have adequate private outdoor space of their own. Private outdoor space is important for the health and wellbeing of future occupants. Given the absence of private amenity space for the upper floor flats, the proposal would conflict with this policy.
8. Policy D7 of the LP aims to provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children. In this regard it sets out a requirement to provide accessible housing, in line with Building Regulation requirement M4(2) 'accessible and adaptable dwellings.' The sub-text to this policy clarifies that step-free access into the dwelling must be provided.
9. The steep access around the building, together with the stepped access to the building entrance, would fail to provide accessible housing. The communal access would be a significant distance from the upper floor flats and could only be accessed from the front of the building.
10. Whilst the topography of the site is clearly a constraint to achieving an accessible and inclusive form of development, there is no substantive evidence that this constraint could not be overcome and does not amount to an exceptional circumstance such to justify this. In this regard, the proposal would fail to accord with the requirements of Policy D7 of the LP.
11. The appellant disputes whether the policy requirements are applicable, on the basis that the proposal is not for a new build. However, the subtext clarifies that the policy is applicable to dwellings undergoing material alterations. Given the extent of extensions and alterations proposed, the works would exceed this threshold. As such, the evidence does not lead me to conclude that any exception to the requirements of the development plan would be appropriate in this case.
12. The appellant has indicated that the proposal has the benefit of providing family sized housing with private direct access, and that this could not be achieved were a central access corridor to be provided, such to provide private amenity space for all flats. The plans do not show the provision of a private direct access for the proposed flats and it is not possible to determine what alternative schemes might be possible on the site. As such, this factor carries very limited weight.

13. The Council has expressed concern at the amount of internal storage space to be provided, and the location of storage areas within bedrooms. There is insufficient information as to whether these would be sufficient to accord with the storage requirements set out within the Nationally Described Space Standards 2015 (NDSS). However, in the event that I was minded to allow the appeal, this detail could have been secured by condition, particularly given the internal floorspace is sufficient to accord with the NDSS.
14. Taken together, the issues described above have the effect that the development would fail to provide a suitable standard of accommodation for future occupants, with particular regard to amenity space and accessibility. The proposal would therefore conflict with Policies SP2.8 and DM10 of the CLP and Policy D6 and D7 of the LP.

Flood risk

15. The appeal site is located within Flood Zone 1, which has the lowest probability of flooding. However, the Council indicates the site is located in a critical drainage area with the potential for surface water flooding to occur.
16. Policy DM25 of the CLP seeks to minimise the impact of flooding by taking account of all sources of flooding and applying a sequential approach to site layout by locating the most vulnerable uses in parts of the site of the lowest risk of flooding. It adds that in areas at risk of flooding, development should be made safe for the life of the development and incorporate flood resilience and resistance measures into the design. In addition, the policy requires the provision of sustainable drainage systems as part of the development to prevent an increase in flood risk.
17. The Framework states that a site-specific flood risk assessment should be provided for all development in Flood Zone 1, involving land which has been identified by the Environment Agency as having critical drainage problems.
18. No flood risk assessment, sequential test, or drainage strategy are before me as part of this appeal. Whilst the appellant has identified some measures that could be incorporated within the development to address surface water, no assessment has been provided that demonstrates that these would be sufficient to achieve greenfield runoff rates, or not cause an increased risk of flooding elsewhere. Due to this uncertainty, I am not satisfied that the matter could be addressed by way of a condition.
19. The appellant has indicated that the Council has overstated the extent of demolition, and that a proportionate level of information has been provided in terms of flood risk. However, the policy requirement to minimise the impact of flooding, is not contingent upon the extent of demolition. As such, I am not persuaded that any exception to the requirements of the development plan should apply, nor that the information provided is sufficient.
20. Given the above, it has not been demonstrated that the proposal would make appropriate provision for sustainable drainage features and that it would be acceptable in terms of flood risk. In this regard, the proposal would conflict with the requirements to minimise the impact of flooding, and to provide sustainable drainage systems as part of the development, set out in Policy DM25 of the CLP and SI13 of the LP.

Character and appearance

21. The area is characterised by large, detached dwellings, with good separation to boundaries. Dwellings generally exhibit traditional architectural details, with notable common features including projecting gables, pitched roof form and a varied palette of materials. Notwithstanding these common features, there is a mix of buildings with a more contemporary appearance as well as a number of properties which feature mock tudor details. The appeal property is no exception with a front projecting gable, subordinated bay window and mock tudor details including leaded glass windows, a hipped roof form and exposed dark timber. Currently the property is in a poor state of repair. Its side boundary lies on Purley Way, a busy arterial road.
22. The proposal would retain a number of existing key features, including the front projecting gable, a hipped roof form, subordinated bay window and the central doorway. These are features which positively contribute to the existing street scene. Notwithstanding this, the proposal would also involve the loss of much of the existing architectural detailing. This would erode the mock tudor appearance and result in a more contemporary architectural style. This would represent a notable change compared to the existing dwelling. However, given the presence of properties with a modern appearance and the retention of several existing traditional features, it would sit comfortably within the street scene.
23. Much of the existing mock tudor detailing is in a poor state of repair. As such, there is clear justification in its removal. Whilst the Council object to the modern approach proposed, I am not persuaded that replacing the existing detailing would achieve a desirable outcome, rather it would likely result in a pastiche effect. The use of contemporary, high quality durable and sustainable materials aligns with the requirements of CLP Policy DM10.7.
24. The variations in the width and form of the extensions at ground and first floor are noted. Given their set back from the site frontage and set down in height from the main roof form, the symmetry and balance of the property would not be unduly affected. Side views of the property could also be achieved from Purley Road. Properties along Purley Road are well spaced out and set back from the street scene. The proposal would retain a good set back at first floor and would not adversely impact upon this street scene.
25. The proposal would result in additional fencing, both along the site boundaries as well as to divide up the rear garden. Cycle and bin stores would be added both to the front and back of the site. These are all common features in residential areas such as these. In the case of the bin and cycle stores, these are well set back from the frontage such to avoid a detrimental visual effect. In any event, were I to allow the appeal, further details of these elements could be secured by condition to ensure an appropriate appearance and siting.
26. Given the above, the development would be acceptable in terms of its effect on the character and appearance of the appeal property and surrounding area. The proposal would therefore accord with Policies D3 of the LP and Policies SP4.1 and DM10 of the CLP, insofar as they relate to character and appearance. These policies require that development is of a suitable quality and character.

Planning Balance

27. The proposal would contribute to the supply of housing within the Borough, including providing family homes, and in particular, it would contribute to

windfall provision on an existing residential plot in a location close to local and district centres and accessible to public transport. In addition, the proposal would make a modest contribution to the government's target to significantly boost the supply of homes.

28. Furthermore, the appeal proposal would involve the redevelopment of an existing brownfield site, for which there is policy support. Collectively these benefits carry modest weight.
29. The harms I have identified in terms of flood risk, and the standard of accommodation for future occupants, outweigh the benefits. As such, the material considerations do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

30. For the reasons given above, the appeal is dismissed.

R. Lawrence

INSPECTOR