

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/24/3336212

30 Wyvern Road, Purley 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 D Moore of Danshe Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/02318/FUL.
 - The development proposed is demolition of the existing dwelling and erection of a flatted development comprising 7 self-contained residential dwellings, including the provision of refuse, cycle storage and off-street car-parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have also dealt with another appeal (3328105) on this site. That appeal is the subject of a separate decision.
3. The appellant has submitted an analysis of sunlight and daylight impact report, produced by Morgan Light Assessors. This was not included as part of the original planning application. Nonetheless, the appeal timeframes have provided the opportunity for the main and interested parties to comment on it, and as such, my consideration of its findings would be unlikely to cause any procedural unfairness to anyone involved. I have therefore had regard to the report findings, together with representations received in relation to it, in my determination of the appeal.
4. The Council has advised that a review of its Local Plan is nearing an advanced stage. However, there is no evidence before me as to the status of individual policies. Furthermore, I note that the Council is not seeking to rely on the emerging policies and in this regard has not concluded on any conflicts with them. Given these factors, my determination of the appeal is made against the current development plan policies.
5. In relation to refusal reason 1, the Council has confirmed that London Plan policy D4 was cited in error and is not relevant. I have determined the appeal on this basis.

Main Issues

6. The main issues are:
 - the effect of the development on the character and appearance of the area,
 - the effect of the development on the living conditions of the occupiers of 28 Wyvern Road, with particular regard to outlook and sunlight,
 - the effect of the development on highway and pedestrian safety, and
 - whether the proposal makes appropriate provision for sustainable transport.

Reasons

Character and appearance

7. The area is characterised by large, detached dwellings which are primarily two-storeys in height with hipped roof forms, well set back from the road with good separation to boundaries. In general, whilst second floor accommodation is provided within the main roof with dormer windows or rooflights. As such, the dwellings are perceived as two storeys and the predominantly hipped roof forms are retained, providing generous gaps between dwellings and contributing to the area's attractive, spacious character. Grass verges separate property frontages from the road, which together with low hedgerows, soft landscaping within front gardens, and a group of mature trees adjacent to the appeal site, all contribute to an attractive spacious and verdant character.
8. Significant engineering works including a large ramp for vehicles and additional pedestrian and vehicular entrances are proposed. These urbanising features would dominate the site frontage and would appear at odds with neighbouring properties. This also results in a lack of any substantive soft landscaping, or opportunity to provide any. The effect would be a harmful erosion of the attractive verdant character that currently exists.
9. The form of the proposal, which includes significant three-storey elements, a flush gable ended roof oriented towards the street, and large fenestration, would appear bulky and unduly dominant within its context. The three storey gable roof form would harmfully stand out amongst predominantly two-storey properties with hipped roof forms. Notwithstanding the stepped approach to massing, the height and bulk, particularly at the upper floors, would erode the space around the building and in turn the spacious character of the area. The absence of features common to the street scene, such as overhanging eaves and subordinate gable elements add to the jarring visual effect of the proposal.
10. The proposal would also affect the street scene onto Purley Way. Along this road, houses, including the existing appeal building, have a very limited presence. This is achieved through significant setbacks, the absence of active frontages onto Purley Way, and high levels of soft landscaping. The proposal, due to the depth of the buildings and their proximity to Purley Way, would result in a prominent view of housing, which would detrimentally affect the character and appearance of that street scene.

11. My attention has been drawn to a number of three storey buildings at the opposite end of Wyvern Road, including no 2, as well as on Pampisford Road. These buildings provide a transition between the different character of the two roads. Pampisford Road features pavements, bus stops, and overall a busier, urban environment. The three storey buildings on Wyvern Road are on corner plots, with pavements and more significant levels of street furniture. As such, whilst there are some similarities with the appeal site also being a corner plot, due to the differences in character I am not persuaded that it would be appropriate to replicate buildings of that scale in this location.
12. Other properties along Wyvern Road have introduced a third storey through accommodation within the roof space. However, in these cases this is achieved with minimal additions to the existing roof form. As such, these examples do not result in the appearance of a three-storey dwelling in the manner proposed.
13. Croydon Local Plan (CLP) policy DM10.1 states that proposals should seek to achieve a minimum height of 3 storeys whilst respecting the scale, height and massing of the area. Whilst it may be possible to achieve a three-storey building on the site, in this case, the proposal would appear unduly bulky within the street scene.
14. In light of the above, the proposal would result in an adverse effect on the character and appearance of the area, in conflict with policies SP4 and DM10 of the CLP and policy D3 of the London Plan 2021 (LP). These policies, taken together and insofar as relevant, require development to respect the pattern, layout, siting, scale, forms and proportions of existing development.

Living Conditions

15. No 28 is a detached property, set within a spacious plot including a lengthy rear, private garden. The outlook across the appeal site, from the garden and rear windows, is currently free from built form. This contributes to an attractive garden for its occupiers.
16. Notwithstanding the reason for refusal, the Council acknowledge that the proposal would be acceptable in terms of its effect upon daylight and sunlight to no 28. Based on the findings of the submitted daylight assessment, I have no reason to find differently.
17. However, the scale and relative proximity to the boundary with no 28, would result in a detrimental effect upon the outlook from that garden. Due to the depth of the built form, the rear portion of the building would enclose part of the rear garden. In particular it would affect the area immediately rear of the house. Whilst the relevant part of the proposed building would be set away from the boundary, this separation would be modest relative to the scale of the building. The increased presence of built form, in close proximity, would unduly affect the outlook, and in turn, the enjoyment of that garden.
18. At the time of my visit, vegetation and trees along the boundary provided a high level of screening between the two properties. However, this could not be relied upon in perpetuity.
19. Given the above, the proposal would result in a detrimental effect on the living conditions of the occupiers of no 28, with regard to outlook. The proposal would therefore conflict with policy DM10.6 of the CLP and D6 of the LP. These policies

require, amongst other matters, that the amenities of the occupiers of adjoining buildings are protected.

Highway and pedestrian safety

20. The appeal site is located at a bend, between two residential roads in the road. There are no pavements, resulting in pedestrians having to walk either on grass verges or within the road. There is an existing access which would be utilised as part of the appeal scheme. The use of this access would intensify as a result of the increased number of dwellings and occupants on site.
21. From my observations, I noted that vehicle speeds are generally low, particularly around the bend. There are numerous driveways both on Wyvern Road and Hereward Avenue, which together with the steep bend, encourage drivers to slow down.
22. From the access it is possible to see around 40m in either direction, albeit closer range views are more restricted due to the road geometry. Although the Council has raised concern as to whether the necessary visibility splays could be achieved, there is no substantive evidence that this would result in harm to pedestrian or vehicle safety. In the event I was minded to allow the appeal, a condition could be imposed to secure full details and retention of appropriate visibility splays. Given this, I am satisfied the proposal would not have a detrimental effect on road safety.
23. Therefore, I find that the proposal would be acceptable in terms of highway and pedestrian safety, in accordance with policies DM29 and DM30 of the CLP and policy T4 of the LP. These policies require, amongst other matters, that development does not have a detrimental impact on highway safety for pedestrians, cyclists and private vehicles.

Sustainable travel

24. The proposal would increase the number of residents living on site, which in turn would increase demand on services including public transport, car clubs and electric vehicle infrastructure. On this basis, the Council has indicated a financial contribution of £1,500 per dwelling is necessary.
25. Such a contribution would address the requirements of policy DM29 of the CLP as well as T1, T4 and T9 of the LP. These policies promote sustainable travel and set out that mitigation such as financial contributions will be required to address identified transport impacts. I have had regard to the High Court decision¹ which accepted the reasoning of the Council in respect of how the £1500 per dwelling figure was arrived at. Paragraph 38 of that decision acknowledges that whilst it was based on a transport study commissioned for Kenley ward, the figure was calculated on the basis that it would be applied across the whole borough.
26. For the above reasons, I find that a contribution is justified. A draft, unsigned unilateral obligation has been submitted in support of the appeal, however, in its current form this does not provide a suitable mechanism to secure the contribution.

¹ Case No: CO/1225/2022

27. The Council also indicate that an obligation is required to restrict future occupants access to parking permits, in the event that a Controlled Parking Zone is introduced in the future.
28. At present, there are no controlled parking zones along Wyvern Road, or those immediately adjoining it. The level of parking provision proposed would slightly exceed the requirements set out in London Plan policy T6.1 and the expected car ownership. There is also no evidence of parking stress in the vicinity. Given this, there is no substantive evidence before me to justify imposing such a restriction.
29. Notwithstanding my findings regarding the need to restrict access to parking permits, the proposal would fail to make appropriate provision for sustainable travel. As such, it would conflict with policies SP8 and DM29 of the CLP and T1, T4 and T9 of the LP.

Planning Balance

30. The proposal would contribute to the supply of housing within the Borough, and in particular, it would contribute to windfall provision in a location close to local and district centres, accessible to public transport and at a higher density than exists at present. In addition, the proposal would make a modest contribution to the government's target to significantly boost the supply of homes.
31. Furthermore, the appeal proposal would involve the redevelopment of an existing brownfield site, for which there is both local and national policy support. Collectively these benefits attract considerable weight.
32. The harms I have identified to the character and appearance of the area, to the living conditions of neighbouring occupiers, as well as sustainable travel provision would be significant. The above benefits would not outweigh these harms. As such, the material considerations do not indicate that a decision should be made other than in accordance with the development plan.

Conclusion

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

R Lawrence

INSPECTOR