



Appeal Decision

Site visit made on 23 September 2024

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 November 2024

Appeal Ref: APP/L5240/W/24/3340253

1 Park Hill Road, Croydon CR0 5NA

- 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 P Leadbitter against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/02865/FUL.
 - The development proposed is erection of two/three-storey dwelling attached to No 1 Park Hill Road and single-storey extension to serve host dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The proposal follows a previous planning application for a three-storey extension attached to No 1 Park Hill Road to create a new house and a single-storey rear extension that was refused by the Council¹ and dismissed at appeal in February 2023² (the previous scheme).

Main Issues

3. The main issues in this appeal relate to:
 - The effect on the character and appearance of the area,
 - The living conditions of the occupants of No 1 and No 3 Park Hill Road with regard to outlook, daylight and sunlight,
 - The effect on the highway network with regard to parking provision,
 - Whether the proposal would provide acceptable refuse and cycle storage facilities, and;
 - Whether the proposal would provide a satisfactory standard of residential accommodation for future occupiers, with regard to internal floor space.

Reasons

Character and appearance

4. The appeal site is a prominent corner plot located at the junction of Park Hill Road and Addiscombe Road. It contains No 1 Park Hill Road (No 1) which is a three-storey house. It is well setback from the road boundaries which gives a

¹ Council Ref: 22/01496/FUL

² Appeal Ref: APP/L5240/W/22/3303597

sense of spaciousness to the plot. Although there is landscaping around the plot, No 1 is seen from some views along Park Hill Road. It forms the end of one of the residential blocks which consists of similar two and three-storey houses.

5. No 1 has a distinctive design through its relatively narrow width, mono pitch roof, blank façade to Park Hill Road, window proportions and upper-floor bay windows. Although there is some variation in the building design along Park Hill Road, in this stretch of the road, the design features of No 1 are reflected on other properties in the residential blocks. These cohesive groups of buildings also share a broad consistency in their proportions, form and scale which positively contributes to the appearance of the area and gives this part of the area its distinctive character.
6. The proposal seeks to erect a three-storey building adjoining No 1 to create a new dwelling with its own access and garden. A single-storey rear extension would also be erected to provide a new living area for the occupants of No 1.
7. The design of the proposed dwelling has been revised when compared to the previous scheme. Its length and width have been reduced, the mono pitch roof has been simplified with the height lowered, and the bay window projections have been removed. This has reduced some of the scale and massing of the dwelling and it has a smaller footprint than the previous scheme.
8. The proposed dwelling would remain to have a width similar to the width of No 1 and because of its length, it would extend beyond the existing side elevation adjacent to Park Hill Road. Whilst it would be no taller than No 1, because of its length and width, the proposed dwelling would be a bulky structure. As a result, the narrow proportions of No 1 would be diminished, and its appearance would be distorted. The proposed dwelling having design features that replicate No 1 would not mitigate against the harm that would be caused through the loss of this key characteristic.
9. Whilst some of the neighbouring houses have extensions that project beyond the north elevation towards Addiscombe Road, this is largely limited to ground floor level. There is a relatively consistent building line across the upper floors of the houses. A three-storey dwelling of this depth would introduce a disruptive and incongruous feature at odds with the prevailing built form and scale. Consequently, given the immediate character, the proposed dwelling would not be a sympathetic addition.
10. The design of the proposed dwelling through its length, width, massing and positioning would appear as overly dominant. Although there would be space between it and the road boundaries, this would not be sufficient to offset the harm arising from the reduction in the spaciousness of the plot through the siting extending towards the roads. I accept that the proposed dwelling would largely be screened from public views from Addiscombe Road because of the landscaping. However, the visual harm from its discordant nature would be easily seen and noticed from Park Hill Road and from the windows and rear gardens of the surrounding housing.
11. The appellant has drawn my attention to several developments approved by the Council. Having reviewed these details, 8A Dagnall Park³ and 1A Stanley

³ Council Ref: 18/03848/FUL

Grove⁴ are not spacious corner plots like the appeal site. 3A Stanhope Road⁵ and 24 Warren Road⁶ differ in overall design and do not share the same narrow characteristics as No 1. In any event, each proposal must be judged on its individual merits and these examples do not weigh in support of the proposal.

12. The Council raised no objections to the proposed single-storey extension to No 1 in terms of its design and appearance and I have no reason to reach a different view. Nevertheless, this would not overcome my concerns over the proposed dwelling.
13. For these reasons, I therefore conclude that the proposal would cause harm to the character and appearance of the area and would conflict with Policies D3 and D4 of the London Plan 2021 (the London Plan) and Policies SP4 and DM10 of the Croydon Local Plan 2018 (the Local Plan). Whilst the house is not a heritage asset and is not within a conservation area, these policies amongst other things, require development to be of high quality, to respond to the existing character and to respect the scale, massing, and appearance of the surrounding area.
14. The Framework, amongst other things, seeks developments that are sympathetic to the local character and as outlined above, the proposal would be out of keeping with the local character.

Living conditions of the occupants of No 1 and No 3 Park Hill Road (No 3)

15. When viewed from the windows in the north elevation of No 1, the proposed dwelling would be highly visible. The main parties have provided different figures regarding the proposed depth of the dwelling. Even taking the appellant's measurements, the proposed dwelling would project well beyond the windows of No 1. The extent of this projection, over three storeys, would be extensive. Consequently, the proposed dwelling would substantially curtail the outlook from the proposed single-storey extension and the first and second-floor bay windows in No 1.
16. Whilst there would be a gap between the upper floor bay windows of No 1 and the proposed dwelling, this would not alleviate the imposing presence of the dwelling because of its height and the extent of its projection. When combined with the close proximity to the windows, the proposed dwelling would dominate the outlook from No 1. Its overbearing impact through the increased sense of enclosure would be felt by occupants when looking out of the windows and it would unacceptably impact the quality of their living environment.
17. Due to the orientation of No 1, as they are north-facing, these windows are likely to already receive limited periods of sunlight other than in the early morning and late afternoon/evening. Notwithstanding this, even though the proposed dwelling would not be sited right next to the upper floor windows of No 1, it would have a close enough relationship to potentially reduce the daylight and sunlight received by these windows given the dwelling's scale and projection.

⁴ Council Ref: 22/03682/FUL

⁵ Council Ref: 21/05302/HSE

⁶ Council Ref: 19/00833/HSE

18. The appellant has not submitted any evidence to demonstrate that satisfactory levels of daylight and sunlight would continue to reach the windows in No 1. Overall, I consider that the proposed dwelling would be likely to create a gloomy aspect within the habitable rooms at No 1 that would be adjacent to the new dwelling.
19. The proposed dwelling would be close to the rear garden of No 3, with a short separation distance. As a result of its size, the proposed dwelling would exacerbate the presence of built form near this garden. It therefore has the potential to overshadow the garden, particularly during afternoons given the positioning of the dwelling to the west, despite its setback from the shared boundary.
20. The appellant has provided a diagram with their statement of case which they assert demonstrates that the proposal would not result in a loss of daylight or sunlight to the garden of No 3. The details shown on this diagram are limited and are not supported by technical measurements or calculations to show how this conclusion has been reached and whether it takes into account how the development would impact the garden at different times of the year.
21. In the absence of more robust evidence to the contrary, the substantial presence of the proposed dwelling would result in a significant change to the daylight and sunlight levels in the rear garden of No 3. This would diminish the occupant's enjoyment of their garden.
22. Given the relatively modest depth and scale of the proposed single-storey rear extension, I consider that it would not have a detrimental impact on the outlook, daylight and sunlight to No 1 and the rear garden of No 3. However, this would not overcome my concerns over the proposed dwelling.
23. I therefore conclude that the proposal would unduly harm the living conditions of the occupants of No 1 with regard to outlook. Insufficient information has also been submitted to demonstrate that the proposal would not cause harm to the living conditions of the occupants of No 1 and No 3 due to the reduction in levels of daylight and sunlight. The proposal would therefore conflict with Policy D3 of the London Plan and Policy DM10 of the Local Plan. These policies, amongst other things, require development to deliver appropriate outlook and ensure that they do not result in a significant loss of existing sunlight or daylight levels.
24. The reason for refusal refers to Policy SP4 of the Local Plan which is more focused on urban design and local character and is therefore not determinative in the context of this main issue.

Parking provision

25. Policy T6 of the London Plan states that car-free development should be the starting point for all development proposals that are (or are planned to be) well-connected by public transport. Policy DM30 of the Local Plan seeks to reduce the impact of car parking in areas of good transport accessibility.
26. The appeal site is within a Controlled Parking Zone. The appellant asserts that the proposal would be a car-free development. However, there is no clear mechanism under which the development would be secured as car-free and there is no provision for car club membership. The appeal proposal could therefore result in increased demand for parking permits. Greater competition

for parking spaces in an already limited area could lead to indiscriminate or unsafe parking which would harm the safe operation of the highway.

27. Even though the appeal site has a Public Transport Accessibility Level of 6b, is near a bus and tram stop and is within walking distance to East Croydon train station, the appropriate mechanism to secure a car-free development would be through entering into a planning obligation to restrict future occupier's eligibility to apply for a parking permit.
28. This planning obligation would be necessary to make the development acceptable in planning terms so that it would comply with Policy T6 of the London Plan and Policy DM30 of the Local Plan and to mitigate the harmful effects I have identified above. Furthermore, it would be directly related to the development and would be fairly and reasonably related in scale and kind to the development. Such an obligation would therefore accord with the provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.
29. Even if the appellant has a garage nearby as shown on the location plan, that could provide disabled persons parking, this would not negate the need for the development to be secured by a suitable mechanism in order to be a car-free development.
30. In the absence of a suitable mechanism to ensure that the proposal would be a car-free development and that provision is made for car club membership, I conclude that it has not been demonstrated that the proposal would not harm the highway network by contributing to additional demand for on-street parking. The proposal would therefore conflict with Policy T6 of the London Plan and Policies SP6, DM29 and DM30 of the Local Plan. These policies, amongst other things, require development to reduce the impact of car parking, minimise carbon dioxide emissions and not have a detrimental impact on highway safety.

Refuse and cycle storage facilities

31. A refuse store and bike store are proposed within the front of the site. I consider that if the proposal was acceptable in all other regards, in line with the Framework, the issues with the refuse and cycle store and lack of provision for No 1 could have been resolved and made acceptable by planning condition. This is because there is sufficient space within the front of the site for the stores to be enlarged and re-designed to provide cycle storage and refuse provision that is accessible and sufficiently sized to serve both the existing house and the proposed house. This therefore provides some certainty that refuse and cycle storage can be provided and further details on these matters can be left to a condition.
32. The brick wall and landscaping at the front of the site would help to screen most of the refuse and cycle store facilities when viewed from Park Hill Road. The external appearances could also be addressed via a suitable planning condition to ensure that the structures have an unassuming appearance to protect the character and appearance of the area.
33. I therefore conclude that subject to conditions the proposal would provide acceptable refuse and cycle storage facilities and would comply with Policy T5

of the London Plan and Policies SP8, DM10, DM13, DM29 and DM30 of the Local Plan. These policies amongst other things, require development proposals to help remove barriers to cycling by incorporating cycle parking to increase cycling, and provide refuse and recycling facilities that are safe, conveniently located and easily accessible.

34. The reasons for refusal refer to Policies T4, T6 and T7 of the London Plan and Policies SP4 and SP6 of the Local Plan in relation to this matter. None of these policies relate to cycle parking or refuse provision and are therefore not determinative in the context of this main issue.

Living conditions – Space standards

35. The submitted proposed floor plans demonstrate that the proposal would provide a three-bedroom house. Whilst there would be a large study/office, I consider that the proposal should be assessed as a three-bedroom property as that is what is shown on the proposed floor plans. Despite the comments of the Council, it would be unreasonable to pre-empt that the study/office would be used as a bedroom because of its size.
36. The appellant asserts that the proposal would be a three-bedroom, four-person property which implies that two of the bedrooms would be single bedrooms. However, the measurements on the floor plans show that all the proposed bedrooms would exceed the minimum size for a double bedroom as set out in the Nationally Described Space Standards 2015 (the NDSS). I therefore consider that the proposed dwelling would be a three-bedroom, six-person, three-storey property.
37. The proposed dwelling would have an internal floor area of 107 square metres. It would therefore marginally fall short of the minimum gross internal floor area of 108 square metres for a three-bedroom, six-person, three-storey property. Although the proposal would not meet the NDSS, given that this would be a very small shortfall, and when considering the size of the rooms and the layout of the dwelling, it would provide a comfortable living environment to meet the needs of future occupiers.
38. I therefore conclude that the proposal would provide a satisfactory standard of residential accommodation for future occupiers, with regard to internal floor space and would comply with the aims of Policies D3 and D6 of the London Plan, Policy SP2 of the Local Plan and the Mayor of London Housing Supplementary Planning Guidance 2016. These policies and guidance, amongst other things, require housing development to have functional layouts which are fit for purpose.
39. The reason for refusal also refers to Policies DM10 and SP4 of the Local Plan. However, these policies do not refer to living conditions in terms of internal space and are not determinative in the context of this main issue.

Other Matters

40. The submission fails to address the fire safety requirements specifically parts A 1) and 4) of Policy D12 of the London Plan as it does not provide details of the outside space for fire appliances to be positioned and the evacuation strategy.
41. If the proposal had been acceptable in all other regards, in line with the Framework, this could be resolved by planning condition and made acceptable

as the submission of these outstanding details would not require any design changes that would potentially affect the approved scheme. Furthermore, there is nothing before me to indicate that a fire engine could not park in the public highway nearby.

Planning Balance

42. The proposal would accord with the aims of the development plan regarding refuse and cycle storage facilities, internal floor space and fire safety. It would provide an additional home in an accessible location near to various public transport modes. This would contribute to the overall supply of housing in the area. It would also be supported by parts of the Framework in meeting the need for homes and would support the government's objective of significantly boosting the supply of homes the country needs. As this is a small site, it could also be delivered quickly. However, given the quantum of development under consideration, I give these benefits limited weight.
43. There would also be benefits arising from the construction phase and future occupiers would bring some trade to nearby shops and services. Nevertheless, given the quantum of development, these would amount to limited social and economic benefits in favour of the appeal scheme.
44. Policy GG2 of the London Plan and the Framework support the development of under-utilised land, optimising the potential of a site to promote the effective and efficient use of land in meeting the need for homes and utilising small sites to intensify the use of land to support additional housing. However, the Framework is clear in setting out that good design is a key aspect of sustainable development and it also expects development to create places with a high standard of amenity for existing and future users.
45. The proposal would however cause harm to the character and appearance of the area, the living conditions of the occupants of No 1 and 3 Park Hill Road and the highway network. The proposal therefore conflicts with the development plan taken as a whole.
46. The Council raised no objection to the principle of the proposal and did not identify any harm to be caused to any heritage assets. However, these are neutral factors that would not weigh in favour of the proposal.
47. Taken together, the limited benefits of the development would not outweigh the harm I have identified including the conflict with the development plan.

Conclusion

48. 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.

L Reid

INSPECTOR