



Appeal Decision

Site visit made on 8 October 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/L5240/W/24/3343652

344 Chipstead Valley Road, Coulsdon, Croydon CR5 3BF

- 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 J Pitt (B Pitt Developments Ltd) against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00659/FUL.
 - The development proposed is the conversion and extension of existing detached dwelling to create a 2no. 3 bedroom semi-detached dwellings. Erection of 2no. 2 bedroom semi-detached houses. Associated garden space, refuse and recycling storage and car parking.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council's decision notice indicates five reasons for refusal which I have distilled as set out below. The Council expressed concerns regarding the layout of the site and consequent effect on living conditions in reasons 1, 3 and 4 of its reasons for refusal. The officers report notes that there were concerns in relation to the effects on neighbouring properties outside the application site due to excessive scale and close proximity to nearby properties. However, no specific properties were identified. I have nevertheless considered this matter here.
3. Planning permission has been granted for the conversion of the dwelling at the front of the site to one pair of semi-detached houses¹. This element of the scheme (comprising the alterations, extension and conversion of the dwelling) remains substantively the same in this proposal. Work on this part of the scheme has already commenced. I have, nevertheless, considered the overall effect of the development proposed here whilst also being mindful that this permission remains extant.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - whether the proposed development would provide satisfactory living conditions for the future occupants of the dwellings,

¹ Council ref: 23/02627/FUL

- the effect of the development on the living conditions of the occupants of neighbouring properties, and
- whether adequate refuse storage and collection arrangements are available for the development.

Reasons

Character and appearance

5. The appeal site comprises a detached double fronted home, presently undergoing works to alter and convert it to a pair of semi-detached properties. It is set amongst similarly styled homes, albeit that these are in the form of detached, semi-detached and terraced formats. The homes almost exclusively address the roads to which they relate and those along Chipstead Valley Road present as a linear form of development with a consistent building line. Homes generally have windows and doors addressing the street with front gardens, some of which have been converted to driveways. Properties commonly have generous rear gardens.
6. The proposed development would retain this pattern of development for the front two dwellings. However, the two homes to the rear would occupy much of the rear garden and result in a substantial amount of site coverage. This would not be in keeping with the prevailing suburban pattern of development in the area where houses have road frontages and ample rear gardens. It would be a harmful and cramped form of development that would appear incongruous by comparison to the suburban character of the area and be highly detrimental to it.
7. In reaching this conclusion, I have had regard to the neighbouring property at 1a Linden Avenue which was recently constructed in the rear garden to 342 Chipstead Valley Road. However, this property has its own separate road frontage to Linden Avenue and forms a corner feature to this side road. In this regard I find it has a markedly different context to the appeal site.
8. I have also had regard to the redevelopment at 352 Chipstead Valley Road which does have similar characteristics to the appeal site, albeit that this neighbouring site was redeveloped in its entirety. However, I am mindful that 352 Chipstead Valley Road was permitted under a different policy context. In particular it relied upon the Croydon Suburban Design Guide which promoted suburban intensification and this guidance has since been withdrawn. Subsequent policy documents, including the London Plan 2021, have required greater regard to be had to the character of the area. Moreover, I find that the development at 352 Chipstead Valley Road could be regarded as not being in keeping with the area and, if repeated, could change its character to a harmful extent.
9. As such, I conclude that the proposed development would represent an incongruous form of backland development that would be harmful to the character and appearance of the area. It therefore conflicts with policies DM10 and SP4.1 of the Croydon Local Plan 2018 (CLP) and policies D4 and D6 of the London Plan 2021 (LonP) in that it does not represent high quality development that respects the areas local character.

Living conditions for the future occupants

10. The dwellings to the rear of the site would be two storey in height with the ground floors being set into the natural slope of the land. With the exception of high level roof lights to the rear, these two dwellings would be single aspect and only have outlook on one elevation. Whilst I recognise that this elevation is largely south facing, the dwellings still have a deep plan form and would receive limited natural light to their rearmost parts, particularly on the ground floor. The juxtaposition of windows and minimal provision of any openings on the opposing elevation means there would also be limited opportunity for cross ventilation and a healthy living environment. Although neither the CLP nor LonP policies preclude single aspect designs, this should only be provided where it is considered a more appropriate design solution. In this case, it is apparent from the remaining concerns with this proposal that this is not the best design solution.
11. Furthermore, the outlook that is available from these rear units would be very constrained. Aspect would be towards the very small front gardens, bin storage and footpath in addition to the rear elevations of the houses addressing Chipstead Valley Road. Whilst I am satisfied that this outlook would not be so contained so as to appear overbearing, it would nevertheless feel very restricted and offer the occupants negligible aspect to the outside world. This would create an impression of contained isolation for the occupants and would not result in satisfactory living conditions for the future occupants. Equally, the rear aspect from the homes addressing Chipstead Valley Road would be equally tight and limited, although these homes do have the advantage of featuring a front elevation.
12. The gardens to all homes would be very limited. The gardens to the dwellings addressing Chipstead Valley Road would be small and of an insufficient size to cater for 3 bedroom family homes. The dwellings to the rear would, to all intents and purposes, have no meaningful outdoor amenity space at all as this would be contained to a 10 square metre area to the front. None of the dwellings would achieve the minimum 10 metre depth as set out in policy DM10.4e of the CLP and they would further reduce the existing garden area by far more than half the existing area. Whilst I accept that the existing dwelling has been substantially redeveloped, the buildings structure and character is largely retained such that I find that policy DM10.4e still applies. Nevertheless, even if I were to accept that the scheme is sufficiently substantial so as to amount to a redevelopment, this does not overcome my concerns about the minimal outdoor amenity space. Indeed, reading the policies as a whole, it seems to me that the intent of policy DM10.4e is directed at the circumstances of this appeal.
13. The homes would further suffer from high levels of overlooking within the site. The supporting text to policy DM10 of the CLP aims for 18-21 metres between facing windows. Whilst I recognise that this is only guidance, this development would not be able to achieve anything close to this with overlooking distances between the two aspects being substantially below this threshold.
14. Accordingly, I find that the proposed development would not provide satisfactory living conditions for the future occupants insofar as it relates to a lack of light and ventilation at the rearmost properties. For all dwellings in the scheme, the aspect between the front and rear plots would result in

overlooking between both pairs. Moreover, there would be a tight and oppressive outlook and an insufficient provision of outdoor amenity space.

15. The proposed development therefore fails to comply with policies DM10 and SP2 of the CLP and policies D3, D4 and D6 of the LonP. Read together these policies seek to ensure high quality design and satisfactory living conditions.

Neighbours living conditions

16. The Council did express concern in relation to the effect of the development on neighbouring properties due to scale and massing and the enclosure of the development. However, no specific properties were identified.
17. In this regard I note that the dwellings addressing Chipstead Valley Road largely re-use the existing dwelling's footprint and that no concerns have been expressed previously in relation to this conversion. I agree with this assessment and do not consider any concerns arise from the relationship of this pair of homes with neighbours.
18. The dwellings to the rear of the site would be set into the slope of the land and would present little additional built form when viewed from neighbours facing windows. 1a Linden Avenue has no facing windows to this aspect and the built form aligns with it. Numbers 1 and 2 Linden Avenue are set in an elevated position due to the slope of the land such that only a small area of roof would be visible from this aspect.
19. I have expressed concern regarding the confined nature of the scheme for the future occupants living conditions. However, I find this to be reduced for those residents at 342 and 346 Chipstead Valley Road as they would not have direct vantage over the dwellings to the rear. They further retain front and rear aspects. Overlooking between these homes would be at an oblique angle such that privacy concerns are also ameliorated. Accordingly, I find this relationship would be acceptable and in compliance with policy DM10 of the CLP.

Refuse storage

20. The proposed development incorporates refuse storage within the site for each plot. These are all in close proximity to the dwellings themselves and would not be stored on the street. Whilst I recognise that this will result in a proliferation of refuse bins on the street on collection days; an increase in three dwellings is unlikely to result in an excessive amount of these on the pavement. In any case this will be temporary in nature and space does exist on the site frontage to accommodate interim bin storage were they not returned to the normal storage areas immediately after collection. Whilst this may briefly interfere with parking provision and site access, it is unlikely to be a persistent issue and, in any case, one that is not uncommon to any urban environment. Accordingly, I find the development complies with policies DM10 and DM13 of the CLP in this regard.

Other Matters

21. The officers report indicates, at paragraph 5.60, that the existing highway network could not accommodate car parking overspill generated from the proposed development and that it does, therefore, not comply with policy DM30 of the Croydon Local Plan 2018 (CLP) in terms of vehicle parking provision. This was not reflected in the reasons for refusal nor mentioned in

evidence. It appears that the level of vehicle parking provision is below development standards and, had I been minded to allow the appeal, would have sought further clarification from the parties on this matter. However, in this instance the appeal is to be dismissed on other grounds and have not explored it further.

Planning Balance and Conclusion

22. The Council claims a supply of housing land in excess of five years and this is not disputed by the appellant. Whilst there would be some social and economic benefits associated with the provision of three new dwellings, and no harm to neighbouring residents, this is not sufficient to outweigh the harms I have identified. 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 and therefore the appeal is dismissed.

Nick Bowden

INSPECTOR