



Appeal Decision

Site visit made on 16 July 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 NOVEMBER 2024

Appeal Ref: APP/L5240/W/24/3341447

40a Warminster Road, South Norwood, London SE25 4DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Stradbroke Developments against the Council of the London Borough of Croydon.
 - The application Ref is 23/03308/OUT.
 - The development proposed is 4 x 4 bed new build dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with all matters reserved. Accordingly, I have determined the appeal on this basis.

Main Issues

3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the application. I have had regard to the parties' submissions in establishing the main issues which I have set out below.
4. The Council considers that the appeal site is a sustainable location and that the intensification of the site for residential development would be acceptable in terms of land use. The Council does not object to the demolition of the existing building and considers that the scale and massing of the proposed dwellings would be in-keeping with the surrounding built form. Furthermore, the Council state that the dwellings would be generously sized and would not harm the living conditions of neighbouring occupiers at 6a-6d Warminster Road and 36-58 Warminster Road. They also opine that the proposal would not harm the living conditions of the occupiers of the flats at Trellis Mews with regards to a loss of light.
5. Notwithstanding the above, the Council considers that the proposal would have an adverse effect on the living conditions of the occupiers of the neighbouring flats at Trellis Mews with regards to overlooking and loss of privacy. The Council also raised concerns regarding parking, highway safety, and the impact of the proposal on protected species.
6. On this basis the main issues are:

- the effect of the proposal on the living conditions of the neighbouring occupiers at Nos 7-12 Trellis Mews, with particular regard to privacy;
- whether the proposal would provide adequate parking, and associated effects on highway safety; and
- the effect of the proposal on protected species, with particular regard to bats.

Reasons

7. The appeal site is a large back-land plot situated to the rear of 36-58 Warminster Road and to the south-east of 6a-6d Warminster Road. It comprises a vacant detached dwelling and associated overgrown land. It is currently accessed via a small private shared road off the western side of Warminster Road which runs between Nos 41 and 42 and along the eastern boundary of the site.

Living Conditions

8. The indicative layout shows that the proposed dwellings would be sited in the southern half of the site which is loosely triangular in shape. A new three-storey block of flats on Trellis Mews sits close to the site's south-western boundary. According to the Council, the adjacent flatted development on Trellis Mews is located at approximately 12.3 – 13.5 m from the site boundary. The rear elevation of the building on Trellis Mews has large windows serving habitable rooms facing the appeal site as well as ground floor outside amenity areas abutting the site boundary.
9. Given the relatively constrained triangular shape of the site, and the proximity of existing adjacent development to the site boundaries, it is not clear how the proposed quantum of development and all associated infrastructure could be adequately accommodated within the appeal site. This is reinforced by the indicative plans, which show that the two southernmost proposed dwellings would have rear elevations oriented towards the development on Trellis Mews. Whilst the plans are indicative, the rear first floor bedrooms and ground floor living rooms would have large windows directly facing the windows of the adjacent flats. The site is located in an urban environment, however, the proposed dwellings would maintain a very limited degree of separation from the neighbouring building. This cramped arrangement would lead to overlooking and a loss of privacy for the neighbouring occupiers.
10. Accordingly, the proposed development would harm the living conditions of the neighbouring occupiers at 7-12 Trellis Mews with regards to a loss of privacy. It would conflict with Policies DM10 and SP4 of the Croydon Local Plan 2018 (CLP) insofar as they seek to ensure that proposals are well-designed and protect the amenity of adjoining occupiers.

Parking & Highway Safety

11. The proposal would deliver six off-street parking spaces in line with the requirements of Policy T6.1 of the London Plan 2021. However, the appellant has indicated that vehicular access to the site is proposed to be achieved by extending the existing private road that serves 6-8 Warminster Road. This

would result in the loss of two existing parking spaces located at the end of the cul-de-sac serving neighbouring properties.

12. The appellant has produced a Transport Statement and a parking survey setting out that the proposal would not exacerbate parking stress or result in harm to highway safety. The Council consider that the submitted parking survey is inadequate with particular regard to the methodology used.
13. The Council have previously accepted the Lambeth Methodology and the parking survey recorded a parking stress of approximately 55% indicating significant reserve capacity exists in the surrounding area. I note, however, that the survey did not include a detailed map showing the measured extent of the survey area. It is not annotated to show all parking restrictions, dropped kerbs, individual bay lengths and types, and narrow roads. It also did not take into account the impact of recently permitted schemes in the area or factor in how cars are parked and whether the remaining spaces are suitable for parking.
14. I am also mindful that the survey was undertaken during the half-term school holidays in October 2023. Whilst the appellant's transport consultant states that half-term holidays do not fall under the classification of school holidays in reference to parking surveys, it is likely that they would still affect the results of the survey.
15. In the interest of accuracy and given the proposed scheme would result in the loss of two neighbouring parking spaces, I find that the parking scheme fails to be sufficiently detailed. For the reasons set out above, it does not measure parking stress with enough precision. I am not persuaded by the submitted survey and therefore only afford it limited weight.
16. The appeal decision referred to by the appellant¹ related to the conversion of an office to a one-bedroom residential unit which differs from the appeal scheme which includes four new dwellings and the loss of two existing parking spaces. I have limited information on the context of that appeal which dates from 2014 and the appellant has not clearly set out how it relates to the proposed scheme. There is no evidence to decisively state the parking survey in that case was comparable to the parking scheme submitted by the appellant. As such, limited weight is attached to this reference.
17. The proposal lacks information with regards to how it would address the loss of the two existing parking spaces. Given the parking survey is inadequately detailed, I cannot accurately determine whether the surrounding streets could accommodate any parking overspill. It has therefore not been demonstrated that the proposal would not give rise to any adverse effects on highway safety.
18. Given this, the proposal would conflict with Policies DM29, DM30 and SP8 of the CLP and Policies T4, T6 and T6.1 of the London Plan 2021 insofar as they seek to ensure that proposals provide appropriate parking and do not compromise highway safety.

Protected Species

19. The existing building has the potential to provide habitats for protected species such as roosting bats. Surveys for protected species are required at outline

¹ Appeal Decision APP/L5810/A/14/2211027

stage in order to fully understand the implications of the proposal, following which appropriate landscaping details and conditions relating to biodiversity protection could then be imposed.

20. In the absence of protected species surveys, it has not been demonstrated that the development would not have a harmful effect on protected species or their habitats. The proposal would thus conflict with Policy DM27 of the CLP which seeks to ensure that proposals have no adverse impact on protected species. It would also conflict with Policy G6 of the London Plan which states that impacts on biodiversity should be informed by the best available ecological information and addressed from the start of the development process.

Other Matters

21. The appellant opines that the dwellings are well-designed and would not harm the character of the area. I also note that they would comply with minimum space standards, would be either M4(3) or M4(2) compliant, and would meet necessary sustainability standards. These are positive aspects of the proposal but do not form part of the reasons for refusal. Therefore, these factors would only lend limited weight in favour of the appeal.
22. The proposal would create four residential units within a sustainable location close to amenities and transport links. This would be an efficient use of land which would boost housing supply. It would also deliver economic benefits relating to the provision of employment during construction and potential benefits to local businesses as a result of new residents in the area. These factors lend some limited weight in favour of the appeal. Whilst the appellant states that the proposed dwellings would be affordable, I have not been provided with sufficient evidence to substantiate this intention.
23. I have been provided with documents relating to other developments in the vicinity. Whilst they constitute back-land developments, they did not result in harmful impacts on neighbouring occupiers or protected species and did not raise highway safety issues in the same way as at the appeal site. Only very limited weight can be attributed to these examples.
24. The benefits of the scheme, even combined, would be limited and would not outweigh the significant harm I have identified relating to the impact of the proposal on the living conditions of neighbouring occupiers, on parking and highway safety, and on protected species.
25. There is a dispute between the parties as to whether the appellant notified all persons with an interest in the land prior to submitting the application and one of the interested parties made objections to the planning application. However, as I am dismissing the appeal it is not necessary for me to address this matter further.

Conclusion

26. 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.

27. For the reasons given above the appeal is dismissed and planning permission is refused.

Thomas Courtney

INSPECTOR