



Appeal Decision

Site visit made on 23 September 2024

by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 DECEMBER 2024

Appeal Ref: APP/L5240/W/23/3332771

Land south side of 101 Selsdon Road, South Croydon CR2 6PS

- 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 RS 4 Pro Developments Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/01238/FUL.
 - The development proposed is the erection of 2no. dwellinghouses, including associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I determined the appeal on the basis of this version of the Framework.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area;
 - whether the proposal provides for suitable living conditions for the future occupiers of the development (House B);
 - the effect of the development on the living conditions of occupants of No.101 Selsdon Road with particular regard to outlook and outdoor amenity space;
 - the effect of the development on ecology; and
 - the effect of the development on highway safety, with particular regard to parking.

Reasons

Character and appearance

4. The appeal site is a vacant plot of land located at the corner of Selsdon Road and Sunny Nook Gardens. The area is largely residential and is characterised

by a mixture of housing types and designs. Sunny Nook Gardens, which is a cul-de-sac with increasing an gradient, comprises of rows of two storey terraced houses. Houses within the terrace blocks step upwards due to differences in ground levels but they have hipped roofs at the ends of the blocks. Selsdon Road is more varied and comprises largely of a mixture of terrace blocks, semi-detached dwellings and a block of flats (279 to 289). It also comprises of a mixture of hipped and gabled roof designs with the block of flats Nos. 279 to 289 featuring a flat roof.

5. The proposal would introduce two dwellings onto the site. House A would be located on the corner of Selsdon Road and Sunny Nook Gardens and would present itself as a bungalow externally, with a basement floor. House B would have two storeys situated at ground and first floor level. Both properties would have staggered mono-pitched roofs.
6. As noted by the Council, the proposal is an innovative contemporary design which has been influenced by other developments in the wider area such as properties on Moreton Road, Junction Road, the Harris Academy and 111-113 Brighton Road. However, whilst these provide some background to the design rationale to the proposal, the prevailing character in the immediate area is somewhat more traditional.
7. Given the corner nature of the plot, both the Selsdon Road and Sunny Nook Gardens frontages present important visual aspects in the streetscene. Therefore, the design and appearance of the development to both aspects is critical to the success of the proposal.
8. The development would broadly follow the established building line along Sunny Nook Gardens and in that sense, it would not look out of place. In my view, the stepping down of the height of House B as a result of its roof design also successfully responds to the changes in land levels.
9. However, the same cannot be said in respect of house A. Whilst this would be at a lower height than house B (and would follow the same roof pattern) it would result in a significant contrast to the prevailing development in the area to the extent that it would be out of character in terms of its visible scale. Despite this lower scale, House A would however be prominent in the Selsdon Road streetscene given its siting much further forward than the closest part of 101 Selsdon Road. I am also conscious that the blank side elevation of House B would be visible beyond House A and would appear as an unattractive high wall when viewed from Selsdon Road.
10. In terms of the fenestration details of the proposed dwellings, these are significantly larger than those of the existing development in the area in terms of their overall height. Given the pattern and form of the fenestration the development, when combined with its overall design, fails to successfully integrate with the surrounding built form. The consequence of this is a proposal which would unacceptably contrast with the more traditional character and appearance of the existing development in the area.
11. Turning to the entrances to the dwellings, these would not be immediately obvious given the other large openings to the properties which in turn leads to poor legibility. Whilst the provision of canopies over the doors provides some distinction, this does not overcome this issue.

12. The council have raised concerns over the differing proportions of the two dwellings with house A being narrower than house B when viewed from Selsdon Road as well as various pinchpoints to the boundaries of the site. However, to my mind, the different widths of the properties do not raise any material harm to the streetscene or the wider area when this matter is considered in isolation. Similarly, whilst the restricted widths would make access for maintenance and gardening difficult, I consider that these pinchpoints do not adversely affect the overall character and appearance of the area.
13. In addition to the above, the frontages to the properties would have cycle stores, bin stores and railings where the lightwell would be. All of these elements would add a degree of visual clutter to the frontages. However, I am conscious that the land level at which these would be located would be lower than the adjoining pavement. Furthermore, the existing properties on Sunny Nook Gardens also store refuse bins to their respective frontages. Taking these factors into account, I consider that these are not matters which would warrant the withholding of planning permission.
14. In summary, for the above reasons set out above, the proposal would harm the character and appearance of the area and would conflict with Policy D3 of The London Plan and Policies DM10 and SP4 of the CLP which amongst other matters seek to ensure that development is of high quality which respects and enhances the local character.

Living conditions – future occupiers

15. It is common ground between the main parties that the proposal provides for suitable internal living conditions for the future occupiers of the development and that the external amenity space is acceptable for house A and I have no reason to disagree with that assessment. The principal concern of the Council relates to the amount of sunlight to the main private garden area of House B which would be located broadly to the north and east of the new dwelling.
16. The Daylight, Sunlight, and Overshadowing Assessment (DSOA) provides an overshadowing assessment for the development, and this indicates that the vast majority of this rear garden area of house B would be devoid of any sunlight at any point during the day. To my mind, this would severely limit the usefulness of this garden area to the extent that it would not provide for a suitable private garden area for the future occupants of the dwelling.
17. In coming to that view, I acknowledge that there is an overprovision of garden space for house B and that the area to the property frontage would have good levels of sunlight. However, this area would not be a private space and any solid boundary treatment to achieve an appropriate level of privacy is likely to adversely affect the character and appearance of the streetscene.
18. Taking all of these factors into account, I conclude that the future occupiers of house B would not be provided with suitable living condition as a result of the lack of sunlight to the rear amenity area of the proposed property. In this respect, the proposal would conflict with Policy D6 of the London Plan and Policy DM10 of the CLP which amongst other matters seek to ensure that proposals provide for adequate sunlight for the future occupants of new dwellings.

Living conditions – 101 Selsdon Road

19. The appeal building would be located in close proximity to the outdoor amenity areas for the flats at No. 101. In assessing the proposals impact on this area, the DSOA concludes that the overall impact on the rear garden areas of No. 101 would be negligible. However, as set out by the Council, the garden area around No. 101 is shared between the respective flats and the DSOA does not break down the impact of the proposal relative to the garden areas for each flat. I also note that the DSOA appears to include the parking area for No. 101 in the overall area of amenity space calculations.
20. Whilst it is clear that some areas of the garden for the overall site would be unaffected by the development other areas would suffer from overshadowing as a result of the proposal.
21. In the absence of an assessment based on the individual garden areas for each flat, the DSOA does not provide sufficient information to safely conclude that the proposal would not adversely affect the living conditions of the occupiers of the flats at No. 101.
22. Turning to the impact of the proposal on the occupiers of the ground floor flat on the southern side of 101 Selsdon Road, the evidence before me suggests that this flat has a habitable room facing the appeal site in the vicinity of House A. However, this room also has a bay window facing towards Selsdon Road.
23. House A would be sited around 1.57 metres away¹ from the window facing the appeal site. Whilst the proposal would be single storey, the height and design of the roof in particular would result in a significant negative impact on outlook from this window despite the proposal including a flat roofed section immediately in-front of it.
24. However, I am conscious that this window is not the only one serving this room and taking that into account I am of the view that the occupants of this flat would still be left with a good level of outlook from this room as a result of the bay window. To that end, I consider that the loss of outlook from the south side window does not provide for a suitable reason why planning permission should not be granted.
25. For the above reasons, the proposal has failed to demonstrate that it would not unacceptably impact on the living conditions of the occupiers of the flats at No 101 in respect of its impact on the outdoor amenity space areas. As such, the proposal conflicts with Policy D6 of the London Plan and Policy DM10 of the CLP which amongst other matters seek to ensure that proposals do not result in significant loss of sunlight to adjoining occupiers.

Ecology

26. The appeal site comprises of an area of grassland and bramble scrub. The proposal is supported by a Preliminary Ecological Assessment (PEA) which included a field survey. In summary, The PEA concluded that signs or evidence of protected, priority or rare species were not observed and that the risk of significant impact to such species was considered low. Biodiversity enhancements were also suggested as part of the assessment.

¹ from the Council officer's report

27. The Council consider that, from a habitat point of view, that the site is not isolated given its undeveloped nature and its proximity to a railway line and a Site of Importance for Nature Conservation. Be that as it may, the PEA has included a survey of the site and has not found any evidence of protected species or other significant flora or fauna. Furthermore, the Council have not provided any substantive evidence why further survey work is required.
28. Taking all of that into account, and on the basis of the evidence before me, I have no reason to dispute the conclusions of the PEA. As such, I consider that there are no ecological reasons why planning permission should be withheld.
29. In summary, the proposed development would not harm ecology at the appeal site or the wider area and would accord with Policy DM27 of the CLP and Policy G6 of the London Plan which together seek to protect and enhance biodiversity.

Parking

30. The appeal site is located within a controlled parking zone (CPZ) and no on-site parking is proposed as part of the development. At my site visit I observed that there are parking restrictions on Selsdon Road and that most of the parking spaces on Sunny Nook Gardens were being used. Whilst my visit to the site was only a snapshot in time, any increase in parking demand is likely to result in increased parking stress in the area.
31. To mitigate against this, the Council have indicated that should each residential unit be provided with car club membership for a period of 3 years and that future residents should be prevented from applying for parking permits. With that in mind, the appellant has provided a Unilateral Undertaking to secure these requirements.
32. Taking this into account, I consider that the proposal would not result in increased parking pressures in the area and that it would not result in any unacceptable highway safety issues.
33. For the above reasons the proposal would not adversely affect highway safety and would accord with Policy T6.1 of the London Plan and Policies SP8 and DM30 of the CLP which amongst other matters seek to ensure that car parking is restricted in line with levels of public transport accessibility and that car free development is delivered where appropriate.

Planning Balance

34. The appeal proposal would provide much-needed additional dwellings which is clearly a benefit of the scheme. However, this benefit is not sufficient to outweigh the harms I have identified, and I see no reason why planning permission should be granted for an otherwise unacceptable development.

Conclusion

35. For the reasons given above 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 is dismissed.

Chris Forrett

INSPECTOR