

Appeal Decisions

Site visit made on 19 December 2024

by **David Murray** BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2025

Appeal A Ref: APP/L5240/W/24/3345817

5 Russell Parade, Russell Hill Road, PURLEY, CR8 2LE

- 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 GALVESTON HOMES against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/03281/FUL.
 - The development proposed is minor alterations to existing ground and first floor layouts; erection of a two-storey extension to create four 2-bed flats; provision of secure cycle parking and refuse and recycling enclosures.
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Appeal B Ref: APP/L5240/W/24/3346259

5 Russell Parade, Russell Hill Road, PURLEY, CR8 2LE

- 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 GALVESTON HOMES against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00200/FUL.
 - The development proposed is minor alterations to existing ground and first floor layouts; erection of a second-floor extension to create two 2-bed flats; provision of secure cycle parking and refuse and recycling enclosures.
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Decisions

1. Both appeals are dismissed.

Preliminary matter

2. The fifth reason for refusal concerning Appeal A is in respect of the accessibility of the potential cycle storage area. However, the Council now accepts that this concern can be overcome by the provision of a short ramp which could be required by condition. This objection is now overcome and I do not need to consider this issue further.

Main Issues

3. The main issues in both appeals are:
 - The effect on the character and appearance of the area, including the setting of Purley Library, a grade II Listed Building.
 - The effect on living conditions, including those of the occupiers of the new flats; on existing residents; together with those in committed new development;
 - Whether fire safety is properly addressed; and

- Effect on sustainable transport provision

Reasons

4. The appeal site includes retail premises on the ground floor and flats above in a large three storey building which fronts Russel Hill Road, a retail/ commercial area in the centre of Purley, however the main proposal lies at the rear of the site. Other roads in the centre form a triangle with Russel Hill Road where Purley Library and Purley Baptist Church front Banstead Road, and other large scale flatted development fronts Foxley Lane. From the latter road a narrow lane leads to a back alley of ad hoc parking areas, bin storage, air conditioning units and the goods entrances of some of the stores.
5. The part of the appeal site located here contains a two-storey building with a flat roof and where the north and south facing elevations are brick but the elevation facing west is rendered. The ground floor of this part of the building appears to be retail/storage space (said to be disused) and there are two flats above with pedestrian access to the front and side of the building. The appeal schemes involve adding additional storeys to this building where appeal A would involve four 2-bed flats on two floors and appeal B would comprise two flats on a single additional storey.
6. In both schemes it is proposed to clad the exterior of the building in a recessive green metal cladding system while painting the existing two storey rear façade in a similar green colour.

Policy Context

7. The development plan comprises the Croydon Local Plan (CLP) adopted in 2018 and the London Plan 2021 (LP).
8. It is clear that the site lies in an area already highly developed and with a PTAL rating of 5 it is a very sustainable location. There is no policy objection in principle to new residential development subject to site specific issues and the relationship with existing and committed development. The appellant highlights that Policy D3 of the London Plan requires development to make the best use of land following a design led approach which optimises site capacity. Moreover, Policy H2 sets out that Boroughs should proactively support new homes on small sites, while Policy H1 seeks to ensure that housing supply is increased in PTAL areas 3-6 which would include the appeal site.

Effect on character and appearance

9. CLP Policy DM10 is relevant to this issue. It requires new development to be high quality; a minimum of three storeys in height; and respect the development pattern, scale, height, appearance and materials of the surrounding environment. The appellant refers to the reasoned justification for the policy which refers to development meeting the broad parameters of existing local character.
10. In the case of the appeal site, it is clear development around the triangle area has experienced substantial change recently with new flatted development up to eight storeys high along the main frontages and with other development permitted still to take place. However the appeal site lies in the hinterland of the frontages and I agree with the appellant that it has a different and more simple and subordinate character.

11. While the new single storey addition in Appeal B would be of a scale and bulk which would not be inconsistent with this backland setting, I am concerned that the external treatment of the structure with a partial metal cladding painted green would result in a visually awkward and imposing relationship with the remainder of the building and the general form and materials of other buildings around the site. The addition would not integrate well with its surroundings.
12. In terms of the public realm, the side elevation of the increased structure would be seen in views along the access to the site from Foxley Lane, although I recognise that this impact would only be seen from a relatively limited area. Nevertheless the imposing form of the building would be seen from the many new flats to the north and from those still to be built on the site of the former Baptist Church.
13. In terms of the setting of the listed Purley Library this is located to the north-west of the appeal site building. I concluded at the site visit that at the moment there is very limited inter-visibility between the two developments and this relationship is likely to be further screened in the future by the 4/5 storey development on the Baptist Church site. Accordingly, I find that this proposal would not harm the setting of the Listed Building taking a broad view of the setting of the building and the way in which the heritage asset and its significance is experienced.
14. The Appeal A scheme involves a two-storey addition to the existing building making it a four-storey development. My comments above in relation to the visually awkward and imposing form of the building also apply here although the visual impact would be more severe. Moreover, in townscape terms the increase in height and bulk would start to rival the form of the main frontage buildings rather than the subordinate form of the hinterland character.
15. In relation to the setting of Purley Library, the parties set out the special setting of this when viewed from the north which is shown on the photograph on page 25 of the Statement prepared by Grainger Planning Associates on behalf of the appellant. Although the submitted photographs are said to show a representation of the 2016 application permitted scheme, the annotated picture does not adequately demonstrate that the four-storey proposed scheme would not intrude above the library building given the apparent lower height of this heritage asset.
16. Overall on this issue I find that both schemes would not respect the development pattern of the area in terms of design and appearance, and for the Appeal B the scale of development, and both proposal would materially harm the character and the appearance of the surroundings of the site. The proposal would therefore conflict with the provisions of CLP Policies SP4 DM10, including parts 10.1 and 10.7 (a) and (b).
17. Neither has it been reasonably demonstrated that the scale and form of the enlarged building in Appeal A would not harm the setting of Purley Library especially when viewed from the north-west. Such harm is a possibility. Although it would constitute 'less than substantial harm' as set out in paragraph 215 of the National Planning Policy Framework (the Framework), this needs to be balanced with any public benefits stemming the proposal in due course.

The effect on living conditions

18. This issue on the effect on living conditions deals with both the standard of accommodation proposed, and secondly, on the occupiers of existing properties around the site.
19. Both schemes involve new flats where the balconies would be the main provision of private amenity space. The CLP and the LP refers to the need to provide functional space and that the minimum depth of balconies should be 1.5m. As I understand the proposals, one on the flats on each floor would have a balcony depth of 1.5m and the other about 1m and the same arrangement would apply to the four flats in Appeal A. However although one flat on each floor would have a front balcony below size the appellant says that this would be compensated by the additional balcony per flat facing east. This would provide an overall level of amenity space greater than the specified standard.
20. There would be a limited breach of the policy in one of the flats per floor, however the overall level of provision is met and that there is likely to be a practical benefit in the balconies facing opposing directions. Even a one metre balcony can still provide a useful space for sitting out. Given these points I find that this breach should not be reason to dismiss either proposal if it was otherwise acceptable.
21. In relation to the effect on existing occupiers, the closest relationship at the moment would be with the windows in the rear elevation of the flats in the main building fronting Russel Hill Road. The submitted plans show a separation distance in the region of 15m. Moreover, the appellant's cross-section shows that both of the proposed floors of flats would not intrude into a 25°splay taken from the 1st floor window in the flats. Taken in an urban context this reasonably demonstrates that the proposal flats would not materially overshadow or overlook the existing ones.
22. However, the Council also refers to the relationship with the approved development on the Baptist Church site. This shows an even closer relationship with the distance between windows to habitable rooms said to be less than 10m and the proposed corner balconies would be even closer. Even in the context of a relatively dense urban environment, this would result in severe overlooking and a lack of privacy for the occupiers of both developments. The poor relationship is in part brought about by the further development of a backland site rather than being located on frontage development.
23. Overall on this issue I find that the development proposed in both schemes would not provide reasonable living conditions for the occupiers of the flats proposed and would harm those in the flats of the committed new development to the west. The proposals therefore conflict with part 10.6 of Policy DM10

Fire safety

24. LP Policy D12 requires all new development to achieve the highest standards of fire safety and sets out specific requirements. The appellant has submitted a Fire Safety Statement with the applications which the Council considers contains insufficient information. Bearing in mind that the internal aspects of fire safety are covered under the Building Regulations I have looked mainly at external factors. At the site visit I noted that although the access to the site from Foxley Lane is tight, I agree with the appellant's agent it would be possible for a fire appliance to

reach the site depending on where cars are parked on the informal space around the building. I have no reason to doubt that the highest standard of fire safety could be addressed and I am satisfied that this aspect can be addressed by a condition if the proposals were otherwise acceptable.

Effect on sustainable transport provision

25. Both developments are proposed to be car-free in recognition of the high PTAL rating of the site. Nevertheless, the Council advises that in order to support improvements to sustainable transport modes in the vicinity of the site, a financial contribution towards making these improvements is necessary. Moreover, the Council refers to legal cases where the need for a contribution has been upheld. The appellant has offered to make a contribution through a Unilateral Undertaking if the proposal would cause demonstrable harm without it.
26. On the evidence put forward I am satisfied that a financial contribution towards specified improvements could, in principle, accord with the tests set out in Regulation 122¹ and is necessary to make either development acceptable in planning terms. This matter could be resolved by the submission of an appropriate Unilateral Undertaking, however as there are other objections over the appeal proposals time to secure an Undertaking has not been sought.

Planning balance

27. The appeals need to be considered in the context that national, London and local policies generally seek to make more effective use of land; encourage the development of small sites and increase housing supply particularly in areas with a high accessibility rating. However, in relation to the site-specific main issues in these cases I have found that the development proposed in this secondary backland site would be materially harmful to the character and appearance of the area. Moreover, the very close proximity of the new flats proposed to development already committed at the Baptist Church site would be likely to result in overlooking of these flats and a loss of privacy and would also harm the future occupier's living conditions. These factors mean that the proposal does not accord with the relevant policies in the development plan as specified above.
28. Although the additional floor proposed in the Appeal B scheme would not harm the setting of the nearby listed building of Purley Library, it has not been adequately demonstrated that the proposed four storey building would not be seen in the context of the library when viewed from the north. If it did, this would harm the setting of the library and constitute 'less than significant harm' to the significance of this heritage asset which has not been shown to be outweighed by public benefits, including the small contributions that would be made to the supply of new housing.
29. The visual harm that either scheme would cause to the surroundings of the site and to the living conditions of occupiers of flats in committed development mean that the proposal does not accord with the provisions of section 12 the Framework to achieve 'well-designed places'. The proposal conflicts with the Framework when this is read as a whole.

¹ Of the Community Infrastructure Levy Regulations 2010

30. Overall, the conflict with the development plan is not outweighed by other considerations and this indicates that neither appeal should be allowed.

Conclusion

31. For the reasons given above both appeals should be dismissed.

David Murray

INSPECTOR