



Appeal Decision

Site visit made on 21 January 2025

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 29TH January 2025

Appeal Ref: APP/L5240/W/24/3346001

105A Woodcote Grove Road, Coulsdon, Croydon CR5 2AN

- 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 Abdul Ibrahim, Weardale Corporation UK Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/03628/FUL.
 - The development proposed is demolition of existing dwellinghouse and construction of three storey building providing 6 flats associated garden space, access, car parking, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2024. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposed vehicle access and parking arrangements on highway safety; and
 - whether an appropriate financial contribution would be secured with regard to sustainable transport improvements and highway works.

Reasons

Character and appearance

4. The appeal site comprises a two storey detached dwelling set back from the road within a spacious plot. The surrounding area is residential in character with mainly two storey properties of varying designs which are either detached or semi-detached. Like the appeal dwelling, they are mainly set back from the road and located within spacious plots. The depth of the two storey elements of the dwellings along the western side of this part of the road are generally consistent. Gaps of varying distances are provided between properties. The layout and general scale of built form provides for a spaciousness which contributes positively

to the character and appearance of the area. The appeal site is not subject to any historic environment designations.

5. The recent flat development at 105 Woodcote Grove Road, adjacent to the appeal site, does contribute to the character and appearance of the area, nevertheless, I find it to be a single example of this type of larger scale development along this part of the road which does not alter the predominant character of the area that I have set out above.
6. The proposal would introduce a three storey block of residential development that would house six flats. The overall depth of the proposal would be significant. Whilst I accept it would be in keeping with the depth of No 105, it would be significantly more than the depth of the two storey elements of the majority of other dwellings along Woodcote Grove Road, including that of 103 Woodcote Grove Road directly adjacent to the south.
7. The stepped arrangement of the proposal would help to break up the appearance of the southern elevation, but the overall depth and resultant massing would still be discernible from the road and from the gardens of neighbouring properties. Consequently, the proposed development would appear bulkier than the majority of other dwellings within the surrounding area and as a result would appear as an overly dominant feature that would be harmful to the prevailing character and appearance of the area.
8. The height of the tallest part of the block would be lower than that at No 105 and the roof would also step down towards the south. Whilst it would remain taller than the neighbouring dwelling, No 103, the step down would help to integrate the proposal into the roofscape of the established streetscene. The proposed separation between the built form and the site boundaries would be in keeping with other dwellings along the road. Whilst I note that pedestrian accesses into the building would be located on the side elevations, the design of the front elevation would provide the appearance of a main entrance which would be clearly identifiable from the public realm. I also find that the overall design approach utilised for the front elevation would contribute to the varied character and appearance of the other dwellings within the streetscene in an appropriate way. Nevertheless, these considerations would not overcome the harm I have identified above.
9. The appellant identifies the similarities between the proposal before me and the adjacent development at No 105 in design terms. The Council state that the development at No 105 was granted planning permission in 2019 under the guidance set out in the Suburban Design Guide (SDG) which has since been revoked. The appellant argues that the revocation of the SDG, which was a supplementary planning document, should not mean that the assessment of schemes becomes more restrictive, given that the same policies set out in the development plan remain in place. However, the SDG is not before me and given its revoked status, it would hold no weight in this appeal. The Council determined the application at No 105, assessing it against the development plan policies and considering any relevant material considerations that were in place at that time, including the SDG. The material considerations were therefore different in that case compared with the circumstances now before me.

10. The appellant has provided examples of other planning applications and schemes that they consider to be relevant. I viewed 37 Smitham Downs Road and 40 Woodcote Grove Road. They both consisted of larger scale two storey blocks with accommodation in the roof space that provided a number of flats. These examples did appear the most similar to the proposal before me, but they also appeared to be limited examples of larger scale development within areas predominantly comprised of two storey detached and semi-detached dwellings set within spacious plots.
11. I viewed 24 Coulsdon Court Road from the road. It appeared substantially different to the proposal before me in that it was made up of three detached buildings, two of which are set in a backland position. Based on the limited information before me, the schemes identified at 37, 81, 112 and 117 Woodcote Grove Road and 62 The Ridge Way do not appear to be the same type of proposal as the appeal scheme before me. Without further substantive information, I do not consider these schemes to be directly comparable. It is noted that the scheme referred to at No 103 was refused by the Council and dismissed on appeal.
12. Therefore, whilst I do not consider that the height of the proposal or the design of the front elevation would be harmful, the proposed depth would cause the development to appear much bulkier than most of the dwellings in the vicinity of the appeal site. Consequently, I find that the proposal would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP) and Policy D3 of The London Plan March 2021 (TLP). These policies seek, amongst other things, that developments are of a high quality that respect and enhance local character, that they respond to local distinctiveness and have regard to the development pattern and the massing of built form in the surrounding area.

Highway safety

13. The proposal includes the provision of 5 car parking spaces and 2 motorcycle spaces that would be provided within the existing driveway area. It is proposed to use one of the two existing accesses with the other being closed up. Given that Woodcote Grove Road rises towards the appeal site in both directions, it is important that vehicles would be able to enter and leave the appeal site in a forward gear, in order to limit any risks to highway safety including to pedestrians.
14. I witnessed during my site visit that there would be space for parking, but it is not clear from the submitted evidence that drivers using spaces 1 and 5 could turn within the site in a convenient way, in order to enter and leave the site in a forward gear. In my view, this information could not be left to a planning condition as it is important that it is clearly demonstrated as part of the proposal, in the interests of highway safety.
15. The parties agree that the Parking Stress Survey & Analysis (PSSA) provided by the appellant demonstrates that the proposed development and any overspill parking would not result in an unacceptable level of parking stress. I can find no reason to disagree with the parties on this matter. The appellant asserts that in light of the results of the PSSA, the amount of car parking spaces proposed could be reduced to 4 in which case there would be enough space for parking and turning within the site without the need for further evidence, such as a swept path analysis.

16. However, even if I were to agree that the reduction in car parking spaces would improve the manoeuvrability within the parking and turning area, the proposal before me includes the provision of 5 car parking spaces and there are no amended proposals before me in this respect. I must deal with the appeal based on the scheme that is before me.
17. I therefore find that insufficient information is provided to demonstrate that the proposed vehicle access and parking arrangements would not have a detrimental effect on highway safety. The proposal would therefore be contrary to Policies DM29 and DM30 of the CLP and Policies T4 and T6 of TLP. These policies seek, amongst other things, that developments must not have a detrimental impact on highway safety, that the safe and efficient use of streets is maintained and that road danger is not increased.

Financial contribution

18. The Council state that a financial contribution towards sustainable transport improvements would be required but no legal agreement is submitted to secure this. It is suggested that the contribution would be necessary to mitigate the highways related impacts in terms of additional traffic generation and overspill parking. The Council has referred me to case law¹ where it was concluded that the need for sustainable transport contributions met the relevant legislative requirements.
19. Nevertheless, I must assess whether the contributions are required in the specific circumstances of this case. In terms of works to the highway, the proposal would use an existing access and there is no information before me as to any additional works that might be required in this regard. The parties agree that the PSSA demonstrated that the proposal would not result in an unacceptable level of parking stress. There is no further information before me on what mitigation might be needed in relation to overspill parking. I accept that there is likely to be additional traffic as a result of the proposal, but there is no specific information before me on what the contribution requested would mitigate for and how.
20. Without further substantive information, I am unable to determine that the Framework tests in relation to planning obligations are met, including that the contribution would be necessary to make the development acceptable in planning terms, that it would be directly related to the development and fairly and reasonably related in scale and kind to the development.
21. Policies SP8.3, SP8.15, SP8.16 and DM30 of the CLP and Policy T6.1 of TLP refer to the pattern of development, accessibility and parking and I note that there is policy support for sustainable transport initiatives. However, in this case I do not find that there is sufficient evidence before me to justify the contribution sought. The lack of a planning obligation to secure the contribution identified by the Council is therefore not a determinative factor in this case.

Other Matters

22. I recognise that pre-application advice was sought by the appellant and that the proposal before me is an amended scheme following a previous application that was refused by the Council and dismissed on appeal. I understand that the

¹ Stephen Whiteside v The London Borough of Croydon [2022] EWHC 3318 (Admin)

appellant sought to resolve the issues raised previously through this revised appeal scheme. Nevertheless, I must deal with the proposal before me on its individual merits.

23. It is asserted that the location of the proposal would be acceptable in principle, that an appropriate mix of housing is proposed, that the standard of accommodation would be adequate, that sufficient bin storage would be provided and that the living conditions of neighbouring occupiers would not be affected in a detrimental way. It is also stated that any further biodiversity matters could be dealt with by planning condition. Even if I were to agree, a lack of harm in these respects would be a neutral consideration that would weigh neither for, nor against the proposal.

Conclusion

24. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR