



Appeal Decision

Site visit made on 26 September 2024

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/L5240/W/23/3333706

Land rear of 164 Pampisford Road, South Croydon, CR2 6DA

- 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 Joy Madhavan against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/00789/FUL.
 - The development proposed is the erection of a detached residential dwelling with amenity space at land rear of 164 Pampisford Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submissions, amended plans have been provided which provide further details in respect of parking, together with other alterations which include the increase in height of the proposed dwelling. Whilst the plan relating to the parking area does not alter the proposed development, I am conscious that the other plans result in the increase of the height of the dwelling by around 30 centimetres.
3. Whilst I accept these amendments are in response to the Council's concerns, it is evident that the appellant has sought to evolve the proposed development through the appeal process, thus depriving the Council and interested parties of the opportunity to formally consider the revisions. Consequently, I have determined the appeal on the basis of the plans considered by the Council. Therefore, I have not taken into account the revised plans in the determination of this appeal.
4. The National Planning Policy Framework (the Framework) has been revised since the determination of the application by the Council. However, as the 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 have therefore made my decision in accordance with the revised Framework.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of 164 Pampisford Road with particular regard to outlook and light; and
 - pedestrian and highway safety.

Reasons

Character and appearance

6. The appeal site is located in a predominantly residential area with notable other uses including a school and allotments on the opposite side of Barnards Place which the appeal site fronts onto. Properties on the east side of Pampisford Road are generally detached properties set in generous plots and are two-story in scale. Properties on Barnards Place are also two-storey in scale but have smaller plot sizes. Properties on Barnards Place involve buildings close to the respective property boundaries. However, they include single storey elements which provide for a degree of separation above ground floor level.
7. The site itself comprises of a vacant plot of land to the rear of 164 Pampisford Road and has been excavated with a large area of lowered land. It is accessed via Barnards Place which is a cul-se-dac.
8. The main part of the proposed dwelling would have a front width of around 8.6 metres, a ridge height of around 8.6 metres from ground (street) level and would have a front to back distance of around 10.6 metres at the side closest to No.164. It would also include a rear private amenity area, parking spaces to the fore, together with an enclosed amenity area to the side adjacent to the pavement. The new dwelling would be around 2 metres from the side boundary with 1 Barnards Place and around 3 metres to the main side boundary with No.164 (excluding the lightwell to the basement).
9. Given the nature of Barnards Place, the appeal proposal would only be seen within its immediate context being located between 1 Barnards Place and 164 Pampisford Road.
10. Whilst the width of the main part of the plot is less than others along Barnards Place, it is significant that No.1 is sited a similar distance to its side boundary with the appeal site to that of the appeal proposal itself. With the gap of around 11.6 metres between the appeal proposal and the rear of No.164, I am of the view that the width of the proposed dwelling would not appear cramped in the streetscene itself which is of course limited to this small aspect. In coming to this view, I acknowledge that other properties in the area have larger gaps between the upper floors than what would exist between the appeal proposal and No.1. However, I consider the gap which would remain would be sufficient to ensure that there would not be a cramped feeling within the streetscene at this point. Furthermore, the siting of the dwelling at least 5 metres back from the pavement gives a further appearance of spaciousness.
11. Another significant feature of Barnards Place is the relative lack of any substantial boundary treatments to the fore of each property. However, the appeal site already has tall boundary treatments to No.1 and alongside part of the pavement. The appeal proposal would result in the removal of a small section of the wall alongside the pavement and would therefore improve the current situation.
12. Turning to the height of the proposed dwelling, from the evidence before me and my observations on site, the submitted drawings do not accurately reflect the current surrounding buildings in that the elevation drawings which include No.1 are inaccurate to what I observed on site as they show No.1 being higher than its actual built form. This is immediately obvious as the plans show an area of

brickwork between the first-floor windows and its roof which does not exist. Therefore, the representations of how the appeal development would relate to this dwelling are wholly inaccurate. From what I can gather, the net result of this means that the proposed dwelling would be greater in height than the actual dwelling at No.1 by some margin.

13. In my view, the scale of the proposal would be overly dominant in the streetscene particularly as it would be higher than No.1 which is the most important reference for the appeal proposal in the streetscene.
14. In coming to that view, I acknowledge that the proposal picks up on the design features of the existing properties of Barnards Place. However, it is the sheer scale and massing of the proposed dwelling, and in particular its roof form which is no doubt as a result of the depth of the property in combination with including living accommodation within the roofspace, which makes the proposal unacceptable overall.
15. The appellant has drawn my attention to a number of other developments in the area in support of their proposal. However, I am not aware of the circumstances behind each of these developments, nor do they present the same site circumstances than the proposal before me. Moreover, each proposal must be considered on its individual merits and none of these examples provide for a compelling reason why an otherwise unacceptable development should be permitted.
16. For the above reasons the proposal would harm the character and appearance of the area and would be contrary to Policies D3 and D6 of The London Plan (2021) and Policies SP4 and DM10 of the Croydon Local Plan (2018) (CLP) which amongst other matters seek to ensure that development is of a high quality which respects and enhances the local character including its scale, height and massing.

Living conditions

17. The proposed dwelling would be located broadly south-east of 164 Pampisford Road which has been converted to flats. There are a number of habitable room windows within it which directly face the appeal site.
18. From the evidence before me, the main side wall of the proposed dwelling would be located around 11.6 metres away from the rear of No.164 with the above ground level height of the dwelling being around 8.3 metres. The depth of the dwelling would be around 10.6 metres at the side facing No.164.
19. Whilst the proposal would inevitably result in a change of outlook from the rear of No.164, given the distance, siting and overall scale of the appeal proposal there would still be clear views out of these windows. With that in mind, I am of the view that there would still be an acceptable level of outlook available to the occupiers of the flats.
20. In respect of natural light, the proposal is unlikely to have any significant impact on the availability of light to the rear aspect of No.164 given the distance between the respective properties. In terms of sunlight, there could be some limited shadowing at various points during the day. However, this is also likely to be limited with good levels of sunlight available at other times. In short, in my view, the proposal would not result in an unacceptable loss of daylight or sunlight to the occupiers of No.164.

21. For the above reasons, the proposal would not harm the living conditions of the occupiers of 164 Pampisford Road and would accord with Policy D3 of the London Plan and Policy DM10 of the CLP which, amongst other matters, seek to ensure that proposals protect the amenity of the occupiers of adjoining buildings including ensuring that there is not a significant loss of existing sunlight or daylight levels of adjoining occupiers.

Highway safety

22. As noted above, access to the appeal site would be via Barnards Place. The access would be just before the curve in the road with Cumnor House School directly opposite.
23. At my site visit, there were several parked cars along Barnards Place between Pampisford Road and the bend in the road just beyond the appeal site. Whilst my visit was just a snapshot in time, from the evidence before me, this level of parking was probably typical.
24. Notwithstanding that, traffic along Barnards Place is likely to be limited to vehicles accessing the existing residential properties or vehicles associated with the school or other nearby properties. The level of traffic is therefore unlikely to be significant.
25. As I understand it, an access to the site has previously been agreed in previous development proposals and I have no reason to conclude that the principle of an access is unacceptable. Similarly, the level of traffic generated by one dwelling is unlikely to be significantly greater than the previous development proposals.
26. Turning to the detail, the submitted plans show an area of hardstanding to the frontage of the property and there would be between 5 and 5.5 metres between the proposed dwelling and the rear of the pavement. To my mind, this provides sufficient distance to accommodate a parking space. Furthermore, the width of the site is more than sufficient to accommodate two parking spaces.
27. Given the nature of Barnards Place, I consider that it is not necessary that vehicles need to be able to enter and exit the appeal site in a forward gear. In coming to that view, I acknowledge that such provision would be beneficial. However, I consider it is not essential.
28. In terms of visibility splays, the submitted plans show suitable pedestrian visibility splays within the site. Furthermore, given the nature of Barnards Place, and the likely traffic speeds along the cul-de-sac, there would be sufficient available visibility for vehicles exiting the site and forward visibility for vehicles travelling along Barnards Place.
29. Taking all of the above into account, the proposal would not therefore result in an unacceptable risk to highway safety or the efficiency of the highway network. The proposal would therefore accord with the provisions of Policy T5 of the London Plan and Policies DM29 and DM30 of the CLP which, amongst other matters, seek to ensure that development proposals do not have a detrimental impact on highway safety.

Other Matters

30. I have also had regard to the matters raised in the representations including the planning history to the site, density, traffic and car parking, amenity space provision

and the loss of trees. However, none of the matters raised provide for a further compelling reason why planning permission should be withheld.

31. In addition to the above, the proposal would also provide for a much-needed additional dwelling. However, the benefits of this do not outweigh the harm I have already identified.

Conclusion

32. The proposal conflicts with the development plan and there are no material considerations which indicate that the appeal should be decided other than in accordance with it. As such, the appeal is dismissed.

Chris Forrett

INSPECTOR