



Appeal Decision

Site visit made on 12 February 2025

by H Miles BA (hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2025

Appeal Ref: APP/L5240/W/24/3348980

60 Welcomes Road, Kenley, Croydon CR8 5HD

- 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 and Mrs Forbes against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00272/FUL.
 - The development proposed is demolition of single storey house and construction of a block of 7 flats to the front of the site and 2 houses to the rear of the site plus associated car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) has been submitted which includes mechanisms to contribute towards sustainable transport. I will return to this matter later in this decision.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the area and highway safety with particular regard to car parking.

Reasons

Character and appearance

4. This part of Welcomes Road is characterised by large detached dwellings which front the road. They generally have generous undeveloped rear gardens which results in a pleasant sense of openness behind the row of houses. Properties are set back from the road with soft landscaping to front gardens and boundaries. The generally attractive green and spacious character and appearance of Welcomes Road contributes positively to the area.
5. There are a handful of sites with development to the rear of the main frontage property and nos 10, 40, 42, 46 and 50 Welcomes Road have been brought to my attention. However, these are uncommon and are set closer to the northern end of the road. There are also some larger blocks of flats in Welcomes Road including a three storey building opposite the site as well as the more distant 32 Welcomes Road. No 38 Hermitage Road and no 6 Church Road are also brought to my attention, although these do not form part of the Welcomes Road streetscene. Therefore, although there are some limited examples of development to the rear of

plots and flatted developments, for the reasons above these do not form part of the overriding character of the appeal site and its immediate surroundings.

6. I have also been provided with examples of application and appeal decisions where planning permission has been refused for flats and houses along Welcomes Road at nos 52, 37, 67 and 34. In general, these propose a different form of development to that before me now. Moreover, they have not been permitted and so they do not form part of the character and appearance of the area.
7. No 60 Welcomes Road is a single dwelling, set back from the road behind a soft landscaped frontage, with a generous open rear garden. Its layout and appearance reflects the positive attributes of the street scene and makes an important contribution to the character of the area.
8. The appeal scheme would introduce a three storey building to the front part of this plot containing 7 flats. It would have a main eaves level at second floor, with a front gable and dormers serving the third floor accommodation within the large roof. The majority of the front garden would be hardstanding for car parking with a front boundary hedge. The site would be subdivided with two houses to the rear part of the site. These would be accessed via a driveway along the side of the site with hardstanding for car parking to the front.
9. The proposed development would introduce a substantial amount of built form, including the hardstanding for access and parking to this back garden area which would notably intrude into the open attractive rear garden land. The dwellings to the rear would be large two storey dwellings with dormers clearly indicating the additional accommodation at roof level and they would be set at a higher level than the front block. They would appear as prominent and incongruous features which would detract from the open, spacious, and mature gardens. Furthermore, they would be in a location which would be unacceptably at odds with the pattern of development which characterises this site. In addition, the scale, height and depth of the block of flats to the frontage would be significantly larger than the character of the nearby buildings. Taken together, the amount of built form proposed for this site would be excessively large in this context and would harmfully undermine the open and spacious pattern of development in this area.
10. Together, policies H2 and D3 of the London Plan (2021) (LP) require that development must make the best use of land by following a design-led approach that ensures that development is of the most appropriate form and land use for the site and supports well-designed homes on small sites. They promote higher density development in accessible locations and incremental intensification is encouraged in existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary.
11. The proposed development is located at least 850m from Kenley Train station. Access is via Welcomes Road which is a public right of way. However, it is a narrow road with no pavements. There have been no reported accidents, and vehicles speeds are low. Nevertheless, these conditions do not provide an attractive environment for pedestrians and most cyclists traveling to local facilities, particularly those with mobility issues or young children. I am not presented with evidence that any sustainable transport improvements are proposed to mitigate these circumstances. The site has a PTAL rating of 1b, very poor access to public

transport. Therefore, the appeal site is not well connected to services and facilities by public transport, walking and cycling.

12. Consequently, in addition to my findings above that the development would not be well designed nor the most appropriate form, the appeal scheme gains no support from Policies D3 or H2 of the LP with regard to intensification or higher density development at this site. Nor is the site within an area of focussed intensification as set out in the Croydon Local Plan (2018) (CLP). Therefore, taking all the above into account, the proposed development would not appropriately optimise this site's capacity.
13. As such, the proposed development would be harmful to the character and appearance of the area. Consequently, it would be contrary to policies D3 of the LP, and Policies SP4 and DM10 of the CLP. Together, in addition to the above, these require high quality design which responds to the existing character of a place, including the development pattern.

Highway Safety

14. Welcomes Road is a private, narrow road, where there is just space for two cars to pass. Any parking on the road would be an obstruction to traffic passing, and there are not alternative on street parking locations in the vicinity of the appeal site.
15. Policy T6 of the LP would require the provision of a maximum of 1.5 car parking spaces per unit and Croydon does not have local standards that allows a higher level of provision for family houses. As such, there is a maximum requirement of 14 car parking spaces. The proposed development would include 2 car parking spaces for each of the 3 bedroom houses, and a single space for each of the flats, a total of 11 spaces. There is additional space for deliveries to take place on the site.
16. The latest census data suggests that there would be 10-11 cars at the proposed development, based on the rates for all household types. However, this does not take into account site specific accessibility and therefore the likelihood for residents of the development proposed in this particular location to own a car for access to local services. Following the conclusions regarding accessibility set out above, it is likely that many journeys to this development would be via private vehicle.
17. Each dwelling would have at least one space, however, there would be no space for visitors to the flats to park. Consequently, these cars would be likely to park on Welcomes Road which would severely affect the free flow of traffic and would cause a hazard to drivers.
18. Therefore, the proposed development would be harmful to highway safety. As such it would be contrary to Policies DM29 and DM30 of the CLP and Policies D3, T1, T4 and T6 of the LP. Together these set maximum car parking standards, require the development must not have a detrimental impact on highway safety, seek to achieve safe environments and ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.
19. Policy SP8.1 of the CLP mainly relates to the provision of new transport schemes. Therefore, the policies set out above are more relevant to this main issue.

Other Matters

Biodiversity

20. With regard to bats, the initial preliminary ecology appraisal recommended an emergence survey. This was undertaken with no evidence of roosting bats detected. Therefore, the site is of low value for foraging and commuting bats. Consequently, and subject to the recommended mitigation measures, the proposed development would not have an unacceptable effect on biodiversity. Therefore, the proposed development would be in accordance with policy G6 of the LP and Policies SP7.4 and DM27 of the CLP. Together these seek to protect, enhance and manage impacts on biodiversity.
21. Policy DM28 relates to trees, and therefore the policies set out above are more relevant to this issue.

Sustainable transport

22. The Council has sought a legal agreement to secure £1,500 per unit towards improvements to sustainable transport measures. Policy SP8 and DM29 of the CLP and Policy T4 of the LP seek to promote sustainable travel including walking, cycling and public transport, in part by improving infrastructure. The Kenley Transport Study sets out the infrastructure needed in this regard in Kenley. Although I am not provided with a specific project to which the funds would be allocated, there is no indication that the multiple suggested solutions set out in the Kenley Transport Study are all completed. Nevertheless, given the level of detail before me there is nothing to suggest that their implementation would alter my conclusions as to the overall accessibility of the appeal site. The £1,500 per unit sought is modest. Therefore, in light of the above I am satisfied that this contribution is fairly and reasonably related in scale and kind to this development.

2020 consented scheme

23. Planning permission has previously been granted for the proposed development on this site (LPA ref 19/05394/FUL dated December 2020). However, the time limit for implementation has passed. I understand that this was due to the time taken to approve details pursuant to conditions and financial considerations at that time.
24. The Council identify changes to policy since the date of the 2020 consent. This includes the revocation of the Croydon Suburban Design Guide Supplementary Planning Document (2019) which provided guidance which advocated substantial change to local character to accommodate significant amounts of new development and placed significant weight on growth. Along with the adoption of the London Plan (2021). This was in draft in 2020. However, it is for the local planning authority to determine the weight to give to relevant policies in emerging plans. In this case, other than with regard to the housing targets there is limited reference to the emerging policies in the officer's report for the 2020 consent, and it is clear that the London Plan incorporating alterations 2016 was the primary consideration. The Croydon Local Plan (2018) policies have not changed.
25. The Council have previously afforded importance to the intensification of the use of the site. For the reasons above, including with reference to current planning policy context, the relative importance I give to this matter differs. There is nothing before me for this appeal which would support the intensification of the use of this site

which would harmfully alter the character and appearance of the area. Furthermore, this appeal scheme is assessed against the parking standards set out in the London Plan 2021, which are based on the accessibility of the site. These appear to vary from the standards against which the 2020 consent was assessed. Consequently, I reach a different decision to the 2020 consent.

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. Therefore, for the reasons given above the appeal should be dismissed.

H Miles

INSPECTOR