



Appeal Decision

Site visit made on 10 March 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/L5240/W/24/3353058

142A Bensham Lane, Thornton Heath, Croydon CR7 7EN

- 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 Yasin Haroon of Harson Investments Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01942/FUL.
 - The development proposed is 'development to the rear of 142A Bensham Lane. Demolition of the existing garages and for the construction of 2no. semi detached dwellings, including 3no. three-bedroom 2 storey dwelling houses, 2 no. car parking spaces, communal bin storage, re-surfacing of the existing access road and all ancillary works.'
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Decision

1. The appeal is allowed and planning permission is granted for 'development to the rear of 142A Bensham Lane. Demolition of the existing garages and for the construction of 2no. semi detached dwellings, including 3no. three-bedroom 2 storey dwelling houses, 2 no. car parking spaces, communal bin storage, re-surfacing of the existing access road and all ancillary works at 142A Bensham Lane, Thornton Heath, Croydon CR7 7EN in accordance with the terms of the application, Ref 24/01942/FUL, and subject to the conditions in the attached schedule.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - highway safety.

Reasons

Character and Appearance

3. The appeal relates to land located at the rear of 142A Bensham Lane, currently used as a storage area for a garage business which has a rear boundary with the site. There are eight dilapidated garages in the appeal site abutting the gardens of dwellings on Kimberley Road. The surrounding area contains a mix of uses but is characterised predominantly by traditional terraced housing of various design.
4. The appeal site is located near to the junction of Bensham Lane and Kimberley Road where different patterns of development converge and there is no prevailing orientation to the buildings. Whilst the proposed dwellings would not have a street frontage, the orientation of the dwellings would align with the existing dwellings

immediately to its south west thereby responding to the development pattern in the immediate vicinity.

5. The design of the dwellings takes cues from the features of other dwellings in the area, notably the front bay windows and rear outriggers. In addition, the external materials proposed would be largely consistent with those in the area.
6. While the proposed dwellings would cover a large proportion of the site's width, this would be similar to the surrounding pattern of housing development given the predominance of terraced housing in the area. Similarly, the scale and massing of the proposed dwellings would be broadly reflective of existing housing in the locality. Therefore, the proposal would not appear cramped within the site or incongruous within this context.
7. The Council has referred to an appeal decision¹ relating to a previous scheme at the same site which was dismissed. However, that scheme would have comprised three terraced houses in a different orientation with limited space around them so is materially different to the proposal before me which is for two houses in a different orientation with a significantly smaller building footprint than the previous scheme. Consequently, the proposed development would not have the same cramped appearance as the previous scheme.
8. While the proposed development would be visible from the rear of nearby dwellings, it would enhance the visual quality of the site which is overwhelmed by numerous vehicles, tyres, discarded furniture and general detritus, amongst the severely dilapidated garages. I acknowledge that the condition of the site could be resolved without allowing the appeal. Nevertheless, the probability is that it would remain as a storage area for vehicles, the condition of the site does not appear to have improved since the previous appeal. The proposed residential use of the site would be more compatible within the prevailing residential character of the area than the current use of the site as a storage area for vehicles and other materials.
9. For the reasons given, the proposed development would not harm the character and appearance of the surrounding area. It therefore complies with Policies D3 and D4 of the London Plan (March 2021) (LonP) and Policies SP4.1 and DM10 of the Croydon Local Plan (February 2018) (CLP) insofar as they require development to respect and enhance local character and achieve high quality design.

Highway Safety

10. The site is accessed from Bensham Lane via a private access road which also provides access to the rear of several properties on Bensham Lane, whose rear gardens directly border the site. According to the appellant's Transport Statement² (TS), the access varies in width between 3.071 and 3.151 metres and is some 17 metres in length. These figures are not disputed by the Council.
11. While the width of the access is not sufficient to accommodate two-way vehicle traffic, the TS refers to Manual for Streets (MfS) which indicates that in lightly trafficked streets, carriageways may be narrowed over short lengths to a single lane as a traffic-calming feature. Paragraph 7.2.3 of MfS advises that widths may be reduced to a minimum value of 2.75 metres in certain circumstances, which

¹ Ref. APP/L5240/W/23/3317551.

² Transport Statement, 142A Bensham Lane, Thornton Heath, CR7 7EN, Apex Strategies, Issue 1, dated 01/05/2024.

would still allow for occasional large vehicles. The Council has referred to a minimum requirement of 2.2 metres for vehicles and 1.2 metres for footpaths in MfS. However, it does not refer me to a precise paragraph in MfS and I could not find such specifications in the document.

12. According to the submitted plans and my site observations, there would be sufficient width for one vehicle to access or egress the site at a time. Due to the short length of the access road, there would be clear visibility of any users in the access road from the access point at Bensham Lane. Any delay for vehicles waiting to access the site, should there be oncoming traffic, would not be significant.
13. The Council has raised concerns regarding how deliveries would be made to the site given the width of the access. However, the provision for deliveries would be no different to other properties on Bensham Lane, including those on either side of the access road.
14. The TS predicts that the level of multimodal trips likely to be generated by the development would have no discernible adverse impact on the operation or safety of the local highway network. An analysis of injury accident records on the public highway over the last five years suggests that there are no accident trends in the local highway network that would be likely to be exacerbated by the proposal.
15. I agree with the TS that due to the small scale of the proposed development, additional pedestrian and cycle movements would likely be limited. The proposal would also be unlikely to result in a significant increase in vehicular movements when compared with the site's historic use as eight garages and current use as a storage area in association with the adjoining garage business.
16. The swept path analysis in the TS shows that a car using the parking space furthest from the houses would manoeuvre over the refuse collection point on entry and exit. However, given that the refuse collection point would only be used on designated collection days, it would remain unoccupied for the majority of the time. Bins would be placed temporarily for collection and returned to their storage location so there would likely be temporary and low-frequency conflict between bins and cars.
17. The Council's has raised concerns regarding sightlines for the drivers of vehicles leaving the proposed parking spaces and the potential for pedestrian and vehicular conflict in this context. However, the submitted plans show the delineation of a pedestrian footpath to the proposed dwellings, the route of which would avoid any potential conflict with vehicles leaving the proposed parking spaces. The access itself would effectively become a shared surface but speeds would be low and the potential for injury to pedestrians negligible.
18. The plans do not indicate any change to the access arrangements to properties on the north-west side of the access. Furthermore, there is also no compelling evidence to support the Council's suggestion that improvements to the access arising from the proposed development would lead to an increase in vehicle movements arising from residents in Bensham Lane.
19. The Council has expressed concerns that the access road could be blocked by parked vehicles. However, the same could be said for similar private accesses elsewhere. That the access would serve two occupied residential properties and

not a parcel of land being used for storage might serve to discourage anti-social and inconsiderate parking.

20. For the reasons given, the proposed development would not harm highway safety. As such, it would comply with Policy T4 of the LP and Policies DM29 and DM30 of the CLP insofar as they promote sustainable travel, require development to provide car and cycle parking spaces in accordance with the policies and seek to ensure that road danger is not increased.

Other Matters

21. The occupiers of 152 Bensham Lane has raised concerns regarding loss of light to and outlook from their property. However, the Council has found that the proposal would not unduly harm light to or outlook from neighbouring properties, and, based on my assessment of the plans and observations whilst on site, I have no reason to disagree.
22. Neighbours at No 152 raise concerns regarding noise and light pollution and anti-social behaviour as a result of the development. However, this is a densely built-up residential area, and, in this context, I am not persuaded that the proposed dwellings would generate a level of additional disturbance from noise or external lighting that would warrant dismissal of the appeal.

Conditions

23. The Council has provided a list of suggested planning conditions, which I have considered against the National Planning Policy Framework (Framework) and advice contained in Planning Practice Guidance (PPG). Where appropriate, I have amended the wording for precision and enforceability.
24. Along with the standard time condition, the approved plans should be specified to provide certainty. A materials condition and a condition requiring detailed drawings of any servicing, pipework and flues is necessary in the interests of visual amenity.
25. A pre-commencement condition requiring a construction logistics plan is necessary to ensure highway safety and that construction does not adversely affect the living conditions of nearby residents.
26. A condition requiring details of a hard and soft landscaping scheme is necessary to ensure the proposal contributes to a high quality environment.
27. A condition requiring details of cycle parking and storage, refuse storage, finished floor levels, vehicular and pedestrian sightlines and visibility spays are necessary in the interests of highway safety and to ensure satisfactory provision of cycle and refuse storage in line with development plan policy.
28. A condition to ensure no windows or other form of openings other than those shown on the approved plans, is necessary to safeguard the privacy of the occupants of neighbouring properties.
29. A drainage condition is necessary to reduce surface water run-off in accordance with Policy DM25 of the CLP. A water efficiency condition is required to accord with Policy SP6.3 of the CLP.

Conclusion

30. For the reasons given above the appeal should be allowed.

U P Han

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following documents and approved drawings:
2216-P-01-1000-ZXX Location Plan; 2216-P-01-0201-ZXX Rev 01 Block Plan; 2216-P-01-0210-Z00 Rev 01 Proposed Site Plan; 2216-P-01-0001-Z00_Rev 01 Existing Ground Floor Plan; 2216-P-01-0012-Z00 Rev 01 Existing Elevations Elevation Front and Side; 2216-P-01-0013-Z00 Rev 01 Existing Elevations Elevation Rear and Side; 2216-P-01-0211-ZXX Rev 01 Proposed (GF-1F) Plans; 2216-P-01-0212-Z02 Rev 01 Proposed (Roof) Plans; 2216-P-01-0220-ZXX Rev 02 Proposed Elevations; 2216-P-01-0230-ZXX Rev 02 Proposed Sections; and 2216-P-01-0231-ZXX Rev 02 Proposed Site Sections.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/ samples.
- 4) No development above ground level shall take place until detailed drawings in plan/elevation and section detailing of any propose servicing/ flues/ pipework/ ancillary items which will be located on the external elevations at a scale of 1:10 have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details/ samples.
- 5) No development shall take place, including any works of demolition until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the local planning authority. The CLP shall include the following information for all construction phases of the development:
 - a) Hours of construction;
 - b) Hours of deliveries;
 - c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
 - d) Facilities for the loading and unloading of plant and materials;
 - e) Details of the storage facilities for any plant and materials;
 - f) The siting of any site huts and other temporary structures, including site hoardings;
 - g) Details of the proposed security arrangements for the site;
 - h) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork

effectively cleaned and washed free of mud and similar substances prior to entering the highway;

- i) Details outlining the proposed range of dust control methods and noise mitigation measures;
- j) Details demonstrating compliance with the non-road mobile machinery (NRMM) regulations 2015;
- k) Details confirming that all delivery vehicles are registered under the Freight Operators Recognition Scheme (FORS) achieving a minimum of silver status.
- l) Photographic evidence of pre-commencement condition of surrounding highway.

All construction phases of the development shall then be carried out strictly in accordance with the details approved.

- 6) No development above ground level shall take place until full details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority, including (but not limited to) the following:
 - a) Hard landscaping materials and details (including product specifications and samples as appropriate) for all hard surfacing within the development;
 - b) Soft landscaping details, the species, size and density of proposed new planting, as well as the dimensions of new trees at planting;
 - c) Details of proposed biodiverse planting, including species, size, density and locations and details of biodiversity enhancements to be implemented across the site;
 - d) Boundary treatments, retaining walls, ramp and enclosures, including a plan showing locations and typical details and sections at 1:10 (including boundary treatments with amenity space/neighbouring occupiers); and
 - e) Details of amenity spaces, including detailed sections through the amenity spaces and terracing to rear garden.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and maintained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion or first occupation of the development, whichever comes sooner, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.

- 7) No development above ground level shall take place until full details of the following have been submitted to and approved in writing by the local planning authority:
 - a) Full details in plan and section of cycle parking provision and storage including the type of cycle stands and layout of store.
 - b) Full details in plan and section of the refuse store, including the design, layout, number of bins and access arrangements to said refuse store
 - c) Finished floor levels

- d) Vehicular and pedestrian sightlines and visibility splays to acceptable highways standards
 - e) The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development and maintained as such for the lifetime of the development.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), no windows or other form of openings other than those shown on the approved plans, shall be inserted in the elevations of the development hereby permitted.
- 9) No development above ground level shall take place until a detailed drainage strategy and detailed designs of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented as specified prior to the first occupation of the development and maintained for the lifetime of the development.

The parking areas hereby permitted should form part of the SUDs for the site and shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
- 10) The development hereby permitted shall not be occupied until the Building Regulations optional requirement of a water consumption rate of no more than 110 litres per person per day has been complied with.

End of Conditions