



Appeal Decision

Site visit made on 27 May 2025

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/L5240/W/25/3360517

Land Rear Of 1 To 11 Camborne Road, Camborne Road, Croydon, CR0 6LR

- 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 Pebble Valley Homes Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/00216/FUL.
 - The development proposed is Erection of a row of three (3) two-storey terrace dwellinghouses (Use Class C3), associated amenity, cycle parking and waste storage spaces, and alterations including landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal evidence contains amended plans not before the Council when the application was determined. To take these into account could be prejudicial and as such I have based my reasoning on those documents submitted at application stage.

Main Issues

3. The main issues are the effect of the development on:
 - The living conditions of future occupiers, with particular regard to outlook;
 - Protected species and priority habitats; and,
 - Highway safety and parking stress.

Reasons

Living conditions

4. The development's first floor bedrooms would have window openings angled in relation to the building's elevations, to direct views away from the rear of the Dalmally Road and Coniston Road building lines. The openings would be narrow windows around 585mm wide and 1.5 metres tall, and there would be a single or pair of windows in the first floor bedrooms. In the case of bedrooms 2 in each dwelling there would be a pair of these narrow windows and in bedroom 3 in each dwelling there would be a single narrow window. The drawings show that views out of these narrow openings would also be partially obstructed by the building fabric itself. My reasoning in this regard is reinforced by the computer generated imagery

of the windows. As such, direct views out from inside the bedrooms would be restricted and would lead to an unsatisfactory degree of perceived enclosure. This would be particularly severe for occupiers using the bedrooms which would only have one narrow window.

5. Moreover, although the main bedrooms would have a larger window, in one dwelling this would look out onto a blank wall.
6. The appeal statement notes that the gap in which the first floor windows would sit would nearly be the width of the room but it remains that around half of that gap would comprise solid panels.
7. The Council has noted that it is unclear whether the original daylight and sunlight assessment¹ took the solid panels next to the windows into account. An updated daylight and sunlight report² has taken this into account as well as the removal of a large ash tree to the rear and south of the dwellings.
8. Table C1 of Site Layout Planning for Daylight and Sunlight³ gives target illuminances for side lit rooms. The UK National Annex to BS EN 17037 gives minimum illuminance recommendations of 100 lux in bedrooms. These are the thresholds which need to be exceeded over at least 50 percent of the reference plane for at least half of the daylight hours.
9. It is unclear to me why the area of rooms achieving the target daylight factor at the front of the dwellings would increase following the removal of the ash at the rear, particularly as the report takes smaller window openings into account. However, the imagery showing the lux contours across the floor area appears to indicate that there would be sufficient light within these rooms. Nonetheless, this does not alter my reasoning with regard to enclosure and outlook for occupiers of those rooms.
10. I acknowledge that there is less working from home as there was during COVID lockdown but nonetheless bedrooms are habitable rooms and occupiers might spend considerable time in them. The fact that bedrooms are private areas does not justify poor outlook to the extent proposed here.
11. The appellant has suggested that the window design could be the subject of a condition but as this could have an effect on the occupiers of nearby dwellings, a condition would not be appropriate.
12. The development would therefore have an adverse effect on the living conditions of future occupiers with particular regard to outlook. This would be contrary to Policy D6 of the London Plan which requires housing development to provide comfortable, flexible and functional layouts which are fit for purpose and Paragraph 135 of the National Planning Policy Framework (the Framework) which requires development to achieve a high standard of amenity for future users. There would also be conflict with Section C of the GLA's Housing Design Standards particularly in relation to bedroom 3 in each dwelling which states that all habitable windows should have one openable window that provides a view out when seated. Views out from the single window would be limited.

¹ Daylight, Sunlight and Overshadowing Report January 2024

² Response to Reason for Refusal February 2025

³ A Guide to Good Practice, BRE 2022

13. The Council has cited Policy DM10 of the Local Plan (LP), but this does not mention outlook in relation to future occupiers. The Council has also cited London Plan Policy D11 but this is concerned with safety, security and emergency resilience. These weigh neither for nor against the appeal.

Protected species and priority habitats

14. The 2023 Preliminary Ecological Appraisal (PEA) noted that the ash tree has moderate potential for bat roosts. The 2025 PEA notes that the ash tree has low potential for bat roosts. The note attached to the final comments attributes the discrepancy to the fact that two different surveyors were involved, but also confirms that the ash has low/moderate potential for bat roosts. This does not provide clarification.
15. However, the bat roost classification chart states that *moderate potential refers to a tree or structure with one or more potential roost sites that are obviously suitable for use by larger numbers of bats on a more regular basis and potentially for longer periods of time*. If there is moderate potential, the revised best practice guidelines for bat roosts indicates that the tree would be classified as PRF-M. Further survey work is required in order to fully assess the likely impact of development before consent is granted. This is in line with ODPM Circular 06/2005.
16. As such, I conclude that insufficient information has been provided regarding protected species, contrary to LP Policies DM27 and SP7, and London Plan Policy G6 which are concerned with the protection of biodiversity, as well as Section 15 of the Framework in this regard.

Parking Stress

17. Between 2021 and 2023 the parking surveys carried out indicated that existing parking stress reduced from 85 per cent to 77 per cent. A more recent survey⁴, using the Council's preferred Richmond methodology indicates that existing parking stress is 83 per cent. This figure excludes the white hatched white areas at the junction of Coniston and Dalmally Road from both the demand and capacity figures. The survey indicated that there was space for an additional 13 cars before demand reached the 85 per cent indicative of high parking stress. The increased demand arising from the development would increase parking stress to 84 per cent.
18. The Council notes that a consented residential scheme at Addiscombe Avenue is likely to generate 2 additional parking bay requirements. However, this is 350 metres away from the appeal site. In any case, taking this into account and based on the figures of the latest survey I am satisfied that the level of parking stress would remain fractionally below 85 per cent. As such, although I acknowledge that there are times when on-street parking stress is high, the development would not cause the existing parking stress to become unacceptable.
19. The development would not have an adverse impact on highway safety and parking stress and would not be contrary to London Plan Policies T2, T3, T4, T6 and LP Policies DM16, DM30 and SP8 in this regard, or Section 9 of the Framework.

⁴ Transport Technical Note, January 2025

Unilateral obligation

20. The evidence contains a draft unilateral obligation which appears to meet the Council's requirements in relation to the monitoring fee and car club members contribution. However, notwithstanding that this is unsigned, I have found harm in relation to other matters and as such I do not need to consider this further.

Other Matters

21. One of the reasons for refusal concerns an ash tree in the south-western corner of the site that has recently undergone severe pruning. However, the Council has advised that although a provisional tree preservation order was issued, this was not confirmed. As such the ash tree is no longer protected and the Council has withdrawn its concern in this regard. I was able to confirm that there is a fungal infection at its base. It is unclear from the evidence before me whether this warrants the tree's removal irrespective of its TPO status. Nonetheless, there is nothing before me to indicate that there are concerns with regard to the proposed removal of the tree and I have not considered it further.
22. Concerns have been raised by interested parties. However, as I have found harm in relation to the main issues there is no need for me to consider these further.
23. A query has also been raised in relation to the validity of the appeal but the evidence before me indicates that the appeal was lodged within 6 months of the Council's decision.
24. I appreciate that the appellant has previously submitted other applications and has amended the scheme. However, I have based my decision on what is before me.

Conclusion

25. The development would provide three family dwellings in a sustainable location which would contribute to the Council's housing stock. Nonetheless, these public benefits would not outweigh the harm I have identified above. As such the development would be contrary to the local development plan, the London Plan and the Framework and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR