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## Appeal Decision

Site visit made on 29 May 2025

**by David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 17 June 2025**

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**Appeal Ref: APP/L5240/W/25/3362786**

**79 Riddlesdown Road, Purley CR8 1DH**

- 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 Liam Brennan of Polaris Passivhaus Developments Limited against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 24/02793/FUL.
  - The development proposed is the demolition of the existing dwelling and minor alterations to the existing land levels to provide a new part two/three storey building comprising of 5 Passivhaus Certified residential dwellings (x3 2-bedroom and x2 3-bedroom units). The proposals offer private and communal amenity spaces and car parking provision (5 spaces). Associated refuse and cycle storage is proposed.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the appeal stage the appellant has offered two alternative layout options, including for part of the frontage area, with associated changes to provide an alternative external accessway to Flat 2 and alternative approaches to some cycle storage. Option A includes reducing the car parking spaces from 5 to 4. Option B, whilst retaining 5 spaces, annotates that one space would be used for removal of bulky waste items when needed and, therefore, this space would not be available as a parking space at all times.
3. The description of the development, and shown on the originally submitted application plans, specifies the provision of 5 parking spaces, and refers to refuse and cycle storage. It was this description and the accompanying plans which local residents commented on and on which the Council determined the application.
4. The Procedural Guide: Planning Appeals – England explains that the appeal process should not be used to evolve a scheme and there are no provisions within the rules for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage.
5. I consider that the option plans seek to evolve the scheme at the appeal stage contrary to the Procedural Guide. In terms of parking provision, the option amendments could be considered a substantive change and, procedurally, if the alternative layouts were to be considered, could result in procedural unfairness to interested parties whose views and comments were made on the original proposal. While these option plans have been included in the appeal papers, I am not aware

that re-consultation has been undertaken. In terms of the approach sent out in *Holborn Studios Ltd v The Council of the London Borough of Hackney* (2018) I will not accept or consider either of the option plans submitted at the appeal stage, and therefore I will determine the appeal based on the information which was before the Council when it determined the application.

## **Main Issue**

6. The main issues are;

- the effect of the proposal on the character and appearance of the area,
- the effect of the proposal on the living conditions of the occupants of 79A and 81 Riddlesdown Road, with particular regard to any unacceptable impact in terms of sense of enclosure, loss of outlook and privacy,
- whether or not the scheme would provide acceptable living conditions for future occupiers having regard to outlook and daylight to the proposed units, private amenity space, and an accessible and functional layout,
- whether or not the car parking layout would be satisfactory, having regard to any resulting harm to users of the surrounding highway network,
- whether or not the scheme should provide a contribution to improvements to sustainable transport, and if so, whether or not a suitable contribution has been secured,
- whether or not the scheme would make satisfactory provision for secure cycle storage, and
- whether or not the scheme would make satisfactory provision for waste storage facilities.

## **Reasons**

### *Character and appearance*

7. Policy D3 of The London Plan (2021) is titled optimising site capacity through the design-led approach and this is the first criterion of the policy. The policy also requires that development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
8. The importance of development respecting the character of an area is also reflected in Policy SP4 of the Croydon Local Plan 2018 (the Local Plan). This policy includes the requirement that development is of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities. This is also reinforced by the detailed design and character requirements set out in Policy DM10 of the Local Plan.
9. Riddlesdown Road is a fairly long and linear residential road, located within this built-up part of the Borough. The road steadily rises from the south and, further along, it drops down to the north. Properties generally front the road, with many detached or semi-detached dwellings in reasonable sized plots. These properties often have a scale, style and bulk, reflective of a single domestic property and are

designed with a broad mix of styles but generally incorporate a range of traditional features such as pitched roofs and gables. The design and bulk of the dwellings combine with the street trees and frontage vegetation to produce a mature residential character.

10. There are some sites where properties have been redeveloped with larger scale residential schemes, usually flatted development. These developments now form part of the character of the road and often these schemes can be experienced as an intensification of development compared to adjoining properties, although these new schemes tend to incorporate the proportions and features consistent with buildings in the wider area. They also are generally located on the western side of Riddlesdown Road and, with these new buildings often set back in their plots, provide some frontage space, although this is often taken up by car parking with more limited landscaping compared to the other properties.
11. The appeal property, 79 Riddlesdown Road, is somewhat an anomaly within the street scene in terms of its white rendered and flat roofed form, with no first floor windows facing the road. However, its modest scale, spacing to the side boundaries, with accompanying landscaping, in particular the hedges to the front and footpath, ensure that the building sits comfortably in its plot. It has verdant surroundings to the boundaries that reflect some of the better examples within the street scene.
12. This plot is also different, compared with most other properties in the road, because a public footpath runs along its southern side. This could, at times, allow some public views towards parts of the rear of the property, although at the present time most views of the back of the property are obscured by the overgrown hedge. The height and presence of the hedge provides a pleasant and softening feature within this part of the built-up area for walkers using this route.
13. No 79 forms part of a line of dwellings on this side of the road. To the south, No 81 is a two storey dwelling which has reasonably modest proportions and bulk, helped by design features such as, at the front, the two storey front gable and sloping roof with dormer that has a lower eaves section. At the rear, the bulk is reduced by the provision of the first floor space within part of the roof and associated dormers. There is a mix of hedges and other vegetation that soften the space around this building.
14. Further to the south on this side of the road are other houses in landscaped plots. They are generally two storey fronting the road and some properties have an additional, lower ground floor at the back which takes advantage of the slope. The ridges of these properties tend to gently step up as the road rises.
15. On the other side of No 79, is No 79A. This property is single storey at the front but again takes advantage of the slope and has a lower ground floor at the rear with conservatory. It is a modest building with a front, projecting single garage adjoining the appeal property. Further to the north, and accessed off the separate single width drive, are a line of newer dwellings that give the impression of being single storey to the front, and they appear fairly modest in both height and bulk in these public views. They all again take advantage of the slope and are two storey at the back. These properties have their frontages almost entirely laid out as hard surface for parking. These properties tend to have ridge lines that step down the slope to the north.

16. The properties on the other side of the road, including the redevelopment at 122 Riddlesdown Road, form part of the wider context within the street scene and contribute to the character of the area. However, it is within the row of properties on the eastern side of Riddlesdown Road which form the main context in which the proposed building would be experienced.
17. The appeal proposal would demolish the existing dwelling and construct a building that would accommodate five flats. Extensive areas would be excavated to allow a lower ground floor and associated rear amenity space. The appellant has made extensive and detailed submissions to seek to explain and justify the scheme, including that all aspects of the scheme are reasonable and acceptable in their own right. There is further justification that includes that the Council has granted planning permission elsewhere in Riddlesdown Road with redevelopment schemes for similar or the same elements and/or with similar or the same relationship to adjoining properties. I have very carefully considered all these submissions, the examples from elsewhere and the detailed justifications, including the rebuttal of the Council and neighbour's statements at the final comments stage.
18. I accept that, perhaps, when considered in isolation there are elements of other developments that may be similar, the same or even larger than what is proposed in the present scheme. However, it is often the combination of factors, including the position in relation to neighbouring properties, levels, and varying views of the site from different locations that mean that no two sites are the same and that something approved elsewhere, even close by, may not be acceptable on another site. Indeed, because an element of a design or a relationship has been permitted by the Council elsewhere it should not necessarily be considered best practice to be repeated on another site. I will analyse the other redevelopment sites that have been drawn to my attention, and which I viewed from the public highway, later in this analysis, but the most important consideration in terms of this appeal is the effect of the proposal on this site and in relation to its surroundings.
19. The development would produce quite a bulky, and in some views overly imposing, building that would have few elements that would visually break up the mass of the structure. The front central gable would help but in my view the building would extend across much of the width of the plot and, relative to the neighbouring properties, would have a much greater, and excessive, depth. In more angled views from the frontage and the side footpath, the scheme would give the impression of being disproportionately and overly large in size, scale and bulk compared with the more modest developments on either side.
20. The front, ridge height of the roof, in itself and considered in isolation, would be acceptable in relation to the height of neighbouring properties, with it continuing a step up from No 79A to No 81. However, in terms of the appearance of the roof as a whole, the height of the roof above the eaves line would look uncharacteristically squat and out of proportion to the elevations and those of neighbouring properties. This, together with the sizeable bulk of the building, would be an incongruous aspect of the scheme.
21. The front and southern side hedges would be largely removed from the plot and this would result in the loss of valuable features that help to assimilate the present property into the area. The front elevation of the building would be brought forward and the frontage would be very predominantly hard surfacing and car parking area.

There would be very limited opportunities for landscaping, especially as some of the proposed planting at the front, if allowed to grow up too high, would block some light to the adjoining windows. Along the side with the public footpath, the hedge would be removed and a fence erected, and the scheme would deliver a quite lengthy building elevation very close to this site boundary, with little variation in depth or form. Notwithstanding the green wall, this side elevation would be a prominent and intrusive feature for users of the footpath. The combination of the hard surfaces at the frontage and the side, which are both in public view with little opportunity for planting, would, in the context of the generally verdant aspects of the area, lead to quite a harsh appearance of the building in its plot.

22. The quite extensive excavations at the rear, while not apparent from the footpath, would be visible to a reasonable extent to the occupants of No 79A and especially for future occupants of the proposed five flats from within their rear garden. From these locations, this would result in the rear elevation, in its context with the adjoining properties, appearing quite dominant and overly imposing, such that it would be unacceptably out of scale with its surroundings.
23. Drawing all these matters together and even having regard to the variation in the design of many of the buildings along the road, in this case, the combination of roof form, limited landscaping to the frontage and adjoining the footpath, the bulk of building and length of projection back into the site, the height of the rear elevation above the excavated land, and the overall design, would result in a building that would appear overly large and unduly dominant on the site. It would be excessive in scale and intrusive in relation to adjoining properties. As a consequence, it would be harmful and not assimilate successfully with the general character and appearance of the area.
24. In this way, the scheme would not accord with the National Planning Policy Framework (the Framework) requirement that development should be sympathetic to local character, including the surrounding built environment and landscape setting, and maintain a strong sense of place.
25. As I have explained I have carefully considered all the other examples that have been drawn to my attention and argued in support of the proposal. This includes 122 Riddlesdown Road, which is a substantial property almost opposite the appeal site. It is set back in its plot and has two well-proportioned front gables and the appearance of a pitched roof from the front. There is no public footpath along the side of the property such that the depth of the building cannot be fully experienced from public locations. It has fairly substantial properties either side and I do not consider that the scheme in its context, and on the other side of the road, is especially similar to the appeal site to justify the appeal scheme.
26. 116 Riddlesdown Road is presently a detached dwelling with permission to be redeveloped, again with a substantial building that projects back in its plot. The land at the front would be excavated down and the front elevation would have two tall gables. Again, there would be no side public footpath and side views of the depth of the building from public locations would be limited. It would sit reasonably well with the neighbouring properties on this western side of Riddlesdown Road. These are factors that discriminate it from the present appeal proposal.
27. I also saw the two schemes, next to each other, at 98 and 96A Riddlesdown Road. Again, these properties have been excavated down at the front, but are well set

back and align with the fairly sizeable properties each side. They do not look especially out of place, and again the depth of the building is not very noticeable from the road frontage.

28. Substantial redevelopment works are presently taking place at 88 Riddlesdown Road. This is a much wider site than the appeal plot and can accommodate a more comprehensive development rather than it appearing as a replacement of a single building. It therefore differs materially from the present scheme.
29. I also saw the redevelopment scheme that has taken place at 80 Riddlesdown Road. Again, this is a different type of scheme to the appeal site with the new building at No 80 set back from the road, angled in the plot and with a different positioning and relationship to neighbouring buildings than the present appeal proposal.
30. From the information before me and the benefit of my site visit, I am not satisfied that the schemes I have highlighted above, or any others in the area, have such similar characteristics and immediate street scene contexts that they provide a persuasive justification for the appeal proposal. While the redevelopment of properties in the general area may be acceptable in policy terms, it seems to me, that all these redevelopments on the western side of Riddlesdown Road have their specific circumstances and I attribute them limited weight in support of the appeal proposal, especially given the site specific harm that I have found in the context of the appeal site.
31. Indeed, of more relevance are those new buildings to the north along this eastern side of Riddlesdown Road. 79D to 79N Riddlesdown Road are new infill residential properties and have the appearance of being single storey to the front and, taking advantage of the slope, are two storey at the rear. They have a modest depth of building. They sit in a run of broadly similar buildings with Nos 79A, 79B and 79C, and with the appeal property at the southern end of this row. If constructed, the appeal site would be very much out of scale and keeping with this modest run of buildings on this eastern side of the road, and this reinforces my view that the scheme is excessive in scale and appearance in this context.
32. In the light of the above analysis, I conclude that the scheme would unacceptably harm the character and appearance of the area. Consequently, there would be conflict with Policy D3 of The London Plan and Policies SP4 and DM10 of the Local Plan which seek, amongst other things, that development is of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape.

#### *Living conditions of adjoining occupiers*

33. No 79 has a rear balcony area at first floor, which leads from large patio doors. On the ground floor there is a passageway, elevated above the garden, that also allows views down the garden and to more distant locations. Next door, No 79A has an elevated balcony and there is some intervisibility between balcony spaces and across gardens.
34. The redevelopment of No 79 would produce a building that would have rear balcony areas. Given how far the building would project back into the plot in relation to the adjoining properties, the views from these new balconies would look predominantly down the site and across the furthest sections of neighbouring

gardens. I do not consider that the appeal scheme would lead to any undue overlooking or related loss of privacy to neighbours from the balconies, windows or any other aspects of the scheme.

35. Although the building would project further back in the site compared to the present building, the evidence shows that it would meet the 45 degree rule in relation to neighbouring properties. I am satisfied that the proposal would not adversely affect light to, or outlook from, key neighbouring windows.
36. However, the bulk and height of the building, and the positioning close to the boundaries of the site would be very evident from the adjoining properties. In relation to No 79A, the long length of the side elevation would be particularly conspicuous alongside this neighbouring dwelling with its modest scale. This side elevation would be an imposing feature and would be experienced by the occupants of No 79A when they used the side passage, occupied parts of their rear balcony and would be a dominant presence when they were in adjoining parts of their garden. I appreciate that No 79A does not have any principal, side windows, and some elements of the present building at No 79 may be closer to the boundary than the appeal scheme, but the combination of the height, length and position of this proposed side elevation would exert such an influence on some aspects of the occupation of the adjoining property that it would have an undue overbearing effect. In this way, it would adversely detract from the living conditions of the occupants of No 79A.
37. No 81 is located the other side of the footpath. Parts of the proposed southern side elevation of the appeal scheme would be evident from the rear garden areas of No 81, including from spaces close to the back of the property. The height and bulk of the side elevation would be quite a dominant feature for occupants of No 81 from these rear garden areas. While I accept there would be some separation, and the impact would be less than that to No 79A, nevertheless, I consider that the side elevation of the proposed building would be unduly dominant and lead to an adverse feeling of enclosure for these adjoining occupants at No 81 when they were within some areas of their rear garden.
38. Consequently, I conclude the length, height and position of the side elevations would create an undue and harmful sense of enclosure and overbearing influence detracting from the living conditions of the occupants of both No 79A and No 81. It may be the case that this impact could be similar to other impacts for occupants next to new developments on the other side of Riddlesdown Road. However, in my judgement and for the reasons explained, I am not satisfied with the appeal scheme in this respect. Overall, I consider the level of harm to be moderate and the most affected property would be No 79A. Nevertheless, there would be harm and in this way the scheme would conflict with Policy D3 of the London Plan and Policy DM10 of the Local Plan which requires, in this respect, that the amenity of the occupiers of adjoining buildings are protected.

#### *Living conditions for future occupiers*

39. Policy D6 of The London Plan sets out a series of qualitative aspects of housing development which are explained to be the key to ensuring successful sustainable housing. Criterion C of Policy D6 explains that housing development should maximise the provision of dual aspect dwellings and normally avoid the provision of single aspect dwellings. The policy includes the allowance that a single aspect

dwelling should only be provided where it is considered a more appropriate design solution that would meet the requirements of Part B in Policy D3 (Optimising site capacity through the design-led approach) than a dual aspect dwelling. In such cases it would be necessary to demonstrate that the accommodation will have adequate passive ventilation, daylight and privacy, and avoid overheating.

40. In this case, the lower ground floor unit would be single aspect with parts of the kitchen/living/dining area set some way back from the full height windows that lead to the private amenity space, which in itself would be overhung by the floor above. I appreciate the case made that the lightwell would help provide natural light to the rear of this area and that other lightwells have been permitted to other buildings nearby, including at appeal. However, I am not satisfied that in the circumstances of this case, the proposed lightwell would provide sufficient natural light and I consider that some areas at the back of the flat, including parts of the dining area, the spaces around the lobby, and parts of the hall could be likely to be quite gloomy. Consequently, this single aspect flat would not provide the high standard of amenity for future users required by the Framework and, in turn, would not be an appropriate design solution to meet the requirements of Policy D6 of the Local Plan.
41. The four flats on the two other floors would also have their main windows either to the back or front of the building. However, they would also have reasonable sized, side windows to the southern elevation to light the kitchen areas. This would help provide natural light to this rear area of each of the flats. There would also be some side high level windows on the northern side to the bedrooms of the front units and good sized windows to serve the en-suites to the rear units. I consider that the combination of the size and position of windows would be sufficient to provide acceptable living conditions for occupants of these units.
42. All the units would be provided with a balcony or sitting out area, which would be private for those occupants of each unit. This provision would be policy compliant. The rear garden areas would provide a good sized space and would be communal to all residents. An external lift is planned to assist those that required help to access the upper and most useable section of the garden. Given the level changes that would result from the extent of excavations this seems a reasonable approach. The evidence confirms that the external lift would be designed for outside use and, consequently, I consider that the external amenity spaces would be policy compliant in terms of provision and access.
43. In terms of the accessibility requirements of the flats themselves, Policy D7 of The London Plan seeks accessible housing to provide a genuine choice for London's diverse population, including disabled people, older people and families with young children. The policy seeks at least 10 per cent of dwellings as "wheelchair user dwellings" and all other dwellings to meet the Building Regulation requirement M4(2) "accessible and adaptable dwellings".
44. Two of the flats could be suitably accessible because occupants and visitors to the ground floor units could enter via the side passageway and the main entrance door and the flats would be on the same level. These units could meet the requirement to be wheelchair user dwellings. However, the upper floor units and the lower ground floor flat would only have internal step access and therefore would not appear to accord with the Building Regulation requirement for "accessible and adaptable dwellings". The supporting text to the policy does comment that in

exceptional circumstances, the provision of a lift to dwelling entrances may not be achievable. This exceptional allowance can apply to blocks of four storeys or less for specific small-scale infill developments under Policy H2 of The London Plan.

45. The appellant has clearly considered disabled access as part of the development proposal and this is demonstrated by the provision of the external lift to the garden area. The site is also towards the top of the hill and the wider external environment may hinder, for some, walking to and from the site. Nevertheless, for those with mobility issues, now or in the future, it would be an option to potentially drive to the site, park at the front and have level access to the side entrance door and the adjoining flats. Those occupants or visitors would also be able to access the larger garden area, but the stairs to the upper and lower flats may then make these units inaccessible for some. The lack of an internal lift is, therefore, an issue that could prevent reasonable access for some to all the units. I consider that when applying Policy D7 to this case, the starting point is that a lift should be provided.
46. I have carefully considered the case made that the provision of the lift in this development would not be reasonable, including on economic grounds for this scale of development. However, while I have detailed arguments on this issue from the appellant, I am not satisfied that I have such a clear and demonstrable case including in relation, for instance, to build costs and in construction terms, that the inclusion of a lift would make the scheme undeliverable. It may mean that the present design and layout would not facilitate the inclusion of a lift, however, that is another issue with the scheme, and I am, therefore, not persuaded that the exclusion of a lift would meet the exceptional requirements that the supporting text to Policy D7 of The London Plan had in mind.
47. In conclusion, while the scheme has elements which are acceptable and policy compliant for the reasons explained, I consider that the lower ground floor flat would not provide acceptable living conditions for future occupants and the lack of reasonable accessibility to all the flats would not be acceptable in the circumstances before me. Consequently, in these respects, the scheme would not comply with Policies SP2 and DM10 of the Local Plan and Policies D6 and D7 of The London Plan which seek, amongst other things, to meet high quality design and standards, and accessibility for all.

#### *Car parking layout*

48. The scheme would provide five independent car parking spaces at the front of the development. Each flat would be provided with a space and this would meet an acceptable standard, given the latest information at the appeal stage.
49. There is a good sized tarmacadam area off the main part of Riddlesdown Road which would allow drivers to manoeuvre and back into the spaces, or back out into this area, without affecting vehicles on the main road. Consequently, the car parking arrangement would not affect the free flow of traffic. The five spaces would be adequate to serve the development, with on occasion road side parking for additional vehicles. The additional highway information from the appellant at the appeal stage has satisfied the Council on this issue and I also find this information acceptable.
50. As a consequence, I conclude that the scheme would be acceptable from a highway safety and parking point of view and, accordingly, would meet with the

requirements of Policy T6 of The London Plan and Policy DM29 of the Local Plan which cover these issues.

### *Sustainable transport contribution*

51. Policy SP8.3 of the Local Plan promotes the use of public transport and Policy SP8.12 seeks to encourage the delivery of electric vehicle charging infrastructure throughout the Borough to improve air quality and decarbonise private transportation. Furthermore, Local Plan Policy SP8.13 states that new development will be required to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes.
52. The application site is located with a Public Transport Accessibility Level 1b (PTAL) which is considered for London poor access to public transport. I am satisfied that the development should contribute towards suitable improvements to sustainable transport and it seems accepted that a contribution of £1,500 per unit is the standard and agreed approach. The payment of this contribution should form an obligation in a legal agreement under s106 of the Town and Country Planning Act 1990.
53. The Procedural Guide: Planning Appeals – England was updated on 2 October 2024 to require that if the appeal is following the written representations procedure the appellant must ensure that the Planning Inspectorate receive an executed and certified copy of the planning obligation at the time of making their appeal. This requirement was in place when the appeal was submitted.
54. The appellant has confirmed a willingness to pay the contribution for each unit, and a draft agreement has been submitted. However, the appeal has not been accompanied by a signed and completed legal agreement that would secure the financial sum for sustainable transport improvements. To address this matter a planning condition has been drafted which would require the signing of a legal agreement to ensure the payment of the specified monies.
55. I am conscious of the Planning Practice Guidance that advises that a positively worded condition which requires the applicant to enter into a planning obligation is unlikely to pass the test of enforceability. Further it is stated that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases.
56. While I have had regard to the suggested condition to seek to address this matter, I do not consider that there are any exceptional circumstances to justify a negatively worded, or other, condition, especially as it is not a particularly complex scheme that would be at serious risk.
57. Consequently, in the absence of a completed legal agreement, the proposal would not secure the necessary contribution for improvements to sustainable transport. The proposal would thereby be contrary to Policy T6.1 of The London Plan (2021) and Policies SP8.3, SP8.12 and DM30 of the Croydon Local Plan (2018).

### *Cycle storage*

58. The site is in a location where cycling is a realistic prospect for some occupants to access services, facilities and employment. The provision of useable and

convenient cycling storage, to the appropriate standard, is therefore a reasonable requirement as part of the development.

59. Policy T5 of The London Plan requires 2 cycle spaces for each unit of accommodation and that these spaces should be fit for purpose, secure and well-located. The provision of such spaces is also supported by Policies DM29 and DM30 of the Local Plan.
60. The plans which were before the Council when it made its decision showed cycle parking spaces including as part of the private amenity space to the front ground and lower ground floor flats, within a storage room off the main entrance hall, alongside the northern elevation of the building and in a covered area in the rear garden.
61. The storage space adjoining the front flat and lower ground floor flat would be convenient but would to some extent compromise the enjoyment of these modest sized external seating areas. The internal storage room would not be especially convenient as it would entail negotiating a bicycle through several internal doorways. The spaces along the side passage would allow bicycles to be secured to the fixed cycle hoop and this would be convenient and would especially assist visitors. However, these spaces would not be covered and, therefore, may not always be an attractive option. The covered cycle store in the rear garden would be a secure facility but would be separated from the flats. This could require users to either carry their bicycles up and down the external stairs, or alternatively, via the side gate, users would exit some way down the footpath. Consequently, while this store has some merits, I am not satisfied that this store would be well-located for all users.
62. It follows that all the various cycle storage spaces are not without issue and which would reduce the likelihood of them being used. I am not satisfied that these concerns could be addressed by a condition in any approval.
63. In conclusion, I consider that the proposed cycle storage spaces would not be satisfactory for the reasons explained and overall, they would not be fit for purpose and/or well-located. Consequently, there is a likelihood that this would deter the desire of residents to use a bicycle as a means of sustainable travel. In this way the proposals for cycle storage and use would not meet the policy requirements, and in particular would fail to comply with Policy T5 of The London Plan and Policies DM29 and DM30 of the Local Plan.

#### *Waste storage*

64. Policy DM13 of the Local Plan seeks to ensure that the location of refuse and recycling facilities are treated as an integral element of the overall design. The policy includes that such facilities are sensitively integrated within the building envelope, are visually screened and provide adequate space for the temporary storage of waste (including bulky waste) materials that are generated by the development.
65. The scheme shows six wheelie bins would be located within enclosed bin stores along the northern side of the frontage area. The Council's internal response from its waste department advised that the proposals would not meet with its waste storage requirements and specified a series of bin requirements including 2No 660ltr landfill bins. These would be larger bins than proposed and would be more

difficult to accommodate alongside the entrance path to the side access. They are also likely to be more visually prominent within this frontage area. The original plans as submitted also do not include a 10sqm area for the storage of bulky waste.

66. Because of the positioning and size of the building, in conjunction with the reasonably narrow width of the side access and the limited space at the frontage, there appears to be few alternatives to provide the range of bins required in a sensitive and integrated design that complements the overall layout. Consequently, I am not satisfied that the concerns with the provision and location of the waste storage as presently proposed could be addressed by a condition in any approval. In coming to this judgement, I have taken into account all the appellant's information including the case made in the Highways Appeal Statement.
67. In the light of the above analysis, I conclude that the scheme would not make satisfactory provision for waste storage facilities and, thereby, would conflict with Policy DM 13 of the Local Plan.

### **Other Matters**

68. I have taken into account the range of objections to the scheme from local residents, Chris Philp MP, and the Riddlesdown Residents' Association, as well as the representation in support at the application stage. I have considered the main issues above and reach conclusions below, including taking into account the benefits of the scheme.

### **Conclusion**

69. The scheme would harm the character and appearance of the area, adversely impact on the living conditions of adjoining occupiers, albeit to a moderate extent, would not provide suitable living conditions for the future occupiers of the lower ground floor accommodation, not provide suitable accessibility to all units, would not make the required contribution for improvements to sustainable transport, would not provide suitable cycle storage, and would not provide acceptable waste storage facilities. These are a series of harms and related policy conflicts which are serious in themselves but collectively they weigh to a very substantial extent against the proposal. Indeed, they are such that the scheme would conflict with the development plan when considered as a whole.
70. On the other hand, there is no objection in principle to a redevelopment and the scheme would deliver a boost to housing supply on a windfall site within the built-up area. The development would make efficient and effective use of the land, albeit whilst causing harm to the character and appearance of the area. The units of accommodation would meet the designated space standards, would be an appropriate mix of units sizes and would help to meet the strategic target for 3 bedroom family homes. There would be biodiversity gains.
71. The scheme includes a commitment to building to Passivhaus Plus standards and this would result in a sustainable development with low running costs helping to minimise greenhouse gas emissions. There would be economic and social benefits to the area during construction and in subsequent occupation. The scheme could be delivered reasonably quickly by a small or medium sized builder adding to the housing stock available.

72. All these elements are the main benefits of the scheme. However, when taking into account the existing dwelling to be demolished, only four additional units of accommodation would be provided, and I consider that the benefits should be attributed limited weight in favour of approval.
73. It follows that the limited weight in favour of approval would not outweigh the very substantial weight to be afforded to the identified harm and related policy conflicts. The scheme would not accord with the development plan and material considerations do not indicate that a decision should be made otherwise.
74. Accordingly, I conclude that the appeal should be dismissed.

*David Wyborn*

INSPECTOR