

Planning Sub-Committee Agenda



To: Councillor Paul Scott (Chair)
Councillor Humayun Kabir (Vice-Chair)
Councillors Jamie Audsley, Sherwan Chowdhury, Luke Clancy,
Bernadette Khan, Jason Perry, Joy Prince, Sue Winborn and Chris Wright

A meeting of the **Planning Sub-Committee** which you are hereby summoned to attend, will be held on **Thursday, 8 February 2018** at the rise of Planning Committee but not earlier than **8.30 pm** in **Council Chamber, Town Hall, Katharine Street, Croydon CR0 1NX**

JACQUELINE HARRIS-BAKER
Director of Law and Monitoring Officer
London Borough of Croydon
Bernard Weatherill House
8 Mint Walk, Croydon CR0 1EA

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www.croydon.gov.uk/meetings
Tuesday, 30 January 2018

Members of the public are welcome to attend this meeting.

If you require any assistance, please contact the person detailed above, on the righthand side.

To register a request to speak, please either e-mail

Planning.Speakers@croydon.gov.uk or call James Haywood by 4pm on the Tuesday before the meeting.

N.B This meeting will be paperless. The agenda can be accessed online at www.croydon.gov.uk/meetings

AGENDA – PART A

1. Apologies for absence

To receive any apologies for absence from any members of the Committee

2. Minutes of the previous meeting (Pages 5 - 8)

To approve the minutes of the meeting held on 25 January 2018 as an accurate record.

3. Disclosure of Interest

In accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, Members and co-opted Members of the Council are reminded that it is a requirement to register disclosable pecuniary interests (DPIs) and gifts and hospitality to the value of which exceeds £50 or multiple gifts and/or instances of hospitality with a cumulative value of £50 or more when received from a single donor within a rolling twelve month period. In addition, Members and co-opted Members are reminded that unless their disclosable pecuniary interest is registered on the register of interests or is the subject of a pending notification to the Monitoring Officer, they are required to disclose those disclosable pecuniary interests at the meeting. This should be done by completing the Disclosure of Interest form and handing it to the Democratic Services representative at the start of the meeting. The Chair will then invite Members to make their disclosure orally at the commencement of Agenda item 3. Completed disclosure forms will be provided to the Monitoring Officer for inclusion on the Register of Members' Interests.

4. Urgent Business (if any)

To receive notice of any business not on the agenda which in the opinion of the Chair, by reason of special circumstances, be considered as a matter of urgency.

5. Planning applications for decision (Pages 9 - 12)

To consider the accompanying reports by the Director of Planning & Strategic Transport:

5.1 17/05738/FUL 1A Gainsborough Drive, South Croydon, CR2 9AX (Pages 13 - 28)

Description: Retention of four bedroom dwelling with garage, formation of vehicular access and parking. Alterations to frontage including removal of raised pathway, relocation of front door, realignment of garage door, replacement of original front door with window; and

associated landscaping.

Ward: Sanderstead

Recommendation: GRANT permission

6. Exclusion of the Press & Public

The following motion is to be moved and seconded where it is proposed to to exclude the press and public from the remainder of a meeting:

"That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information falling within those paragraphs indicated in Part 1 of Schedule 12A of the Local Government Act 1972, as amended."

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Planning Sub-Committee

Meeting of held on Thursday, 25 January 2018 at 8.45 pm in Council Chamber, Town Hall,
Katharine Street, Croydon CR0 1NX

MINUTES

Present: Councillor Paul Scott (Chair);
Councillor Humayun Kabir (Vice-Chair);
Councillors Jamie Audsley, Sue Winborn and Chris Wright

Also Present: Councillor Jane Avis, Andrew Pelling and Pat Ryan

PART A

A6/18 **Minutes of the previous meeting**

RESOLVED that the minutes of the meeting held 11 January 2018 be signed as a correct record.

A7/18 **Disclosure of Interest**

There were no disclosures of a pecuniary interest not already registered.

A8/18 **Urgent Business (if any)**

There was none.

A9/18 **Planning applications for decision**

A10/18 **17/04074/FUL 40 Violet Lane, Croydon, CR0 4HF**

Erection of a detached two storey, one bedroom residential (C3) property on the northern side of 40 Violet Lane.

Ward: Waddon

Following the officers' presentation there were no questions of clarification.

Councillor Pelling, speaking against the application as Ward Member, made the following points:

- The main concern of local residents was the cumulative effect of other developments in the area.
- Concerns were raised over the design of the roof.
- It was important that officers had acknowledged in the report that the area suffered a very poor PTAL rating.
- There was already a tall building near the site, and the site benefitted from providing a gap in the street and access to Duppas Hill park.

Councillor Audsley moved a motion for approval. Councillor Wright seconded the motion.

The motion for approval was put to the vote and was passed unanimously.

The Sub-Committee therefore **RESOLVED** to grant the application for development at 40 Violet Lane CR0 0HF.

A11/18 **17/05593/FUL 1 Buckleigh Way, Upper Norwood, SE19**

Erection of an attached three storey 4 bedroom dwellinghouse with associated parking, bin store, cycle stores and landscaping.

Ward: Upper Norwood

Following the officer's presentation the Sub-Committee asked questions on the potential negative impact of the roof terrace on surrounding properties. Officers assured Members that the roof terrace would have minimal impact and there were no overlooking issues associated with it.

Michael Warwick, speaking against the application, made the following points:

- The proposed development would adversely affect local residents and motorists.
- The road had a steep gradient which had been an accident hotspot which had included fatalities. Traffic calming measures introduced were still not effective at encouraging safer driving on the route.
- The application would present more problems for the road if approved.

Mick Haley, speaking in support of the application, made the following points:

- All the objections received were considered by the applicants.
- The applicant apologised for not discussing the proposals with residents first – some of the concerns raised could have been clarified at an early stage. Residents were encouraged to engage with the applicant on any outstanding concerns.

Officers present responded that the proposed car parking space for the site was positioned away from the junction. Although it was a challenging stretch

of road, highways officers had considered the application and were satisfied that it did not negatively impact on highway safety.

Councillor Scott noted the loss of a tree as part of the development, and moved a motion of approval subject to an additional condition that a replacement tree be planted as part of the development. Councillor Audsley seconded the motion.

The motion for approval subject to the condition was put to the vote and was passed unanimously.

The Sub-Committee therefore **RESOLVED** to grant the development at 1 Buckleigh Way SE19 subject to the following condition:

- A tree be planted as a replacement to the proposed loss of a tree on the site.

The meeting ended at 10.38 pm

Signed:

Date:

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PLANNING SUB-COMMITTEE AGENDA

PART 5: Planning Applications for Decision

1 INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Planning Committee.
- 1.2 Although the reports are set out in a particular order on the agenda, the Chair may reorder the agenda on the night. Therefore, if you wish to be present for a particular application, you need to be at the meeting from the beginning.
- 1.3 Any item that is on the agenda because it has been referred by a Ward Member, GLA Member, MP, Resident Association or Conservation Area Advisory Panel and none of the person(s)/organisation(s) or their representative(s) have registered their attendance at the Town Hall in accordance with the Council's Constitution (paragraph 3.8 of Part 4K – Planning and Planning Sub-Committee Procedure Rules) the item will be reverted to the Director of Planning to deal with under delegated powers and not be considered by the committee.
- 1.4 The following information and advice applies to all reports in this part of the agenda.

2 MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Committee is required to consider planning applications against the development plan and other material planning considerations.
- 2.2 The development plan is:
 - the London Plan July 2011 (with 2013 Alterations)
 - the Croydon Local Plan: Strategic Policies April 2013
 - the Saved Policies of the Croydon Replacement Unitary Development Plan April 2013
 - the South London Waste Plan March 2012
- 2.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken. Whilst third party representations are regarded as material planning considerations (assuming that they raise town planning matters) the primary consideration, irrespective of the number of third party representations received, remains the extent to which planning proposals comply with the Development Plan.
- 2.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.

- 2.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 2.6 Under Section 197 of the Town and Country Planning Act 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 2.7 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.
- 2.8 Members are reminded that other areas of legislation covers many aspects of the development process and therefore do not need to be considered as part of determining a planning application. The most common examples are:
- **Building Regulations** deal with structural integrity of buildings, the physical performance of buildings in terms of their consumption of energy, means of escape in case of fire, access to buildings by the Fire Brigade to fight fires etc.
 - Works within the highway are controlled by **Highways Legislation**.
 - **Environmental Health** covers a range of issues including public nuisance, food safety, licensing, pollution control etc.
 - Works on or close to the boundary are covered by the **Party Wall Act**.
 - **Covenants and private rights** over land are enforced separately from planning and should not be taken into account.

3 ROLE OF THE COMMITTEE MEMBERS

- 3.1 The role of Members of the Planning Committee is to make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons. In doing so Members should have familiarised themselves with Part 5D of the Council's Constitution 'The Planning Code of Good Practice'. Members should also seek to attend relevant training and briefing sessions organised from time to time for Members.
- 3.2 Members are to exercise their responsibilities with regard to the interests of the London Borough of Croydon as a whole rather than with regard to their particular Ward's interest and issues.

4. THE ROLE OF THE CHAIR

- 4.1 The Chair of the Planning Committee is responsible for the good and orderly running of Planning Committee meetings. The Chair aims to ensure, with the assistance of officers where necessary, that the meeting is run in accordance with the provisions set out in the Council's Constitution and particularly Part 4K of the Constitution 'Planning and Planning Sub-Committee Procedure Rules'. The Chair's most visible responsibility is to ensure that the business of the meeting is conducted effectively and efficiently.
- 4.2 The Chair has discretion in the interests of natural justice to vary the public speaking rules where there is good reason to do so and such reasons will be minuted.

- 4.3 The Chair is also charged with ensuring that the general rules of debate are adhered to (e.g. Members should not speak over each other) and that the debate remains centred on relevant planning considerations.
- 4.4 Notwithstanding the fact that the Chair of the Committee has the above responsibilities, it should be noted that the Chair is a full member of the Committee who is able to take part in debates and vote on items in the same way as any other Member of the Committee. This includes the ability to propose or second motions. It also means that the Chair is entitled to express their views in relation to the applications before the Committee in the same way that other Members of the Committee are so entitled and subject to the same rules set out in the Council's constitution and particularly Planning Code of Good Practice.

5. PROVISION OF INFRASTRUCTURE

- 5.1 In accordance with Policy 8.3 of the London Plan (2011) the Mayor of London has introduced a London wide Community Infrastructure Levy (CIL) to fund Crossrail. Similarly, Croydon CIL is now payable. These would be paid on the commencement of the development. Croydon CIL provides an income stream to the Council to fund the provision of the following types of infrastructure:
- i. Education facilities
 - ii. Health care facilities
 - iii. Projects listed in the Connected Croydon Delivery Programme
 - iv. Public open space
 - v. Public sports and leisure
 - vi. Community facilities
- 5.2 Other forms of necessary infrastructure (as defined in the CIL Regulations) and any mitigation of the development that is necessary will be secured through A S106 agreement. Where these are necessary, it will be explained and specified in the agenda reports.

6. FURTHER INFORMATION

- 6.1 Members are informed that any relevant material received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

7. PUBLIC SPEAKING

- 7.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Chair's discretion.

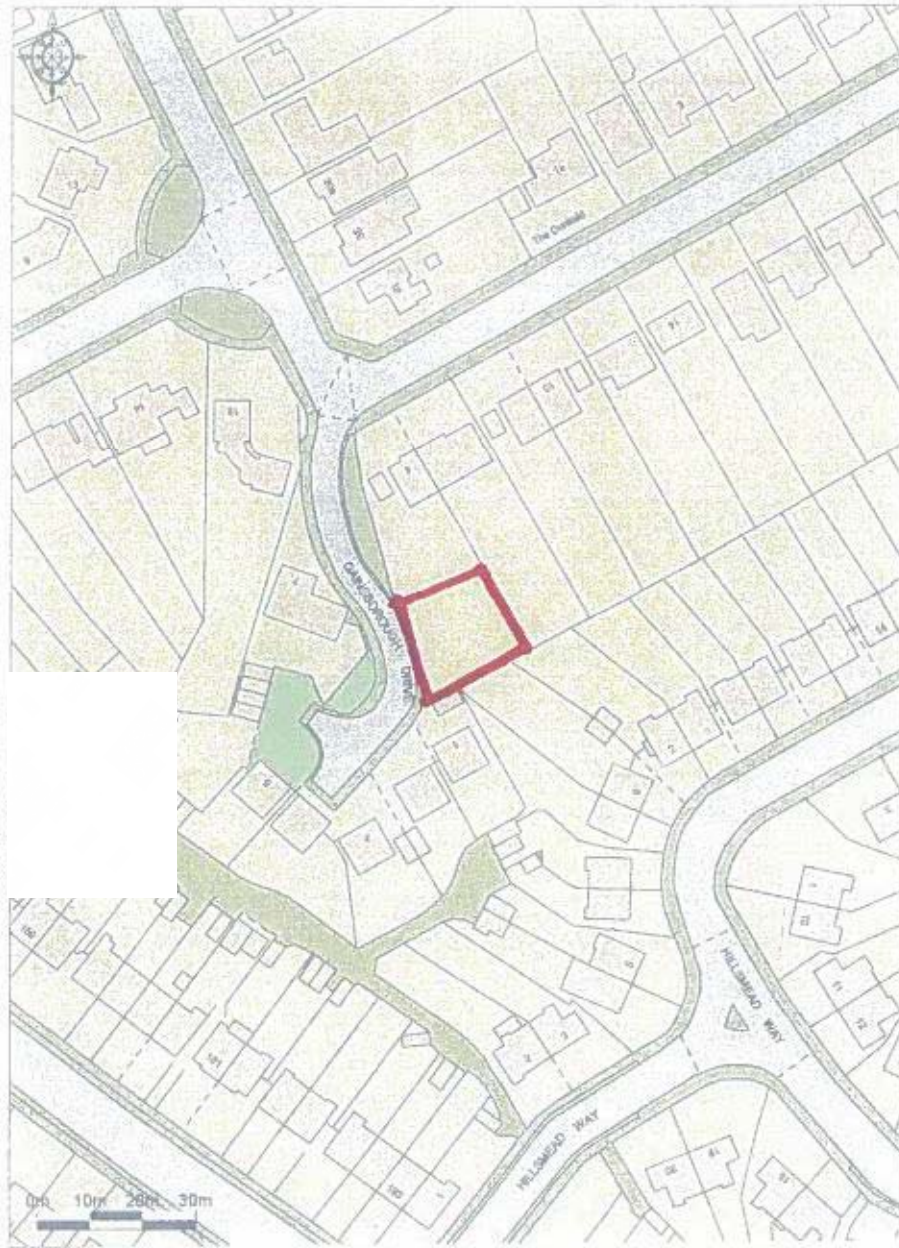
8. BACKGROUND DOCUMENTS

- 8.1 The background papers used in the drafting of the reports in part 6 are generally the planning application file containing the application documents and correspondence associated with the application. Contact Mr P Mills (020 8760 5419) for further information. The submitted planning application documents (but not representations and consultation responses) can be viewed online from the Public Access Planning Register on the Council website at <http://publicaccess.croydon.gov.uk/online-applications>. Click on the link or copy it into an internet browser and go to the page, then enter the planning application number in the search box to access the application.

9. RECOMMENDATION

- 9.1 The Committee to take any decisions recommended in the attached reports.

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PART 5: Planning Applications for Decision

Item 5.1

1 SUMMARY OF APPLICATION DETAILS

Ref: [17/05738/FUL](#)
Location: 1A Gainsborough Drive, South Croydon, CR2 9AX
Ward: Sanderstead
Description: Retention of four bedroom dwelling with garage, formation of vehicular access and parking. Alterations to frontage including removal of raised pathway, relocation of front door, realignment of garage door, replacement of original front door with window; and associated landscaping
Drawing Nos: Site Location Plan, 8136 Rev L, RK2018/0001 P2, RK2018/0002 P1
Applicant: Brilco Limited
Agent: Mr Hough
Case Officer: Tim Edwards

- 1.1 The application is being reported to committee because the ward councillor (Councillor Pollard) made representations with the committee consideration criteria and requested committee consideration.

2 RECOMMENDATION

- 2.1 That the Committee resolve to GRANT planning permission.
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Development to be carried out in accordance with the approved drawings and reports except where specified by conditions.
- 2) Details of cycle and refuse store shall be provided prior to the first occupation of the site.
- 3) The proposal shall only be carried out in accordance with the submitted flood risk assessment.
- 4) The proposal shall only be carried out in accordance with the submitted landscaping plan and shall be retained for a minimum period of 5 years beyond the completion of the proposal.
- 5) The proposed garage door shall only be carried out as detailed.
- 6) Works to be completed within 6 months of consent.

- 7) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport.

Informatives

- 1) Community Infrastructure Levy
- 2) Code of Practice for Construction Sites
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

3 PROPOSAL AND LOCATION DETAILS

Proposal

- 3.1 The proposal comprises the following:

- Retention of the four bedroom dwelling with internal garage (which has increased in depth by approximately 0.2 metres and in height by 0.52 metres from the 2012 appeal allowed in 2012).
- Formation of vehicular access and parking.
- Alterations to building frontage including the removal of raised pathway
- Relocation of front door.
- Realignment of garage door.
- Replacement of existing front door with a window.
- Associated landscaping to along the front and side boundaries.

- 3.2 The scheme has sought to overcome the dismissed appeal for LBC ref.15/02565/P.

Site and Surroundings

- 3.3 The application site has been formed from land which previously associated with 4 Lime Meadow Avenue. The plot is located on the south-eastern side of Gainsborough Drive as the corner bends outwards.

- 3.4 The surrounding area is residential in character, with Gainsborough Drive made up of a variety of single and two storey detached and semi-detached properties.

- 3.5 The site lies within an Archaeological Priority Zone and an area at risk from surface water flooding once in every 30 years.

Planning History

- 3.6 **12/02824/P:** Full planning permission was sought for the erection of four bedroom detached chalet bungalow at rear; formation of vehicular access onto Gainsborough Drive and provision of associated parking.

Refused on grounds of cramped development out of keeping with the character of the locality and detrimental to scene.

Appeal allowed and permission implemented but the house was not built in accordance with the approved plans (**ref. APP/L5240/W/12/2189334**).

15/02565/P: Retention of a four bedroom detached chalet bungalow at rear; formation of vehicular access onto Gainsborough Drive and provision of associated parking

Refused on grounds of cramped development out of keeping with the character of the locality and detrimental to scene

Appeal dismissed: The proposed development was considered to have an unacceptable appearance (**ref. APP/L5240/W/16/3148496**). Given the significance of this appeal decision, it has been appended to this report so members are fully aware.

4. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposed scale, mass and bulk of the proposal is considered on balance to be acceptable, bearing in mind the inspector's decision in 2015.
- The proposal has addressed the key reasons raised in the dismissed appeal in 2015. This includes the removal of the existing ramp, relocation of the front door and integration of semi-mature landscaping which would ensure the design and appearance of the development is appropriate and responds to the context of surrounding area.

4 CONSULTATION RESPONSE

- 4.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5 LOCAL REPRESENTATION

- 5.1 The application has been publicised by way of neighbourhood notification letters. The number of representations received from neighbours and local groups in response to notification and publicity of the application was as follows:

No of individual responses: 7 Objecting: 7 Supporting: 0

- 5.2 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

Objections:

- The proposed alterations to the scheme are superficial and do not address the planning inspectorates decision.
- Impact upon the amenity of the adjoining occupiers.
- The proposed relocation of the front door is out of keeping.
- The proposed planting is unsustainable and limited.
- The raised slab of the development creates a bulky appearance.
- Insufficient surface water mitigations are proposed.
- Harmful effect on the character and appearance of Gainsborough Drive.
-

5.3 The following matters which are not material to the determination of the application were also raised:

- The proposed site has taken the adjacent pavement. *[Officer Comment: The pedestrian pavement is considered to be positioned on the other side of the road to the proposal].*

5.4 Ward Councillor Tim Pollard has made the following objection to the scheme:

- The granting of planning permission would conflict the ruling of the planning inspectorate.

5.5 Chris Philp MP has also objected to the scheme. Although it is noted that this is not MP referable application, the proposed objections have been taken into account with the other objections highlighted in point 5.2.

6 RELEVANT PLANNING POLICIES AND GUIDANCE

6.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan: Strategic Policies 2013 (CLP1), the Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013 (UDP) and the South London Waste Plan 2012.

- a. Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Requiring good design
 - Delivering a wide choice of high quality homes
 - Providing a good standard of amenity for existing and future occupants of buildings and land
 - Promoting sustainable transport
- b. The main policy considerations raised by the application that the Committee are required to consider are:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.16 Waste net self sufficiency
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

6.2 Croydon Local Plan: Strategic Policies 2013 (CLP1):

- SP1.1 Sustainable development
- SP1.2 Place making
- SP2.1 Homes
- SP2.2 Quantities and location
- SP2.6 Quality and standards
- SP4.1 and SP4.2 Urban design and local character
- SP4.11 regarding character
- SP6.1 Environment and climate change
- SP6.2 Energy and carbon dioxide reduction
- SP6.3 Sustainable design and construction
- SP6.4 Flooding, urban blue corridors and water management
- SP8.6 and SP8.7 Sustainable travel choice
- SP8.12 Motor vehicle transportation
- SP8.17 Parking

6.3 Croydon Replacement Unitary Development Plan 2006 Saved Policies 2013

(UDP):

- UD2 Layout and siting of new development
- UD3 Scale and design of new buildings
- UD6 Safety and security
- UD7 Inclusive design
- UD8 Protecting residential amenity
- UD13 Parking design and layout
- UD14 Landscape design
- UD15 Refuse and recycling storage
- T2 Traffic generation from development
- T4 Cycling
- T8 parking
- H2 Supply of new housing

6.4 Supplementary Planning Guidance

- London Housing SPG March 2016

6.5 The Partial Review of Croydon Local Plan: Strategic Policies (CLP1.1) and the Croydon Local Plan: Detailed Policies and Proposals (CLP2) was approved by Full Council on 5th December 2016 and was submitted to the Planning Inspectorate on behalf of the Secretary of State on 3rd February 2017. The examination in public took place between 16th May and 31st May 2017. Main modifications have been received from the Planning Inspector and the Council are consulting on these modification during the period 29th August – 10th October 2017.

6.6 According to paragraph 216 of the NPPF, relevant policies in emerging plans may be accorded weight following publication, but with the weight to be given to them is dependent on, among other matters, their stage of preparation. Now that the main modifications to CLP1.1 and CLP2 have been published for consultation, there are certain policies contained within these plans that are not subject to any modifications and significant weight may be afforded to them on the basis that they will be unchanged when CLP1.1 and CLP2 are adopted.

7 MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the committee must consider are:

- Principle of development
- Townscape and visual impact
- Housing quality for future occupiers
- Residential amenity for neighbours
- Parking

- Flood Risk

Principle of development

- 7.2 Given the 12/02824/P allowed appeal, the principle of a dwelling on this site has been established.

Townscape and visual impact

- 7.3 The proposed alterations are considered to have responded to the previous refused scheme (LBC ref. **15/02565/P**) and subsequent appeal decision (**ref. APP/L5240/W/16/3148496**).
- 7.4 A number of the objections received on this scheme have detailed that the proposal has not addressed the planning inspectorate decision, however it is important to note point 11 in the inspectors report which stated *“While I have found the frontage treatment for this dwelling is unacceptable, with that being the consequence of the raised slab level, I consider the building’s overall height does not look out of place, given that Gainsborough Drive comprises a mixture of one and two storey dwellings. There is little space between the flank walls of this dwelling and its boundaries with No 1 and 4 Lime Meadow Avenue and this is something that contributes to this development having a relatively compact appearance. However, there is limited space between the shared boundaries for Nos 1 and 2 and Nos 4 and 5 and I therefore find that the new dwelling’s proximity to its side boundaries is not so tight as to be out of context within the street scene”*. Taking into account the inspector’s report, overall the proposed scale, bulk and mass of the proposed building are considered on balance to be in keeping and not detrimental to the character and appearance of the wider street scene.
- 7.5 Also relevant to the proposal now considered are paragraph 7 of the inspectors appeal decision which states that *“The appellant has submitted that the appeal site ‘... has always been above the road level by a minimum of 0.5 m and a ramp may have been required ...’. However, in terms of the frontage area for the development subject to the 2013 permission a change of level of 500mm is not readily apparent from the details shown on the previously approved drawings, with the front door threshold appearing to be around the level of the road. Accordingly I consider the Council’s submissions in this regard to be more accurate”* and paragraph 9 which stated *“It has been submitted that the ramp could be removed and replaced with steps and that this could be secured through the imposition of a planning condition. However, this change to the property would still leave it sitting on what is in effect a raised plinth, with a door threshold level that would be incompatible with those of Nos 1 to 7. On the available evidence I am not persuaded that the imposition of a planning condition requiring the ramp’s removal would provide an acceptable alternative”*.
- 7.6 The proposed removal of the existing raised ramp, balustrade and the alteration to the location of the front door will help to alleviate the inspectors concerns. It is

considered that this would create a more sympathetic building which would not appear as prominent within the street scene. The proposed soft landscaping to be planted along the front boundary would also aid in grounding the development within Gainsborough Drive and would be considered on balance acceptable. Following further discussion with the applicant, two larger semi-mature yew trees will also be planted along the front boundary. These are considered to be of benefit to the wider street scene, ensuring that they have an immediate impact upon the site.

- 7.7 The proposed introduction of landscaping along the front boundary would go some way in responding to comments made by the planning inspector who allowed the appeal (Ref: APP/L5240/A/12/2189334) which was then not built in accordance. The inspector stated in point 6 of their report that *“subject to the use of appropriate paving materials to the garage driveway and the provision of landscaping to the small front garden area, development as proposed will reflect the layout and configuration of the adjacent dwellings in Gainsborough Drive, in particular that of no. 7 opposite”*. Therefore, taking into account the previous allowed appeal and the now proposed scheme, overall the proposal is considered to address these concerns.
- 7.8 The proposed architectural detailing and material choice has not significantly altered from the previous allowed scheme and is considered to be in keeping with the character and appearance of the area.
- 7.9 The inspector and officers are minded that reverting to the 2012 consent would involve the demolition of the house. Balancing this against the revisions addressed above, officers are on balance supportive of the scheme and recommend permission is granted.

Housing quality for future occupiers

- 7.10 The proposal seeks to form a 4 bed, 6 person dwelling. The unit exceeds the technical housing standards in regards to its overall size, apart from bedroom 4 which does not meet the minimum size for a single bedroom. It is important to note however that the size of this room has not been altered since the allowed scheme in 2012 and therefore on balance is deemed acceptable. Adequate provision has been made for private amenity space at the rear which would meet the needs of future residential occupiers and as such would comply with the above policies.

Residential amenity for neighbours

- 7.11 The proposed 2015 enlargement of the building would not significantly alter the previously allowed scheme. Although the proposal does project an additional 0.50 metres towards the front elevation of 1 Gainsborough Drive, due to the existing location of a single storey detached garage which is adjacent to the development site alongside there being no fenestration within the flank elevations roof slope facing no.1 Gainsborough Drive overall this is considered acceptable.

- 7.12 Overall, due to the siting, layout, design of the building and most importantly the degree of separation between the building and all adjoining properties there is not considered to be any undue impact on the residential amenities of the adjoining occupiers. This is also considered within paragraph 17 of the previous appeal decision where the inspector stated that *“The siting of the dwelling relative to the neighbouring properties is such that I found no unacceptable overlooking to be possible from the first floor windows that have been installed”*.

Parking

- 7.13 The site would continue to provide two parking spaces on-site, one of which will be within the attached garage. Although the proposal now includes a small gradient which rises up from the roadside to the garage, in many forms this follows the previously allowed scheme and is therefore considered acceptable. The previous inspector acknowledged that in “accessibility terms this is a sustainable location”.
- 7.14 No provision for cycle storage has been indicated and would be expected to either be provided internally or to the rear of the site in a safe and secure manner.
- 7.15 The proposed amendments to the scheme would remove the refuse storage from the front of the site, which is considered a positive of the proposal. Two potential new locations are indicated on the plans for refuse with a confirmed location within the site and the details associated to this are recommended to be conditioned accordingly.

Flood Risk

- 7.16 The site lies within an area at risk of surface water flooding once in every 30 years. The submitted Flood Risk Assessment (FRA) specifies mitigation and options which can be controlled by condition. They were initial concerns related to the potential for surface water run-off from the proposed driveway. However, following the submission of a revised FRA with further mitigation methods including the inclusion of increased permeable paving, overall it is considered that this would minimise surface water run-off from the site and is therefore considered acceptable.

Conclusions

- 7.17 The proposal would resolve the previous reasons for refusal creating a development which is in keeping with the character of the area and would not have a significant impact on the amenities of adjoining occupiers. Landscaping, cycle and refuse storage, as well as sustainable drainage are all acceptable in principle and can be secured by condition.
- 7.18 All other relevant policies and considerations, including equalities, have been taken into account.

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Appeal Decision

Site visit made on 4 August 2016

by **Grahame Gould BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2016

Appeal Ref: **APP/L5240/W/16/3148496** **Gainsborough Drive, South Croydon CR2 9AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Reg Coote against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/02565/P, dated 1 June 2015, was refused by notice dated 19 October 2015.
 - The development proposed is described as '4 bedroom detached chalet bungalow with garage and off-street parking. (Increase of 500mm on right hand side to garage and bedrooms on previous approved application – Ref. 12/02824/P Appeal Ref. APP/L5240/A/12/2189334)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal development has been implemented in that a chalet bungalow has been constructed and this dwelling is essentially complete, with the outstanding works relating to the completion of external finishes, landscaping and the installation of some balustrading. This dwelling is a substitute for one that was allowed on appeal¹ on 17 April 2013 (the 2013 permission). Having regard to the very advanced stage of the works I have considered this appeal as one concerning a development that has been substantially completed.

Main Issue

3. The main issue is the effect of the development on the character and appearance of Gainsborough Drive.

Reasons

4. Gainsborough Drive is a short cul-de-sac that originally comprised five, detached, two storey houses and two detached bungalows (Nos 1 to 7). The new chalet bungalow occupies part of what was the rear garden of 4 Lime Meadow Avenue.
5. The main differences between the appeal development and the previously allowed dwelling are: an increase of height of 525 mm, in overall terms, albeit that the front door threshold level is around one metre high; an increase in the width of around 500mm; the installation of a ramped front access (the

¹ APP/L5240/A/12/2189334

- ramp) running parallel to the dwelling's front elevation to provide access to the front door because of a raised slab level; and an enlarged first floor area housed in a rearward projecting element.
6. The appellant has submitted that the appeal site '... has always been above the road level by a minimum of 0.5 m and a ramp may have been required ...'. However, in terms of the frontage area for the development subject to the 2013 permission a change of level of 500mm is not readily apparent from the details shown on the previously approved drawings, with the front door threshold appearing to be around the level of the road. Accordingly I consider the Council's submissions in this regard to be more accurate.
 7. The dwelling occupies a comparatively prominent position within Gainsborough Drive, being situated on the outside of a bend. A characteristic feature of Nos 1 to 7 is that their ground levels are essentially at road level. The appeal dwelling, given its raised floor level, is therefore at odds with the other properties in this street and I found the ramp to be a particularly alien element within the street scene, with it occupying a position that is very close to the back edge of the carriageway. While I appreciate that the installation of a balustrade along the access ramp is a safety requirement, its installation would add to the incongruity of the ramp's appearance.
 8. It has been submitted that the ramp could be removed and replaced with steps and that this could be secured through the imposition of a planning condition. However, this change to the property would still leave it sitting on what is in effect a raised plinth, with a door threshold level that would be incompatible with those of Nos 1 to 7. On the available evidence I am not persuaded that the imposition of a planning condition requiring the ramp's removal would provide an acceptable alternative.
 9. The need to accommodate the ramp and the relocation of the garage door have had implications for the extent of soft landscaping that will be possible, with the areas adjacent to No 1's garage and in front of the ramp now being block paved, contrary to the planting details shown on the drawings subject to the 2013 permission. While some planting in front of the ramp could be undertaken, I consider that this would do little to soften the appearance of the ramp and its balustrade and in relative terms the absence of the planted area adjacent to No 1's garage would be significant. Although the provision of a ramp assists with making this dwelling accessible for disabled persons, this has resulted in an unacceptable hardening in the frontage's appearance.
 10. I consider it of note that the Inspector who determined the previous appeal placed weight on the role the limited planted areas would have in assisting with assimilating the previously proposed development into the street scene, given that most of the properties in Gainsborough Drive, i.e. Nos 1, 2, 3, 5 and 6 have spacious frontages. Nos 4 and 7 have less generous frontages, but in this respect are not comparable with the appeal property because No 4 occupies a more discrete location, while No 7 benefits from being next to the planted area opposite Nos 1 and 2. It is clear that the treatment of the frontage area was an important consideration when the previous appeal was allowed and I find that the development has not adequately paid heed to that consideration, with the appearance of the frontage having been severely compromised, given the introduction of the ramp and the limited soft landscaping that will be possible.

11. While I have found the frontage treatment for this dwelling is unacceptable, with that being the consequence of the raised slab level, I consider the building's overall height does not look out of place, given that Gainsborough Drive comprises a mixture of one and two storey dwellings. There is little space between the flank walls of this dwelling and its boundaries with No 1 and 4 Lime Meadow Avenue and this is something that contributes to this development having a relatively compact appearance. However, there is limited space between the shared boundaries for Nos 1 and 2 and Nos 4 and 5 and I therefore find that the new dwelling's proximity to its side boundaries is not so tight as to be out of context within the street scene.
12. With respect to the dwelling's appearance to the rear, I found the first floor rear gable element to have acceptable proportions and accordingly I consider that this element of the development does not have a bulky appearance.
13. I am mindful of the submissions made by the appellant that reverting to the previously approved design would mean that the as built dwelling would need to be demolished. It is stated that the reason for this dwelling having a raised slab level is to enable a foul sewer connection to be made. While, I have some reservations about that explanation, given the levels in Gainsborough Drive and Lime Meadow Avenue, I would have expected the need for such a significant reworking of the dwelling's design to have become apparent as part of the process of obtaining an approval under the Building Regulations prior to the commencement of the development. I am therefore not persuaded that any technical difficulties associated with implementing the 2013 permission justifies allowing a development with the appearance shortcomings that I have identified.
14. For the reasons given above I therefore conclude that this development is having a harmful effect on the character and appearance of Gainsborough Drive and that this harm is something that could not be mitigated by the imposition of reasonable planning conditions. The development's failure to be of a high quality and respectful of its surroundings gives rise to conflict with: Policies SP.1.1, SP4.1 and SP4.2 of the Croydon Local Plan Strategic Policies of 2013; saved Policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan of 2006 (the UDP); and Policies 3.5, 7.4, and 7.6 of the London Plan (as altered since 2011). While conflict with Policy H5 (back garden development) of the UDP has been alleged, I find that conflict to be limited because it is only the appearance of the dwelling's frontage that is giving rise to harm.
15. Given the visual harm that I have identified, I also find that there would be conflict with the parts of the National Planning Policy Framework (the Framework) that address the visual quality of new development, most particularly paragraphs 17 (the fourth bullet point), 56, 57, 58, 60, 64 and 65. In this respect I find the aforementioned UDP policies, despite their age, to be consistent with the Framework, because they seek to ensure that new development is well designed and is compatible with its surroundings.
16. I find there to be no conflict with Policies 7.1 and 7.5 of the London Plan because these policies respectively address neighbourhood/place making and the appearance of the public realm (public and private spaces designed to be accessible by the public) as opposed to the consideration of the appearance of a single dwelling.

Other Matters

17. The siting of the dwelling relative to the neighbouring properties is such that I found no unacceptable overlooking to be possible from the first floor windows that have been installed. I also acknowledge that in accessibility terms this is a sustainable location. However, while those matters count in favour of this development I find them to be outweighed by the visual harm that I have identified.

Conclusions

18. For the reasons given above I have found that the appeal development has an unacceptable appearance. The nature of the harm is such that I consider it could not be addressed by my imposition of reasonable planning conditions. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR