

PART 5: Planning Applications for Decision**Item 5.5**

1 SUMMARY OF APPLICATION DETAILS

Ref: 18/03002/FUL
Location: The rear of 15 Birdhurst Gardens, South Croydon
Ward: South Croydon
Description: Alterations including alterations to land levels, erection of three storey 5 bedroom house with steps, erection of pergola and bicycle storage at rear and provision of 2 parking spaces
Drawing Nos: 18.09-P-2, 18.09-P-3, 18.09-LS-1A (received 21.01.2019), 18.09-LS-2A, 18.09-P-5A, 18.09-TC-1A (Turning Circle), Site Plan (18.09-1250C), Block Plan (18.09-P-7C) received 21.01.2019, Design and Access Statement, Flood Risk Assessment
Applicant: Mr Shah
Agent: Mr Peter Hutchinson
Case Officer: Hayley Crabb

- 1.1 This application is being reported to Committee because the Ward Councillor (Cllr Michael Neal) has made representation in accordance 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) Materials to be submitted with samples
- 3) Car parking to be provided as specified in the application prior to occupation
- 4) Cycle store/bin store as specified in the application
- 5) Removal of permitted development rights for enlargements and outbuildings
- 6) No additional windows in the flank elevations/obscure glazed first/second floors
- 7) Landscaping scheme to be submitted including hard/soft landscaping, retaining walls, boundary treatments and planting as boundary screening, details of green roof, SUDs techniques and habitat enhancement methods
- 8) Construction Logistics Plan to be submitted
- 9) 19% reduction in carbon emissions
- 10) Water usage restricted to 110 litres per person per day
- 11) Details of surface water attenuation to be agreed
- 12) No felling of trees in bird nesting season
- 13) Commencement of development within three years of consent being granted
- 14) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) CIL liability
- 2) Protected Species
- 3) Code of Practice for Construction Sites
- 4) 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:

- Provision of three storey detached 5 bedroom house fronting Coombe Road with integrated bin store and garden area at rear;
- The proposed house would have a floor area of 247m²;
- Use of the existing vehicular access between no. 13 and no. 15 Birdhurst Gardens and provision of two parking spaces for the proposed house;
- 1 parking space has been shown for the existing flats at no. 15 Birdhurst Gardens
- A cycle store and pergola proposed in the rear garden at rear.

Site and Surroundings

3.2 The site forms part of the rear garden of No. 15 Birdhurst Gardens, the rear of which backs onto Coombe Road. No. 15 is located on the northern side of Birdhurst Gardens. It consists of a two-storey detached building that has been converted into flats. The land is level, however Coombe Road, which adjoins the rear garden, is on a higher land level. There is a shared vehicular access between No. 13 and 15 which serves private parking at the rear of both properties.

3.3 The surrounding area is residential in character and is made up of blocks of flats, detached and semi-detached properties/conversions. The site has been identified as being at risk of surface water flooding and is in an area with a public transport accessibility of 3 or 4.

Planning History

3.4 The following applications are of relevance:

Application site

83/01671/P – erection of detached bungalow and garage fronting Coombe Road.

Planning Permission **REFUSED** due to access unsuitable (length and width) and impact on amenities of adjoining occupiers.

14/00762/P - Erection of a three storey building comprising 2 two bedroom and 2 three bedroom flats; alterations to existing vehicular access and provision of associated parking cycle and refuse storage

Planning Permission **REFUSED** on the following grounds:

- 1) The development would result in a cramped and overcrowded layout, out of keeping with the character of the surrounding area and detrimental to the visual amenity of the street scene by reason of the layout, scale of the building and design. It would not respect or improve the existing pattern of buildings, nor maximise the opportunities for creating an attractive and interesting environment and would thereby conflict with the NPPF, Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011(with 2013 Alterations), Policies SP1.1, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013) and Policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013.
- 2) The development would be detrimental to the residential amenities of the occupiers of the adjoining property by reason of visual intrusion and loss of privacy and would thereby conflict with Paragraph 17 of the NPPF, Policies 3.5 and 7.6 of the London Plan 2011 (with 2013 Alterations), Policies SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies (2013) and Policy UD8 of the Croydon Plan (2006) Saved Policies 2013.
- 3) The development would result in sub-standard accommodation by reason of poor outlook from habitable rooms facing towards flank boundaries and would thereby conflict with Policies 3.5 of the London Plan 2011 (with 2013 Alterations) and Policy SP2.6 of the Croydon Local Plan Strategic Policies (2013).

The application was the subject of a planning appeal which was dismissed on the grounds of proposal would be harmful to the character and appearance of the area, would adversely affect the living conditions of adjoining occupiers and would provide unsatisfactory living conditions for future occupants.

15 Birdhurst Gardens

11/02709/P – Use as a single family dwelling house.

Planning Permission **GRANTED**

12/03294/P –Alterations; conversion to form 2 two bedroom and 3 one bedroom flats; erection of two storey rear extension, construction of roof extension and provision of associated parking

Planning Permission **GRANTED**

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of residential development on the site is acceptable;
- The design and appearance of the development is appropriate for the site;
- There would be no undue harm to the residential amenities of adjoining occupiers;
- The living standards of future occupiers are acceptable and compliant with the Nationally Described Space Standards and the London Plan;
- The level of parking and impact upon highway safety and efficiency is acceptable;
- Sustainability aspects of the development can be controlled by condition.

5 CONSULTATION RESPONSE

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

6 LOCAL REPRESENTATION

- 6.1 44 letters were sent to adjoining occupiers to advertise the application. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 12 Objecting: 5 Supporting: 6 Comment: 1

- 6.2 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:

Summary of objections	Response
<i>Residential Amenity Considerations</i>	
<ul style="list-style-type: none"> Impact on residential amenity of adjoining occupiers – loss of privacy, overlooking and light 	See paragraph 8.9 onwards
<i>Access and Parking</i>	
<ul style="list-style-type: none"> Traffic congestion/Impact on highway safety Inadequate parking provision Unacceptable access arrangements 	See paragraphs 8.20 and 8.21
<i>Design and Scale of Development/Overdevelopment of the site</i>	
<ul style="list-style-type: none"> Character of the area and design Overdevelopment 	See paragraph 8.4 and 8.5
<i>Environmental Considerations</i>	
<ul style="list-style-type: none"> Flood risk 	See paragraph 8.27
<ul style="list-style-type: none"> Waste 	See paragraph 8.23
<ul style="list-style-type: none"> Trees 	See paragraph 8.24
Summary of supporting comments	
<ul style="list-style-type: none"> Much needed housing with minimal impact 	See paragraph 8.2

6.3 Cllr Michael Neal has objected to the scheme, making the following representations:

- Back land development
- Over-development of the site
- Out of character with the area
- Visual impact on neighbouring properties

7 RELEVANT PLANNING POLICIES AND GUIDANCE

7.1 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 2018 (CLP) and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in July 2018. 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, including achieving well designed places that take the opportunities available for improving the character and quality of an area and the way it functions.

- The main policy considerations raised by the application that the Committee are required to consider are:

Consolidated London Plan 2011 (LP):

- 3.5 on Quality and design of housing developments
- 6.13 on Parking
- 7.4 on Local Character
- 7.6 on Architecture

Croydon Local Plan 2018 (CLP):

- SP2 on Homes
- SP6.3 on Sustainable Design and Construction
- DM1 on Housing choice for sustainable communities
- DM10 on Design and character
- DM13 Refuse and recycling
- DM23 on Development and construction
- DM25 on Sustainable Drainage Systems and Reducing Flood Risk
- DM29 on Promoting sustainable travel and reducing congestion
- DM30 on Car and cycle parking in new development
- DM46 – South Croydon

8 MATERIAL PLANNING CONSIDERATIONS

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

1. Townscape and visual impact
2. Residential amenity of adjoining occupiers
3. Residential amenity of future occupiers
4. Highways and transport
5. Trees and environment
6. Environment and sustainability

Townscape and visual impact

8.2 Local Plan Policy DM10 supports back land development subject to impact on the character of an area and the amenities of adjoining properties. In principle a residential site can be used for further delivery of residential units where it does not have a detrimental impact on the character of the area or other factors. In the case of development in the grounds of an existing building which is retained, this policy states that a minimum length of 10m and no less than half or 200m² (whichever is the smaller) of the existing garden area should be retained for the host property, after the subdivision of the garden. The site has already been sub-divided and no. 15 Birdhurst Gardens converted to flats. Furthermore, the proposed building would have a frontage to Coombe Road and so would front on to a main road.

8.3 Policy DM10.1 and DM46 sets out that developments should seek to achieve three storeys whilst respecting the character of the area, particularly development pattern, layout and siting; scale, height, mass and density; and appearance, materials, features and the Place of Croydon.

8.4 The proposed house would be located to the rear of the host property which backs onto Coombe Road. The land is level, however Coombe Road which adjoins the site from the rear is on a higher land level and therefore the proposed house would result in a three storey house when viewed from the rear. The architectural variety within the area presents an opportunity for a high quality contemporary building. Whilst there are no other residential properties along this stretch of Coombe Road with a frontage onto Coombe Road, it has been sensitively designed to be an appropriate width and depth of building, with a rear garden area. Its siting is such that other developments could, subject to full consideration, follow a similar building line in the future.



8.5 The proposed building would be of a contemporary design, it would be set back from the pavement and side boundaries and would incorporate a bin store. Natural landscaping would be provided along the frontage to soften the appearance of the development in the street scene. From the front it would have the appearance of a two storey house and from the rear three storeys. The size and massing has been designed to make the most of the difference in land levels. Below are CGI's illustrating what the size and massing of the proposed house would be:



8.6 There is a building on each corner with Edward Court on the corner of Coombe Road and South Park Hill Road (fronting South Park Hill Road) and Birdwell Court on the corner of Coombe Road and Birdhurst Avenue (fronting Birdhurst Avenue). Whilst the proposed house would be of a contemporary design and be the only house fronting Coombe Road, it is considered given its size, siting and design and the relationship with neighbouring buildings in close proximity to the site and their size and design, it is

considered the proposed development would not result in the over-development of the site but would have an acceptable impact on the surrounding area in terms of its design and appearance. Conditions are recommended in relation to sample materials, landscaping and boundary screening. Given the significant separation from neighbouring buildings, there is no strict form of style of buildings on this section of Coombe Road so an individualistic response is appropriate. The building has been designed to face in two directions. The main vehicular access would be from Birdhurst Gardens and so the property faces in that direction, which also allows it to make use of the southerly aspect. It also fronts on to Coombe Road with a clearly visible pedestrian entrance and fenestration. Windows have not been provided at ground level due to the level of the site with Coombe Road and the potential for noise and disturbance. Given the distinctive architectural approach this is considered acceptable.

- 8.7 It is acknowledged that planning permission has previously been refused on the site for a three storey building comprising 2 two bedroom and 2 three bedroom flats, however this was for a block of 4 flats which would have had a greater impact on the streetscene and wider area. Since this refusal the Croydon Local Plan has been adopted, with new policies relating to back land development. Each application is assessed on its own merits in accordance with the development plan and other material considerations relevant at the time. Also the house the subject of this application is narrower than the previous refusal and is of a different size, siting, massing and design.
- 8.8 Having considered all of the above, against the backdrop of housing need, officers are satisfied that the proposed development would comply with the objectives of the above adopted policies in terms of respecting local character.

Residential amenity of adjoining occupiers

- 8.9 No. 15 Birdhurst Gardens has been converted to flats. No. 17 has not been developed at the rear. There is however a building on the corner of South Park Hill Road with Coombe Road (Edward Court) which has its frontage onto South Park Hill Road and also a building on the corner of Birdhurst Avenue and Coombe Road (Birdwell Court) with their frontage onto Birdhurst Avenue. These are in use as flats. The proposed house would be set in from the side boundaries. Representations have been received objecting on the grounds of loss of light/loss of privacy and outlook.
- 8.12 The proposed house would be located to the rear of no. 15 Birdhurst Gardens. The building would be set approximately 8m from the boundary with no. 15 but approximately 28m from the rear elevation of this property and a similar distance from 13 and 17. As such the separation distance is satisfactory to ensure that overlooking is minimised. DM10 protects the first 10m of private amenity space from direct overlooking. Given these distances it is not considered that the first 10m would be directly overlooked. An element of mutual overlooking is typically found in residential areas and this proposal is not considered to result in unacceptable detriment to neighbouring properties.
- 8.13 It is considered Birdwell Court would be of sufficient distance to not have an undue impact on the amenities of these occupiers.
- 8.14 There are trees adjacent to the side boundary with Edward Court which obscures views through. The proposed house would be set in from the side boundaries. The proposed

windows at side at first floor level would serve a void and a secondary master bedroom window and at second floor a bathroom. Given the siting and proposed use of the windows in the side elevation, the location of Edward Court's car parking area and trees adjacent to the side boundary, it is considered the proposed development would not have a significant effect on the amenities of Edward Court as to warrant a refusal of planning permission.

- 8.15 There are flats opposite the site fronting Coombe Road, these are however set back from the road frontage and have mature vegetation along the frontage which minimises views onto Coombe Road. It is not considered the proposed development would have an undue impact on their amenity.

Residential amenity of future occupiers

- 8.16 The proposed dwelling would exceed the minimum standards set out in the Technical Housing Standards - National Described Space Standards (2015). The proposed dwelling would have a floor area of 247m² and a garden area provided. The development is considered to be acceptable in terms of living conditions for future occupiers.
- 8.17 An internal refuse area would be provided which is considered acceptable. Concern has been raised with regard to refuse collection and impact on the highway network. Coombe Road is an adopted highway. In the event of an emergency, a vehicle would be able to stop on Coombe Road. A condition could be attached for a waste management plan to be submitted prior to occupation if necessary.
- 8.18 Outdoor amenity space would be provided which is considered acceptable.

Highways and parking

- 8.19 The site has a PTAL rating of 3 which means moderate accessibility to public transport links.
- 8.20 It is proposed to use the existing vehicular access in between no. 13 and no. 15 Birdhurst Gardens. 2 parking spaces would be provided for the proposed house and 1 parking space has been shown for one of the flats at no. 15. On the discharge of condition application in relation to no. 15, it showed the provision of 1 parking space to the rear. The level of parking is acceptable in line with policy.
- 8.21 A swept path has been provided demonstrating that a car will be able to manoeuvre and leave the site in forward gear. Given the number of parking spaces and the length of the access road, it is considered the use of the existing access road would be acceptable in this instance. Cycle storage has been shown within a store in the rear garden, it would provide space for 4 bicycles. This is considered acceptable.
- 8.22 A construction logistics plan would be conditioned. Given the proposal is for one house with access off Birdhurst Gardens and Coombe Road, emergency vehicles would be able attend the site.
- 8.23 The bin store area has been designed within the fabric of the building. This is considered acceptable and complies with policy and would be easily accessible from Coombe Road.

Trees and environment

- 8.24 There are trees adjacent to the side boundary. Representations received on the ground of impact on trees/birds. The neighbouring trees are of limited amenity value due to their current condition, therefore do not provide the merits afforded to protected trees within the borough. Furthermore given the proposed house would be set in from both side boundaries, it is considered that the new proposed scheme would not adversely effect their rooting areas. It is recommended for an informative to be attach with regards to protected species.
- 8.25 New tree planting would be secured by condition to soften the approach of the new development. Specifically along the rear boundary adjacent to Coombe Road. Two trees would be provided adjacent to each side boundary at front. This is considered acceptable and can be conditioned.

Environment and sustainability

- 8.26 Conditions can be attached to ensure that a 19% reduction in CO2 emissions over 2013 Building Regulations is achieved and mains water consumption would meet a target of 110 litres or less per head per day.
- 8.27 The site falls within an area of surface water flooding. A Flood Risk Assessment has been submitted. It is stated in the assessment “provision has been made for a rainwater harvesting system with a storage tank on the roof behind the solar panels. Also a significant proportion of the roof is planted increasing water absorption. The landscaping for the garden will incorporate permeable paving and lawn to allow any surface water to drain away thus negating any risk of flooding”. It is recommended for this to be conditioned together with the provision of a water butt.

Conclusions

- 8.28 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.
- 8.29 All other relevant policies and considerations, including equalities, have been taken into account.