

PART 5: Planning Applications for Decision**Item 5.1****1 SUMMARY OF APPLICATION DETAILS**

Ref: 18/02695/FUL
Location: 23 The Drive
Ward: Coulsdon Town
Description: Construction of a part one/part three storey four bedroom detached house in rear garden with associated access driveway from The Drive, car parking and refuse storage
Drawing Nos: 078/001/PA/100, 078/001/PA/101C, 078/001/PA/102B, 078/001/PA/103A, 078/001/PA/200, 078/001/PA/201B, 078/001/PA/203, 078/001/PA/217, 078/001/PA/300, 078/001/PA/301, 078/001/PA/302, 17195-01-01, CM1-7320, Survey as Existing, Arboricultural Impact Assessment, Preliminary Ecological Appraisal – Final Report and Energy Strategy Report
Applicant: Mr Papworth
Agent: Mr Mike Bliss
Case Officer: Emily Walsh

- 1.1 This application is being reported to committee because the ward councillor (Cllr Luke Clancy) made representations in accordance with the Committee Consideration Criteria and requested committee consideration and objections above the threshold in the Committee Consideration Criteria have been received.

Background

- 1.2 This application was previously considered by the Planning Sub Committee on the 4th October 2018. The Committee deferred the item after discussion around the retention of garden space for the host property. This has been clarified in paragraphs 8.2-8.7.
- 1.3 The application did make it onto the 13th December Agenda, but was withdrawn prior to the meeting to allow further amendment relating to disabled access and refuse collection arrangements. This has been clarified in paragraphs 8.23 and 8.28.
- 1.4 Since the application was previously considered the Council's Suburban Design Guide has been formally adopted and represents a material planning 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
- 4) Removal of permitted development rights for enlargements and outbuildings
- 5) No additional windows in the flank elevations
- 6) Windows in flank elevations to be obscure glazed
- 7) Rear flat roof not to be used as a balcony
- 8) 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
- 9) Recommendations and habitat enhancements outlined in 'Preliminary Ecological Appraisal – Final Report' to be implemented
- 10) Trees at rear to be retained and works to be carried out in accordance with submitted arboricultural report
- 11) Permeable forecourt material to be used for the lifetime of the development
- 12) Construction Logistics Plan to be submitted
- 13) 19% reduction in carbon emissions
- 14) Water usage restricted to 110 litres per person per day
- 15) Bins to be stored at presentation point only for bin collection and not at other times
- 16) Commencement of development within three years of consent being granted
- 17) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

Informatives

- 1) Site notice removal
- 2) CIL liability
- 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 part one/part three storey detached four bedroom dwelling in rear garden;
- A new access drive to the proposed dwelling would be created to the side of the donor property where the existing detached garage is currently located;
- Cycle storage and bin storage would be provided at the front of the proposed dwelling.

3.2 Since the scheme was last presented to committee, amended plans have been received to address following:

- Amount of rear garden retained for the host property - reducing the amount of hardstanding for the proposed new house and increasing the size of retained garden of the host house
- Revised parking configuration
- Revised levels for the access road and pedestrian path
- Revised bin store and cycle storage

- Inclusion of a WC at first floor level, an access ramp to the front door
- Alterations to the fenestration on the front elevation

Site and Surroundings

- 3.3 The application site consists of a two storey detached house that is located on the southern side of The Drive. The site consists of the rear garden area of No. 23, which slopes steeply downwards towards Brighton Road. The area is residential in character and mainly consists of similar sized detached properties. The site has a PTAL rating of 2 which means that it has moderate access to public transport. There are no on-street parking restrictions along the road.

Planning History

- 3.4 17/02866/PRE – Pre-application advice sought in relation to a new house in the rear garden of No. 23 The Drive. It should be noted that the house shown as this submission was part one/part three storeys in height.

3.5 Rear of No. 31 The Drive

- 3.6 15/01666/P – Planning application for erection of four bedroom house; formation of vehicular access and provision of associated parking – Refused.

This application was refused on the following grounds:

- 1. The development by reason of its siting, appearance, size, height and design including the changes in land levels and access road would result in an unsatisfactory cramped backland development harmful to the character of the area and that would be detrimental to the amenities of the occupiers of adjoining residential properties resulting in visual intrusion, poor outlook, loss of privacy and noise and disturbance;*
- 2. The trees on this site are subject to TPO 10, 2015. The siting of the hard surfaces and the change of existing land levels would be likely to compromise the retention of a number of visually important, preserved trees. The loss of these trees would be detrimental to the character of the area.*

- 3.6 16/02390/P – Outline planning application for erection of detached house; formation of vehicular access and provision of associated parking – Refused

This application was refused on the following grounds:

- 1. The likely development including the access road would result in an unsatisfactory cramped backland development harmful to the character of the area and that it is likely the resulting house would provide a poor level of accommodation for future occupiers and would have a detrimental effect on the amenities of the occupiers of adjoining residential properties by reason of visual intrusion, poor outlook, loss of privacy and noise and disturbance;*
- 2. Several trees on this site are subject to TPO 10, 2015. The siting of the hard surfaces and the change of existing land levels would be likely to compromise the retention of a number of visually important, preserved trees. The loss of these trees would be detrimental to the character of the area;*

3. *Several trees on this site are subject to TPO 10, 2015. The development does not follow the recommendations of BS 5837:2012 'Trees in Relation to Construction', on the principles to be applied to achieve a satisfactory relationship of trees with structures, which are essential to allow development to be integrated with trees. The potential loss of visually important trees as a result of this proposal would be detrimental to the character of the area.*

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 given the gradient of 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

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

6 LOCAL REPRESENTATION

- 6.1 Thirteen letters were sent initially to adjoining occupiers to advertise the application. Further letters were sent, following the receipt of amended plans, to allow the revised details to be reviewed. 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: 12 Supporting: 0 Comment: 0

- 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
Overdevelopment, increased occupiers, out of character	See para 8.2
Inappropriate as built into steep slope	See para 8.5
Would result in increased traffic and parking	See para 8.23-8.28
Loss of views	Views are not a material planning consideration
Noise and disturbance	See para 8.28
Access for emergency vehicles	See para 8.24
precedent	Each application is assessed on its own merits
Overlooking to Brighton Road	See para 8.20

6.3 Cllr Luke Clancy has objected to the scheme, making the following representations:

- Over-development;
- Impact on neighbours;
- Waste arrangements.

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 2019. 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.

7.3 Consolidated London Plan 2015

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.10 Urban greening
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self sufficiency
- 5.18 Construction, Demolition and excavation waste
- 6.3 Effects of development on transport capacity
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.6 Architecture

- 8.3 Community infrastructure levy

7.4 Croydon Local Plan (adopted February 2018)

- SP2 – Homes
- DM1 – Housing choice for sustainable communities
- SP4 – Urban Design and Local Character
- DM10 – Design and character
- DM13 – Refuse and recycling
- SP6 – Environment and Climate Change
- DM23 – Development and construction
- DM24 – Land contamination
- DM25 – Sustainable drainage systems and reducing flood risk
- SP7 – Green Grid
- DM27 – Biodiversity
- DM28 – Trees
- SP8 – Transport and Communications
- DM29 – Promoting sustainable travel and reducing congestion
- DM30 – Car and cycle parking in new development

7.5 Suburban Design Guide Supplementary Planning Document (SPD) 2019

The SPD is a Housing Design Guide that provides guidance on suburban residential developments and extensions and alterations to existing homes across the borough. The SPD is a design guide for suburban developments likely to occur on windfall sites where existing homes are to be redeveloped to provide for several homes or proposals for building homes in rear gardens.

7.6 Other relevant Supplementary Planning Guidance as follows:

- London Housing SPG, March 2016
- National Technical Housing Standards, 2015
- National Planning Practice Guidance

8 MATERIAL PLANNING CONSIDERATIONS

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

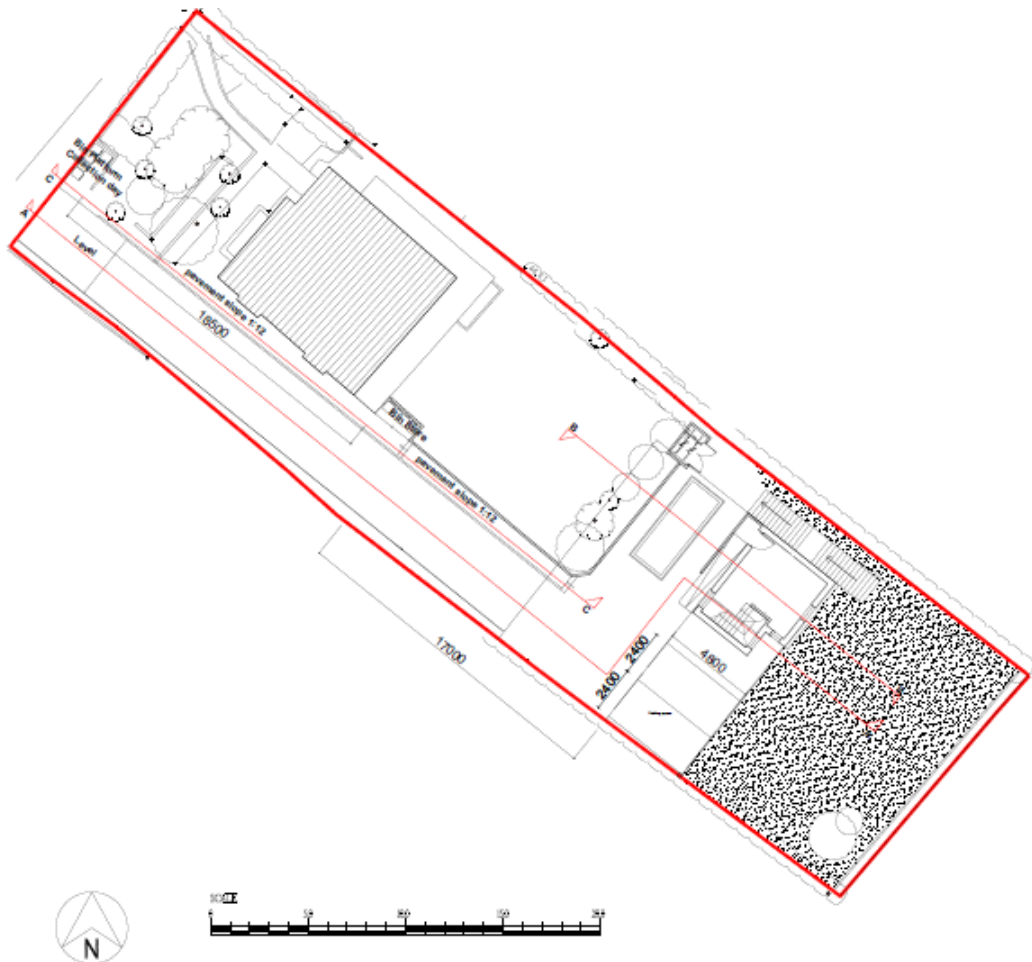
1. Townscape and visual impact
2. Trees and environment
3. Residential amenity of adjoining occupiers
4. Residential amenity of future occupiers
5. Highways and transport
6. Environment and sustainability

Townscape and visual impact

8.2 CLP2018 provides for the future sustainable growth of Croydon and demonstrates how sustainable growth of the suburbs can increase the supply of new homes. It places significant emphasis on the need to plan for the delivery of 32,890 new homes and that this can only be achieved through the sustainable growth of the suburbs. It provides

detailed policies to illustrate how local character should change to increase housing supply, recognising the need for this to be a sensitive evolution.

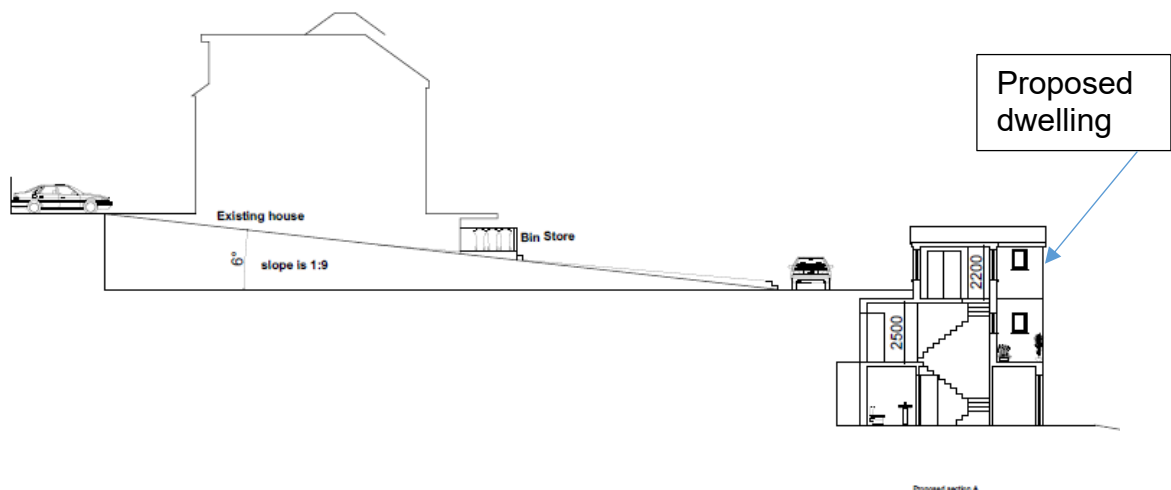
- 8.3 Policy DM10 provides detailed guidance, setting out that proposals should respect the development pattern, layout and siting; scale, height, massing and density; and appearance and materials of the area. At para DM10.4e it states that “*development in the grounds of an existing building which is retained [should retain] a minimum length of 10m and no less than half or 200m² (whichever is the smaller) of the existing garden area... for the host property after the subdivision of the garden*”



- 8.4 The current rear garden is approximately 515m² and the amended proposal would result in the host property having a rear garden of 15m length and a rear garden area of 168m². As such it meets the first detailed criteria (10m length) but does not meet the requirement for half or 200m² in a retained rear garden.

- 8.5 The proposal is however considered to be acceptable in this regard. Policy DM10 provides guidance on how schemes should respond to the local character. Not meeting one criteria of the policy does not necessarily result in a proposal which is out of keeping with the character of an area to the extent that it is unacceptable. In this instance a number of factors need to be considered. The proposal is somewhat unusual and in some respects is clearly at odds with the existing pattern of buildings facing streets. However it steps down the hill and so works with the gradient, resulting in a reduced impact on the host property which arguable justifies a lesser retained garden length.

- 8.6 Furthermore, whilst there is a clear overall pattern to development in the area (most rear garden lengths on The Drive and this section of Brighton Road are a similar length), more modern developments have started to change the character. 29 The Drive is a bungalow with a rear garden of 19m length, 1a The Drive is a two-storey house formed by dividing a plot and has a rear garden of approximately 7.5m. 1b was similarly created from a larger plot and has a rear garden of between 7m and 11m. On the opposite side of The Drive plots have been subdivided facing The Vale with garden lengths of approx. 8m. The first section of DM10 refers to the overall development pattern and so character of the area – which includes these infill developments. As such, infill developments with tight garden spaces are part of the overall character of the area.
- 8.7 Finally on this issue, the host property retains a front garden of approximately 100m² which needs to be considered when assessing the proposal's impact on the character of the area, which would take the retained garden area significantly over 200m². Significant amenity would be afforded the host property from this garden area and its retention broadly unaltered would result in the proposal having a minimal impact on the visual character of the area as seen from the street, which is how most people would experience it.
- 8.8 Turning to other elements of the character of the area, the massing has been designed to make the most of the change in land level across the site and so would be one storey in height when viewed from the rear of the houses in The Drive and three storeys in height when seen from the rear of the properties along Brighton Road. Section 2.20 of the adopted Suburban Design Guide encourages the form of new backland development to take advantage of the topography of sloping sites by stepping the form and reducing the visible height of development from the street.



- 8.8 The proposed dwelling would have limited views from public vantage points. Although the proposed dwelling would be capable of being viewed by the occupiers of a number of adjoining properties, it would have an acceptable impact on the surrounding area in terms of its design and appearance. The design of the dwelling has a modern appearance which breaks down its mass and given the level change, would be subordinate from The Drive. Conditions are recommended in relation to sample materials, landscaping and boundary screening.

- 8.9 It is acknowledged that two planning applications have been refused in the past for a new detached house at the rear of No. 31 The Drive under refs. 15/01666/P and 16/02390/P; however since this time the Croydon Local Plan has been adopted, with new policies relating to back land development. In addition, the Suburban Design Guide has been adopted which encourages the effective use of land and provides detailed guidance on backland development. The development is considered to comply with this guidance. Each application must be assessed on its own merits in accordance with the development plan and other material considerations relevant at the time.
- 8.10 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.

Trees and environment

- 8.11 The applicant has submitted an Arboricultural Impact Assessment which confirms that the proposed development would result in the removal of no Category A or B trees, 8 Category C trees and 2 Category C groups of trees/shrubs.
- 8.12 The report concludes that the proposed removal of the Category C trees and trees/shrubs would represent no more than what might be undertaken as part of reasonable maintenance of an overgrown garden. The impact would be mitigated by retention of the larger and more substantial sycamores (T19 and T20) together with the ash (T21), which provide valuable canopy cover and form part of a line of similar trees between the rear gardens of properties in The Drive and Brighton Road.
- 8.13 The retention of the trees at the rear of the site is supported and a condition would be appropriate. A condition is also suggested in relation to the recommendations and habitat enhancements outlined in Ecological Appraisal.

Residential amenity of adjoining occupiers

- 8.14 The main properties that would be impacted by the proposed dwelling would be Nos. 21, 23 (the host dwelling) and 25 The Drive and Nos. 28 and 28A Brighton Road.

No. 21

- 8.15 Due to the steep drop of the land to the rear the proposed dwelling would only appear as a single storey property from the back of this neighbouring property. The proposed access drive would also be positioned on the other side to this shared boundary. On this basis, the impact in terms of daylight/sunlight, outlook and privacy would be acceptable.
- 8.16 Should the dwelling be extended under permitted development rights it could increase the impact on this property, so a condition is recommended to remove permitted development rights.

No. 23

8.17 The proposal would be directly to the rear of no 23 but due to the level changes would only appear as single storey and so would have no impact in terms of light and outlook. Some disturbance from the new access would occur but as only one unit is served, this would be minimal. The proposal would significantly reduce the rear garden but this is on balance considered acceptable as an area of approximately 85m² would be retained for the host property.

No. 25

8.18 The impact in terms of daylight/sunlight, outlook and privacy would also be acceptable for this property as well given the single storey nature of the proposed dwelling as seen from this property. Whilst there would be windows and balcony areas facing towards this property, the windows could be conditioned so they are obscure glazed as they either serve non-habitable rooms or act as secondary windows. It is acknowledged that the proposed access drive would run adjacent to the shared boundary with this house, serving only one property the amount of noise and disturbance would be minimal and adequate planting could act as a screen and help to mitigate against any undue harm. It is considered that this could also be dealt with by way of a condition.

Nos. 28 and 28A Brighton Road

8.19 Whilst the rear of the proposed dwelling would appear as three storeys in height and would include a number of new windows, it would be set off the rear boundary with Brighton Road by approximately 10m and a number of existing trees would also be retained in this part of the garden to provide a buffer from the development. Policy DM10 requires that schemes do not directly overlook habitable rooms or private amenity space for the first 10m of neighbouring properties (measured from their rear back wall) so as to protect privacy; this proposal meets these requirements. It is acknowledged that these trees could change over time, and provide better screening at certain times of the year, but with a property to property separation distance of approximately 40m it is considered that this would be sufficient so as to not result in any unacceptable loss of daylight/sunlight, outlook or overlooking.

8.20 The proposed dwelling would be used solely for residential purposes, and in the context of the area it is not considered this would result in any additional undue harm through noise and disturbance to surrounding occupiers. The development is acceptable in terms of its impact on residential amenities of adjoining occupiers.

Residential amenity of future occupiers

8.21 The proposed dwelling would exceed the minimum standards set out in the Technical Housing Standards - National Described Space Standards (2015). The proposed dwelling would be dual aspect and a large rear garden area would also be provided. The development is considered to be acceptable in terms of living conditions for future occupiers.

8.22 The dwelling includes step-free access to the front door and a WC at ground floor level.

Highways and parking

- 8.23 The site has a PTAL rating of 2 which means that it has poor access to public transport links; however it should be pointed out Coulsdon Town train station is within reasonable walking distance of the site (12 mins).
- 8.24 The proposed development would include a new access to the side of the main house at No. 23 (adjacent to No. 25) and the provision of two car parking spaces and an associated turning area. One of the parking spaces would be allocated to the new dwelling, with one space retained for the existing host dwelling. The proposed number of spaces for the new dwelling would comply with Table 6.2 of the London Plan which allows up to two spaces for four bedroom units.
- 8.25 Having considered 2011 census data of car and van availability per dwelling in the Coulsdon West Ward where the development is located, the Draft London Plan maximum parking Standards together with the proximity of sustainable travel modes, the level of parking provision is considered acceptable. A condition would be appropriate regarding details of the hard surfacing for the access drive.
- 8.26 A cycle storage area with space for two bikes would be provided by the turning circle with doors facing out towards the car parking area. This is considered acceptable and would not be a prominent feature. The cycle storage cannot be accommodated internally due to the inclusion of the WC at ground floor level.
- 8.27 A separate bin storage area would also be provided to the hardstanding in front of the new dwelling. The bins would need to be pulled to roadside by the occupiers; however there are no in principle objections to this arrangement. The amendments incorporate a bin presentation point in the retained front garden to allow the occupiers of the new property to take bins to be collected without having to leave them on the public highway. A condition is recommended to ensure that this is used appropriately. The gradient of the pavement and the drag distance from the front door to the bin store and from the bin store to the bin presentation point are in accordance with the Council's requirements and are acceptable.
- 8.28 A condition would be appropriate in relation to a Demolition / Construction Logistic Plan (including a Construction Management Plan).

Environment and sustainability

- 8.29 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.

Conclusions

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