

<p>Report of: Head of Development Management</p> <p>Author: Nicola Townsend</p>	<p>Title: Planning Appeal Decisions (August 2020)</p>
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Housing, Communities and Local Government.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Planning Committee, Planning Sub Committee or by officers under delegated powers. It also advises on appeal outcomes following the service of a planning enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. APPEAL DECISIONS

- 2.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	19/03401/FUL
Site:	47 Portland Road, South Norwood, London, SE25 4UF
Proposed Development:	The conversion of vacant retail premises into a single person studio flat.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Sera Elobisi
Ward	South Norwood

- 2.2 The main issues in this case were as follows:
 - The vitality and viability of the South Norwood District Centre;
 - Whether it would preserve or enhance the character or appearance of the South Norwood Conservation Area, and;
 - The living conditions of future occupants in relation to lighting, outlook, privacy, ventilation and outdoor space, including space for refuse and cycle storage.
- 2.3 The site lies within the South Norwood District Centre in a Secondary Retail

Frontage as defined by the Local Plan 2018 (CLP). Policy DM4 resists the introduction of uses other than shops and related activities in such locations to ensure they do not undermine the retail function of the frontage. The Inspector noted that the property had been vacant since 2006, he also had some sympathy with the view that the level of vacancy is indicative of the difficulty of attracting and retaining retail businesses. However he also stated that there was little evidence as to how the property had been marketed for uses appropriate to a secondary retail frontage. On this point the Inspector concluded that in the absence of convincing evidence to demonstrate that there is no commercial future for the unit, he found its loss would harm retail vitality and viability.

- 2.4 The site also lies within the South Norwood Conservation Area. The Inspector noted that the appeal site reflects the significant features of the Conservation Area, although run down at present it has the potential to positively contribute to the areas character. Whilst no external changes were proposed the Inspector stated that the change of use from commercial to residential use would reduce activity which in itself forms an important part of the character of the area.
- 2.5 The proposed residential units would have been located over 2 levels with the kitchen/dining room and bathroom being located at basement level. As significant amount of the residential accommodation (approximately 50%) was located at basement level which has limited access to sunlight, daylight or outlook the Inspector concluded that the proposal would result in inadequate living conditions for future occupiers. He further concluded that the lack of outdoor space (for even a refuse bin) compounded these deficiencies further.
- 2.6 The appeal was DISMISSED.

Application No:	19/02323/HSE
Site:	3 Henley Lodge, 180 Selhurst Road, London SE25 5SE
Proposed Development:	<i>The proposed development is a new vehicular access and laying of hard surfacing at front</i>
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	James Udall
Ward	South Norwood

- 2.7 The main issue in this case focussed on the effect of the proposal on highway safety. The appeal site comprises an open plan garden adjacent to Selhurst Road (a Classified Road) and is located in close proximity to a signalised junction with Tennison and Park Road.
- 2.8 The Inspector agreed with the Council's assessment that this is a busy Classified Road. He stated that the proximity of the site to a junction, the reversing manoeuvres which are likely to result from the proposal would significantly increase the risk of collisions.
- 2.9 There was some dispute in the appeal as to whether a car could be turned within the site in order to enable a vehicle to enter and leave in a forward gear. However the swept path analysis provided was based on a car much smaller than a standard vehicle.
- 2.10 The Inspector concluded that the reversing manoeuvres generated by the

proposal would be detrimental to both pedestrian and vehicle safety due to the sensitivity of the location.

2.11 The appeal was DISMISSED.

Application No:	19/04738/FUL
Site:	15 Chipstead Valley Road, Coulsdon CR5 2RB
Proposed Development:	Alterations to the Shopfront, timber cladding to the front and side elevation
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	PART ALLOWED/PARTDISMISSED
Case Officer	Lucas Zoricak
Ward	Coulsdon Town

2.12 The main issue in this case was the effect on the character and appearance of the host building and the character of the area

2.13 The Inspector noted that the existing building had an understated appearance with a shopfront with rendered elevations. The Inspector considered the timber cladding to be extensive and prominent within the street scene which is further emphasised by its dark and heavy appearance. The Inspector considered this element of the proposal to be incongruous and obtrusive in appearance which would lead to significant harm to the character and appearance of the host building. This element of the appeal was therefore dismissed.

2.14 The Inspector did not however raise objections to the proposed alterations to the shopfront and the Inspector consequently issued a split decision and allowed this element of the appeal.

2.15 The appeal was therefore PART ALLOWED/PART DISMISSED

Application No:	19/04028/FUL
Site:	1 Selsdon Park Road
Proposed Development:	Erection of a 3 bedroom bungalow.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Emil Ancewicz
Ward	Selsdon and Addington Village

2.16 The main issues in this case were as follows:

- The suitability of the site for development
- The significance and setting of Nos 1 and 3 Selsdon Park Road as a non-designated heritage asset
- The living conditions of potential future occupants
- The demand for, and provision of, refuse storage facilities
- The demand for, and provision of, car parking facilities
- Highway safety.

- 2.17 The Inspector noted that whilst there had been some alterations to the windows and that a historic lean to building had been removed from the front 1 and 3 Selsdon Park Road largely appear as authentic late 19th/early 20th century cottages. He agreed with an earlier Inspector that that the existing wide and open side garden of the appeal property contributed to the open character and appearance of the dwelling. He also considered that this openness was part of the significance of the non-designated heritage asset in that it demonstrated the properties former rural rather than suburban location. He stated that development on the side gardens would compromise the openness to a degree and cause harm to the heritage asset.
- 2.18 The Inspector did note that due to the separation distance between the proposed bungalow and the host dwelling that it would allow the brickwork detailing and chimney of the host dwelling to be visible which would be positive. However, this would not be so beneficial to outweigh the large width and depth of the proposed bungalow which would not appear subservient to the host heritage asset. The Inspector also noted that the pitch form and design of the roof would disrespect the heritage asset. He therefore concluded that the development would harm the significance of the heritage building and would be contrary to policy.
- 2.19 The Inspector concluded that adequate amenity space would be provided for the host and proposed dwelling and that satisfactory living conditions would be provided for future occupiers.
- 2.20 The Council had raised concerns that the location of the refuse storage at the rear of the property was beyond the normal distance for collection. However the Inspector stated that it was normal for householders to have to move their bins for collection and that there was adequate room in the curtilage of the site to store the bin within the relevant collection distance.
- 2.21 The Council had raised concerns that the proposal would result in vehicles having to reverse onto a busy a-road in order to access/egress the site. The inspector however stated that as a A-road it could be “expected to be busy but there is no information to show that flows exceed 10,000 vehicles per day which is the limit recommended by the government’s Manual for Streets for providing direct access onto roads with a 30mph speed restriction.
- 2.22 In conclusion the Inspector found the proposal acceptable on all grounds except in relation to Heritage considerations
- 2.23 The appeal was DISMISSED

Application No:
Site:

16/02994/P
LAND AT PURLEY BAPTIST
CHURCH, 1 RUSSELL HILL ROAD, 1-
4 RUSSELL HILL PARADE, 2-12
BRIGHTON ROAD, PURLEY HALL
AND 1-9 BANSTEAD ROAD, PURLEY
Demolition of existing buildings on
two sites; erection of a 3 to 17 storey
development on the ‘Island Site’
(Purley Baptist Church, 1 Russell Hill
Road, 1-4 Russell Hill Parade, 2-12
Brighton Road), comprising 114
residential units, community and

Proposed Development:

	<i>church space and a retail unit; and a 3 to 8 storey development on the 'South Site' (1-9 Banstead Road) comprising 106 residential units and any associated landscaping and works</i>
Decision:	GRANT PLANNING PERMISSION
Appeal Method:	PUBLIC LOCAL INQUIRY
Inspector's Decision	Allowed
Secretary of State Decision:	Allowed
Case Officer	James White
Ward	Purley and Woodcote

2.24 Following the "call in" of the above application and lengthy consideration by the Secretary of State the above appeal has been allowed. The Planning Inspector provided a full report to the Secretary of State. In issuing his decision the SOS highlighted a number of key issues to the case.

2.25 In relation to Heritage the SoS agreed with the Inspector that whilst some harm arises to the setting of the Grade II Listed Library that this harm would be near the bottom of the scale of less than substantial harm and that this is outweighed by the benefits arising out of the scheme and particularly the improvements to the public realm. With regard to potential impact on the Webb Estate Conservation Area he found that its character and appearance would be preserved.

2.26 In relation to the Tower element of the development the SOS stated that "whilst the tower would be a prominent feature of Purley and would change the character of the town, it would not unacceptably dominate it or the surrounding residential area to the extent that any material harm is caused".

2.27 The SoS noted that there would be significant benefits arising from the scheme in terms of the number of homes, and economic benefits to Purley District Centre. He afforded these matter significant weight in the decision making process.

2.28 In relation to Transport the SoS agreed with the Inspector and found that there was no evidence to suggest that the development would result in an unacceptable increase in traffic or congestion on the Purley Way Gyratory.

2.29 Finally he noted that the proposed scheme is designed to meet current regulations for controlling means of escape, fire spread and resistance.

2.30 The appeal was ALLOWED

Application No:	19/054276/FUL
Site:	134 Ridge Langley
Proposed Development:	Erection of front dormer and internal alterations.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Alexander Green
Ward	Sanderstead

2.31 The main issue is the effect of the development on the character and appearance of the area.

- 2.32 The Inspector noted that the appeal property was similar in character to other properties in the street in that it features a prominent elongated roof. Although he did note that other properties in the area benefited from a gable end.
- 2.33 In refusing the application the Council raised concerns that the proposed front dormer would disrupt the rhythm of the street scene and thereby harm the appearance of the street scene, the inspector found the proposal would adequately harmonise with the area and street scene.
- 2.34 The Inspector went onto say that whilst the new front dormer would be visible in the street scene it would appear as a modest and proportionate extension and that it attempts to mirror neighbouring gable features. As a consequence of its proportionate design the Inspector considered that it would be a sufficiently coherent element which would not erode the symmetry of the local built form.
- 2.35 The appeal was ALLOWED.

<i>Application No:</i>	<i>19/04252/HSE</i>
<i>Site:</i>	<i>59 Coulsdon Road, Coulsdon CR5 2LD</i>
<i>Proposed Development:</i>	<i>Drop kerb outside property to give proper access to double driveway in front of property.</i>
<i>Decision:</i>	<i>REFUSE PLANNING PERMISSION</i>
<i>Appeal Method:</i>	<i>WRITTEN REPRESENTATIONS</i>
<i>Inspector's Decision</i>	<i>ALLOWED</i>
<i>Case Officer</i>	<i>Alexander Green</i>
<i>Ward</i>	<i>Old Coulsdon</i>

- 2.36 The main consideration in this case was the effect of the proposal on highway safety.
- 2.37 The Inspector noted that the appeal site formed part of a terrace of properties that are set back from the highway. He noted that these properties have long narrow front gardens many of which have hard standing adjoining the pavement. The Inspector noted that whilst the submitted drawings showed a car parking area smaller than a standard car parking space that there was sufficient room within the site to provide a car parking space with the required 4.8m depth. The Inspector therefore required plans showing how a standard sized car parking space would be provided be secured by way of a condition.
- 2.38 The Council had expressed concerns regarding the extent of dropped kerb that would result and the potential impact that the development would have on pedestrian safety. However, the Inspector found that the proposal would not necessarily compromise pedestrian safety.
- 2.39 The appeal was ALLOWED

<i>Application No:</i>	<i>19/05274/FUL</i>
<i>Site:</i>	<i>51 Warren Road, Croydon CR0 6PF</i>
<i>Proposed Development:</i>	<i>Change of use from C4 Use Class small HMO (6 occupiers) to HMO Sui Generis (8 occupiers).</i>
<i>Decision:</i>	<i>REFUSE PLANNING PERMISSION</i>
<i>Appeal Method:</i>	<i>WRITTEN REPRESENTATIONS</i>

Inspector's Decision
Case Officer
Ward

DISMISSED
Sera Elobisi
Addiscombe West

- 2.40 There were 3 main considerations in this case. These are the principle of the development and whether it results in the unacceptable loss of a three bedroom home, the effect of the development of the living conditions of the occupiers and the impact on the character and appearance of the area.
- 2.41 The buildings use as an HMO for up to 6 people had commenced without the need for planning permission. This appeal proposal effectively sought to increase the occupancy from 6 – 8 people. This would change the use from a C4 use to a Sui Generis use.
- 2.42 The Inspector noted that prior to the works being undertaken the property would have comprised a three bedroom home and would have been suitable for housing small families. He therefore concluded that its loss was contrary to the Development Plan.
- 2.43 One of the en-suite bedrooms in the roof space would only be served by velux windows. As a result of this concerns were raised as to the standard of accommodation of the future occupier of this room. The Inspector agreed with point especially as the use is as an HMO and it is likely that the occupant of this room would spend a substantial amount of time in this room.
- 2.44 In relation to the impact on the street scene the Council's main concerns was in relation to the prominent siting of any refuse storage facilities that would need to be provided at the front of the property. The Inspector noted the refuse storage arrangements of other properties within the street scene and due to the terraced nature of the properties considered this to be inevitable. He therefore did not find the scheme unacceptable in relation to this third issue.
- 2.45 The Inspector did however uphold the concerns regarding the loss of a 3 bedroom dwelling and the quality of accommodation for future occupiers.
- 2.46 The appeal was DISMISSED.

Application No:
Site:
Proposed Development:

19/01562/FUL
2a Elmwood Road, Croydon CR0 2SG
Demolition of existing building;
redevelopment to form 4nos x 3bed
houses with associated bin and cycle
storage

Decision:
Appeal Method:
Inspector's Decision
Case Officer
Ward

REFUSE PLANNING PERMISSION
WRITTEN REPRESENTATIONS
DISMISSED
Victoria Bates
Broad Green

- 2.47 The main issues in this case were whether the development would result in the unacceptable loss of a community facility, the effect of the development on the amenities of adjoining occupiers and the development effect on the character and appearance of the area.
- 2.48 The Inspector noted the evidence that the current building is in the use as a Hindu Temple and agreed that this use is of benefit to the community. He noted the general presumption in the development plan in favour of retaining such

community uses and that their loss will only be permitted subject to assessment against certain criteria. The appellant had submitted some evidence of marketing of the premises and stated that the Temple was no longer required because there was another Temple within close proximity of the site. The Inspector noted that some evidence had been provided of marketing but it was not clear for how long the marketing had taken place and full details of the marketing had not been provided as part of the application/appeal process. He also noted that the policy requires it to be demonstrated that the premises are no longer needed by another community use. He did not consider the sufficient work had been done to either demonstrate that the building was not suitable for another community use or that there was no demand for the space.

2.49 The Council in its reasons for refusal had raised concerns regarding the impact of the development on the amenities of occupiers in the properties that adjoin the site. There was a particular concern regarding overlooking to these adjoining occupiers particularly to the windows at first and second floor level. The Inspector noted that the back to back distance between the proposed and existing residential units would be approximately 4m and agreed with the Council's concerns in this regard.

2.50 The Council had raised concerns as to the quality of the design of the development and the quality of the material detailing. The appeal proposal included the use of painted render and timber cladding. The Inspector observed that there was render evident on other buildings in the locality and stated that it "doesn't seem beyond the realms of possibility or reasonableness to condition the external finishes of the dwellings so that either sufficient information could be submitted and agreed or indeed a wholly different finish secured".

2.51 The appeal was DISMISSED

Application No:	19/04746/HSE
Site:	233 Morland Road, Croydon CR0 6HE
Proposed Development:	To drop the kerb outside my property.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Sera Elobisi
Ward	Addiscombe West

2.52 The main issue is the effect of the proposed development on highway safety with particular regard to the suitability of the parking space provided.

2.53 The Inspector observed that it would not be possible to fit a car on the forecourt of this property at right angles to the road without overhanging and causing an obstruction to the footway/highway. The appellant stated that they intended to use a parallel arrangement.

2.54 The Inspector noted that whilst it might be possible to physically get a car on the forecourt he had concerns as to how the car would get there. He noted the wide footway and the boundary treatments to the adjoining properties which would mean that many manoeuvres would be likely be required across the footway which would lead to potential conflict with users of the footway. He therefore concluded that the scheme would not be acceptable in terms of highway safety.

2.55 The appeal was DISMISSED