

## **1 APPLICATION DETAILS**

Ref: 24/00314/HSE  
Location: 100 Downs Road, Coulsdon, CR5 1AF  
Ward: Coulsdon Town  
Description: Erection of two storey outbuilding to provide ancillary accommodation (retrospective application)  
Drawing Nos: Location Plan Drawing Number 01 Rev B, Block Plan Drawing Number 02 Rev B, Ground Floor Plan, Car Port and patio Drawing Number 03 Rev B, First Floor Plan Drawing Number 04 Rev B and Elevations Drawing Number 05 Rev B  
Applicant: Ms Wild  
Agent: Mr Khalid Mahmud, Ko Create  
Case Officer: Samantha Dixon

1.1 This application is being reported to committee because:

- Objections above the threshold in the Committee Consideration Criteria have been received

## **2 RECOMMENDATION**

2.1 That the Committee resolve to GRANT planning permission

2.2 That the Director of Planning and Sustainable Regeneration is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

### **Conditions**

- 1) Development completed in accordance with the approved drawings
- 2) Submission of biodiversity enhancement plan
- 3) Materials as specified on the drawings
- 4) Ancillary residential use only
- 5) Installation of a water butt
- 6) In accordance with the Fire Statement.
- 7) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration.

### **Informatives**

- 1) Community Infrastructure Levy
- 2) Code of practice for Construction Site
- 3) Any other informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

### 3 PROPOSAL AND LOCATION DETAILS

#### Proposal

- 3.1 Retrospective planning permission is sought for the erection of a two-storey outbuilding to provide ancillary accommodation to the main dwellinghouse at 100 Downs Road. The outbuilding is located at the rear of property and has a width of 13m, a depth of 10m and a total height of approximately 6m. The building has a part pitched roof with flat crown over with skylights in the crown and rooflights in the east and north roof slopes. The first floor is wholly contained within the pitched roof. It has external materials of interlocking grey tiles to the roof, dark grey windows, and the walls will be rendered (similar to the existing house).
- 3.2 The building is set away from the rear boundary of the site by 3.5 to 4m. The area to the rear of the building forms a covered car port with a canopy that has a height of 2.3m at the sites rear boundary.

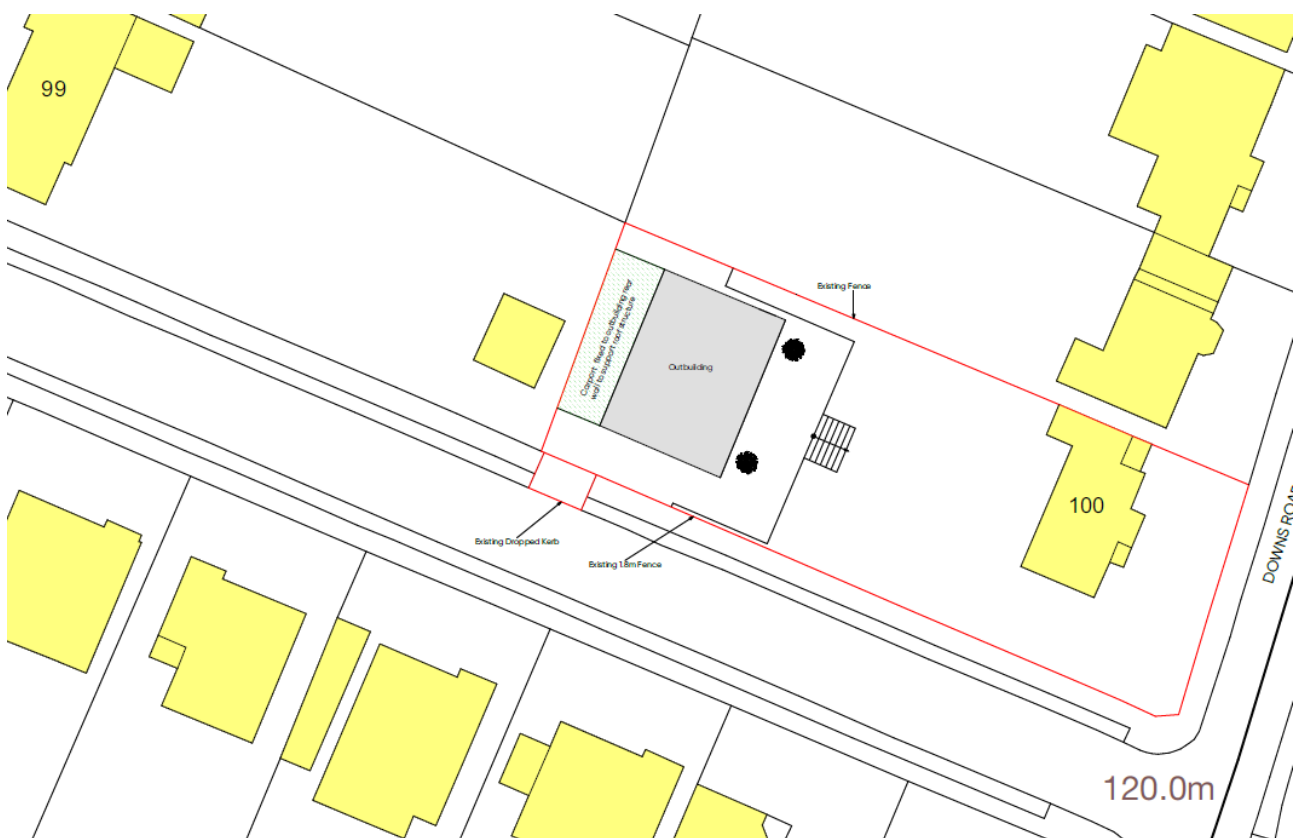


Figure 1 – Proposed Block Plan

- 3.3 The application also refers to the excavation that has been undertaken to build the structure. The garden of the application site is sloped and land towards the rear has been excavated to create a level building. An area of hardstanding has been formed to the south eastern side of the building (between the building and the host dwelling), along with retaining walls and a stepped access up to the rest of the lawned garden.
- 3.4 Planning permission was granted in October 2021 (reference 21/04175/HSE) for a two-storey outbuilding to provide garage, office and other ancillary accommodation. The construction as built is considered to differ from the approved scheme to such an extent

that the alterations are not considered to be non-material and as such this fresh permission is sought. The differences between the two applications are detailed below.

- 3.5 The description of this application was originally '*Erection of two storey outbuilding to provide garage, storage and other ancillary accommodation (retrospective application)*'. Following the officers site visit and discussion/negotiation with the agent/applicant, the description has been altered to '*Erection of two storey outbuilding to provide ancillary accommodation (retrospective application)*'.
- 3.6 During the course of the application, amended plans have been received to accurately reflect what has been constructed on site. The Council's Enforcement Officer has visited to take measurements, and officers are satisfied that the revised plans are sufficiently accurate.

### **Site and Surroundings**

- 3.7 The application site comprises a two-storey detached dwelling located on the corner of Downs Road and Westwood Road. There was previously an existing detached garage outbuilding located to the rear of the garden accessed from Westwood Road. In the aerial photo below, you can see the construction of the outbuilding (which is the subject of this application). Land levels fall from southeast to north west.
- 3.8 There are no land use designations for the site identified on the Croydon Local Plan Policies Map. On the opposite side of Downs Road (to the east) is the Metropolitan Green Belt, Farthing Downs Site of Nature Conservation Importance (SNCI) and Site of Special Scientific Interest (SSSI).



*Figure 2: Aerial View of the application site*

## Planning Designations and Constraints

- PTAL 1A (very poor)
- Metropolitan Green Belt, Farthing Downs SNCI and SSSI – located on the opposite side of Downs Road (N.B. The application site is not within any of these designations)

## Planning History

3.9 The following planning decisions are relevant to the application:

**13/01717/P** Construction of pitched roof over existing side extension. Permission granted 05.08.2013

**21/02554/HSE** Construction of a double storey outbuilding to provide office and a garage. Permission refused 13.07.2021 for the following reasons:

1). *The proposed development, by reason of its combined siting, height, depth and width would result in a contrived form of development that would appear overly dominant, incongruous, visually intrusive and overbearing and would fail to relate to the prevailing character and pattern of development of the area. As such, the proposal would be contrary to Policies 7.4, and 7.6 of the London Plan (2016), Policies D1 and D2 of the Draft London Plan, Policies SP4 and DM10 of the Croydon Local Plan (2018) and the Croydon Suburban Design Guide (2019).*

2). *The proposed development, by reason of the absence of an arboricultural assessment and lack of information on site ecology with particular regard to the high quality and protected mature trees within and adjacent to site would together raise substantial concerns in regard to the health of these trees and potential protected species. It has not been demonstrated that any harm would be mitigated. As such, the proposal would be contrary to Policies 7.19 and 7.21 of the London Plan (2016), Policy G6 of the Draft London Plan, Policies SP4, SP7, DM10, DM27 of the Croydon Local Plan (2018) and the Croydon Suburban Design Guide (2019).*

**21/02360/HSE** Erection of two storey side extension; erection of single storey rear extension; erection of two storey front extension, installation of side windows and skylights on roof level. Permission Granted 4 October 2021.

**21/04175/HSE** Erection of two storey outbuilding to provide garage, office and other ancillary accommodation. Permission Granted 12 October 2021

**23/01818/HSE** Demolition of existing front boundary wall and erection of new front boundary wall. Erection of dropped kerb and new electronic sliding gate (Retrospective application) Permission Refused 5 July 2023

**23/03603/HSE** Demolition of existing front boundary wall and erection of new front boundary wall. Erection of dropped kerb and new electronic sliding gate (Retrospective application). Permission Refused 21 November 2023 for the following reasons:

1). *The proposal would have a detrimental impact on highway and pedestrian by reason of inadequate vehicle and pedestrian sightlines within the site, the gates requiring the cars to wait in the road whilst they open thereby obstructing the highway, and by failing to demonstrate through swept path manoeuvres that vehicles are able to enter and leave the site in forward gear. The proposal is therefore contrary to policy*

T4 of the London Plan (2021) and policies SP8, DM29 and DM30 of the Croydon Local Plan (2018).

2). By reason of its design, siting, size and scale the proposed development would be an incongruous, unsympathetic and visually intrusive addition to the streetscene and locality. It would fail to respect and enhance Croydon's varied local character and contribute positively to the townscape. The proposal would therefore be contrary to Policy D3 of the London Plan (2021), Policies SP4 and DM10 of the Croydon Local Plan (2018), and the provisions of the NPPF.

Appeal in progress

#### 4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of an outbuilding to provide ancillary accommodation to the existing residential unit is acceptable;
- On balance, the building is not considered to have a harmfully detrimental impact upon the character and appearance of the area;
- The proposal does not create undue harm to the amenity of nearby residential properties and their occupiers;
- The proposal has no adverse impact on highway safety or efficiency.

#### 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 All neighbouring properties which adjoin the application site were notified about the application and invited to comment. A site notice was also displayed. The number of representations received from neighbours, local groups etc in response to notification and publicity of the application were as follows:

No of individual responses: 87          Objecting: 17          Supporting: 70

6.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in substance in the next section of this report:

| <b>Objection</b>   | <b>Officer comment</b>          |
|--|---------------------------------|
| <b>Character and design</b>  |                                 |
| <ul style="list-style-type: none"> <li>• Overly dominant and visually intrusive</li> <li>• Overbearing and visually intrusive/dominant in the street scene</li> <li>• Design and materials out of keeping with the area</li> </ul> | <i>Assessed in report below</i> |
| <b>Neighbouring amenity</b>  |                                 |
| <ul style="list-style-type: none"> <li>• Overbearing</li> <li>• Loss of privacy</li> <li>• Noise and disturbance/impact on wellbeing of neighbours</li> <li>• Increased light pollution</li> </ul>                                 | <i>Assessed in report below</i> |
| <b>Transport and Highways impacts</b>  |                                 |
| <ul style="list-style-type: none"> <li>• Overprovision of parking spaces</li> </ul>  | <i>Assessed in report below</i> |

|   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Swept path analysis shows that it's not usable as a garage</li> <li>• The request to increase the dropped kerb will decrease parking for other residents</li> <li>• The amended plans no longer display vehicles accessing the outbuilding presumably because that given the change of position this is not possible. 'Garage' should therefore be removed from the application</li> </ul> | <p><i>Amended plans have been received removing the extension to the dropped kerb.</i></p> <p><i>The use of the outbuilding as described as a 'garage' has been removed from the description of the application.</i></p>   |
| <b>Environmental</b>  |  |
| <ul style="list-style-type: none"> <li>• Loss of trees – all trees have been cut down</li> <li>• Visible from Farthing Downs/ the SSSI</li> <li>• Light pollution – impact on bats</li> </ul>   | <i>Assessed in report below</i>  |
| <b>Other matters</b>  |  |
| Inaccuracy of drawings compared to what has been built  | <i>Following public comments received and officers site visit, amended plans have been requested and provided to accurately show what has been erected on site.</i>  |
| Is it a garage, or is it a new house?   | <i>Planning permission is sought for an ancillary outbuilding. Were the building to be used or proposed to be used for a different purpose then planning permission would be required in its own right and assessed against all relevant material planning considerations.</i> |
| The proposal for the granted application was for an 'office', the retrospective application replaces this with 'storage'. It is suggested that the type of 'storage' be stipulated for household use to avoid confusion and the outbuilding being used for storage of a commercial nature.  | <i>Noted – the wording of Condition 3 will stipulate that the building will only be used for ancillary residential purposes and that no trade or business shall take place therein.</i>  |
| Height of the building and location in relation to neighbouring boundaries not accurately portrayed on the proposed plans.  | <i>Whilst the height of the building is not specifically noted on the plans, the plans are drawn to scale, and the height can be read. The height shown accords with officer measurements taken on site.</i>   |

| <b>Support comment</b>   | <b>Officer comment</b>   |
|--|--|
| Planning permission has already been granted. The minor changes do not affect anybody or are detrimental to the area | <i>Noted and assessed in report below.</i>                           |
| The building has been moved further from the boundaries  | <i>Noted and addressed in assessment below.</i>                      |
| There are no highways impacts  | <i>Addressed in assessment below.</i>                                |
| Enhances the aesthetic appeal  | <i>Noted</i>   |
| Good quality   | <i>Noted</i>   |
| Planning permission has already been granted. Should have been assessed as a non-material amendment                  | <i>Officers consider that the works as undertaken are materially</i> |

|  |   |
|--|---|
|  | <i>different from the previous permission and as such a new planning application is required.</i> |
|--|---|

## **7 RELEVANT PLANNING POLICIES AND GUIDANCE**

### **Development Plan**

7.1 The Council's adopted Development Plan consists of the London Plan 2021, the Croydon Local Plan 2018 and the South London Waste Plan 2022. Although not an exhaustive list, the policies which are most relevant to the application are:

#### London Plan 2021

- D4 Delivering good design
- D12 Fire Safety
- D14 Noise
- G6 Biodiversity and access to nature
- G7 Trees and woodlands

#### Croydon Local Plan 2018

- SP4 Urban Design and Local Character
- DM10 Design and character
- DM25 Sustainable drainage
- DM27 Protecting and Enhancing our Biodiversity
- DM28 Trees

7.2 The Development Plan should be read as a whole, and where policies conflict with each other, the conflict must be resolved in favour of the policy contained in the last document to be adopted, approved or published as part of the development plan, (in accordance with s38(5) of the Planning and Compulsory Purchase Act 2004).

### **Planning Guidance**

#### National Planning Policy Framework (NPPF)

7.3 Government Guidance is contained in the NPPF, updated in December 2023, and accompanied by the online Planning Practice Guidance (PPG). 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:

- Achieving Well Designed Places

#### SPDs and SPGs

7.4 There are also several Supplementary Planning Documents (SPD) and Supplementary Planning Guidance (SPG) documents which are material considerations. Although not an exhaustive list, the most relevant to the application are:

- National Design Guide (2021)

## **8 MATERIAL PLANNING CONSIDERATIONS**

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

1. Principle of development
2. Design and impact on character of the area
3. Impact on neighbouring residential amenity
4. Trees and biodiversity
5. Access, parking and highway impacts
6. Flood risk
7. Fire safety
8. Other planning issues
9. Conclusions

### **Principle of development**

8.2 The existing house is in an area which is not subject to heritage designations, and previously had a detached double garage in the rear garden (replaced by the proposal). The erection of an outbuilding of a similar footprint would be permitted development, and therefore the principle of an outbuilding in this location has already been established. It is also important to note that planning permission was previously granted for a similar outbuilding, but it was not built in accordance with the plans. Due to the height of the outbuilding, and the amount of associated excavation and hard landscaping, planning permission is required. The principle of the construction of an outbuilding within the residential garden is acceptable subject to all other material planning considerations being assessed.

8.3 Given the significant size of the building, it is prudent to impose a planning condition stating that the outbuilding shall ancillary to the host dwelling only and not used as a separate dwelling. It is also prudent to ensure that the building is used for domestic ancillary purposes only and not for commercial or business use which may have an impact on the amenity of adjacent neighbouring properties.

8.4 This is because there would be other material planning considerations to assess were the proposal to be used as a separate residential property or for any other uses.

8.5 An appropriately worded condition shall be imposed on any permission to stipulate the above restrictions.

### **Design and impact on character of the area**

8.6 Section 12 of the NPPF (2023) seeks to achieve well-designed places and London Plan Policies D3 and D4 seek to deliver good design. Policy D3 of the London Plan (2021) states that development proposals should be of high quality, enhancing local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and



proportions. Policy DM10 of the Croydon Local Plan requires the siting, layout and form of new development to respect the character and appearance of existing areas. Policy SP1.1 indicates that the Council will require all new development to contribute to enhancing a sense of place and improving the character of the area. Policies SP4.1 and SP4.2 also require development to be of a high quality which respects and enhances local character.

8.7 Planning permission was granted under reference 21/04175/HSE for the erection of a two-storey outbuilding to provide garage, office and other ancillary accommodation in October 2021. Floor plans and elevations of the approved building are shown in Figure 2 below.

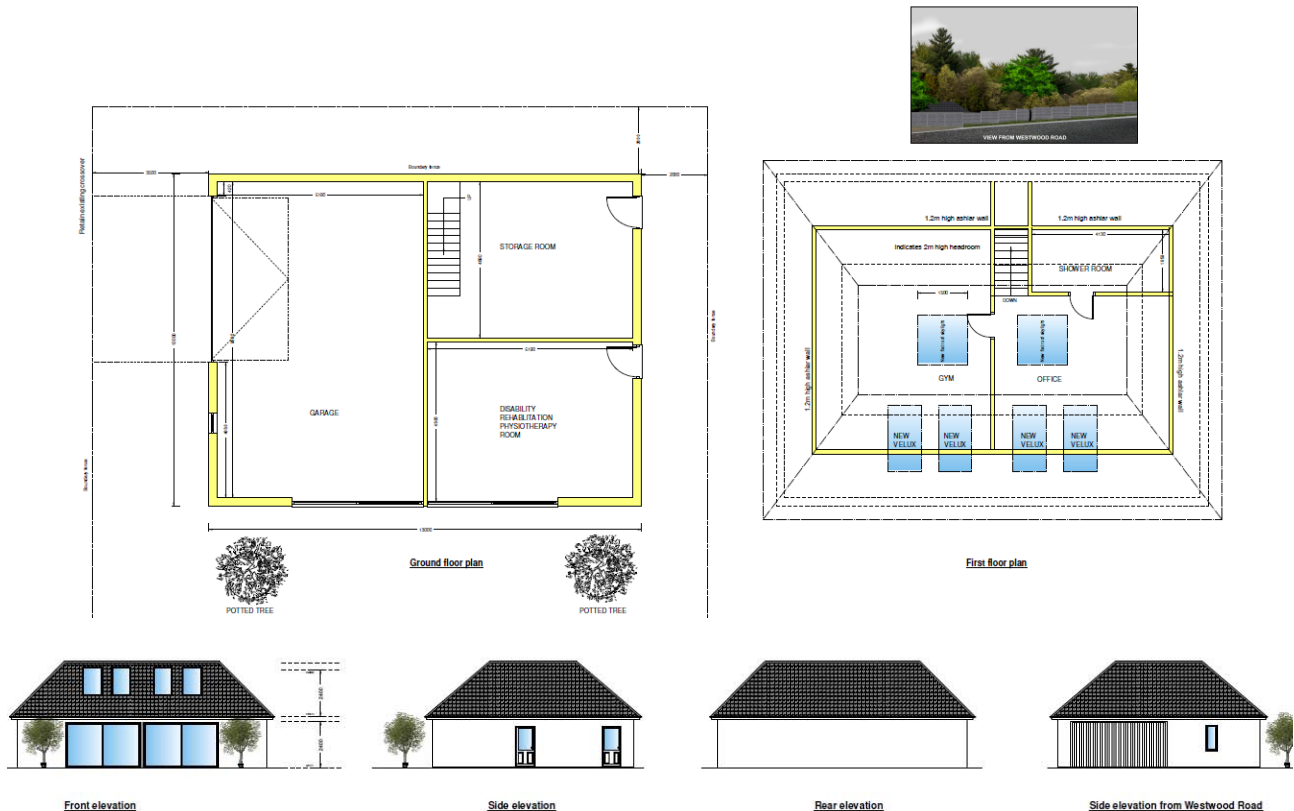


Figure 3 – Floor plans and elevations of approved scheme planning permission 21/04175/HSE

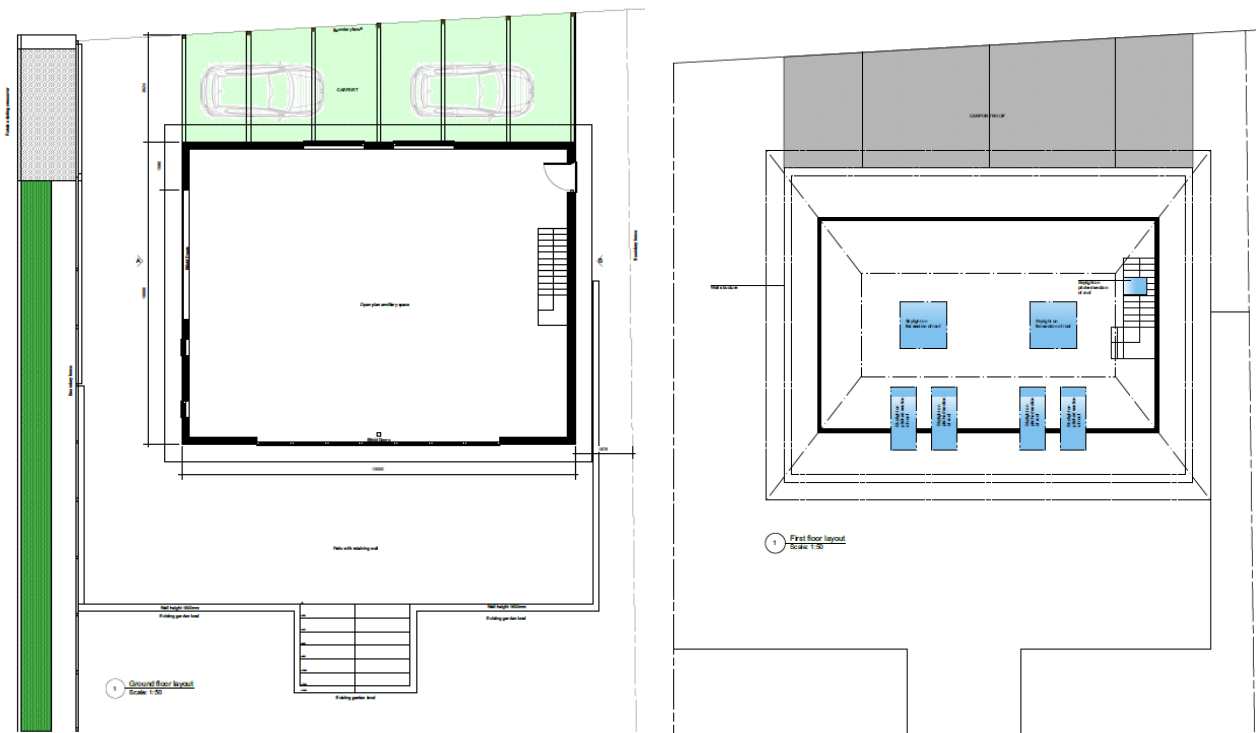
8.8 The application included the demolition of a substantial double garage. Within that permission, the approved outbuilding had a footprint of 13m by 10m. The building had a pitched roof to all sides with an element of flat roof to the crown. The building had an eaves height of 2.6m and ridge height of 5.5m. The building comprised a garage, storage and physiotherapy room at ground floor level with an office and gym in the roof space above. The building was shown to be located 2m from the rear site boundary and 2m from the northern side boundary (shared with 98 Downs Road).

8.9 In the determination of that application, the applicant provided comparisons of the proposal with an outbuilding that had been approved at 68a Downs Road further to the north. That outbuilding, whilst having a smaller footprint had a similar roof form and sits on a smaller overall plot.

8.10 Whilst the large footprint of the outbuilding proposed was noted, it is also noted that the dwelling would continue to sit within a spacious garden setting, even if the

significant extensions to the host dwelling that have been approved under reference 21/02360/HSE are undertaken. The remaining garden retained an area of some 340sqm.

- 8.11 The officer report related to the previous permission 21/04175/HSE recognised that the building would be readily viewable from Westwood Road to the south and noted that the part excavation into the ground would somewhat help to reduce its prominence within the street scene and that that the traditional pitched roof form would reduce the visual dominance of the building. It was concluded that the proposal would not have any significantly harmful impact on the visual amenities of the locality.
- 8.12 Since that permission was granted, the outbuilding that has been built on site does not accord with the approved plans. The building still has the same footprint of 13m by 10m. The building has an eaves height of 3.3m and ridge height of 6m. It provides open plan ancillary space (with no specific usage or space division proposed). The building has been positioned further away from the rear boundary than previously permitted, the building being 3.5m from the rear boundary at its closest point. To the rear of the structure is hardstanding and a canopy has been erected over the space up to the boundary to provide a covered car port. This canopy is 2.3m high at the site boundary. The building is located a minimum of 1.7m from the northern side boundary. An area of the garden to the eastern side of the building has been excavated to provide a level external area outside of the building. This has been excavated by approximately 1.6m and is full width and 5.4m long. There are steps leading from this area up to the existing lawned garden of the dwelling.
- 8.13 This application seeks to retain and regularise these unauthorised works and does not propose any further enlargements than the 'on-site' situation.



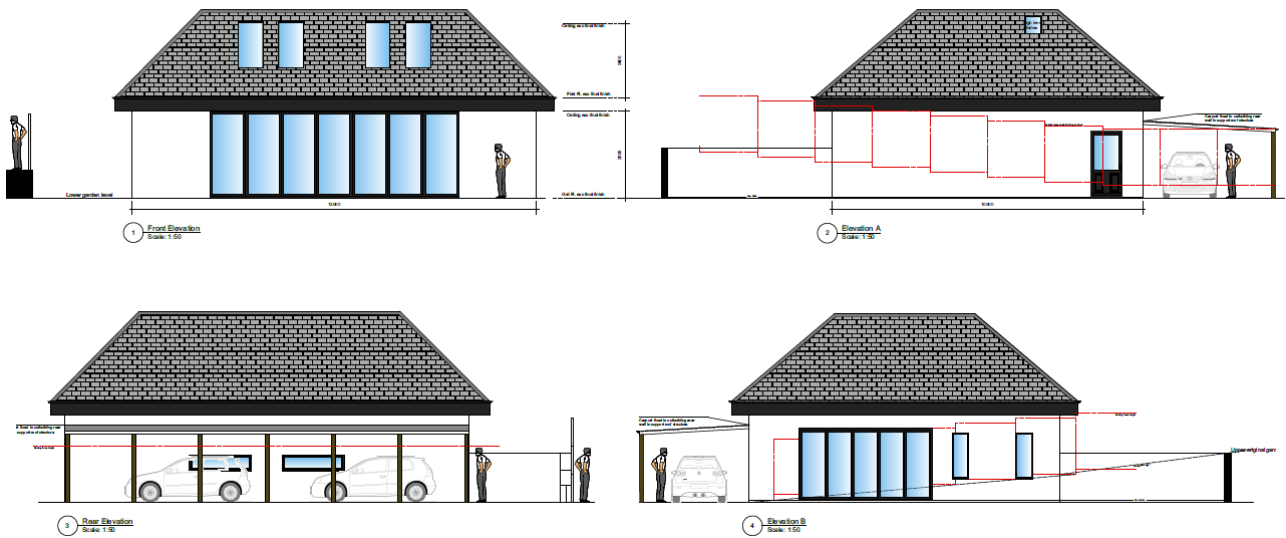


Figure 4 – Floor plans and elevations of current proposal (as built)



Figure 5 – Photo of outbuilding as built from rear garden of 100 Downs Road



*Figure 6 – Photo of the outbuilding as built from the corner of Downs Road and Westwood Road*



*Figure 7 – Photo of the outbuilding as built from Westwood Road*

8.14 As can be seen from the above images, the outbuilding is clearly visible from Westwood Road. The walls of the building are mostly screened by the existing boundary fencing however the roof is prominent. It has a higher eaves height than approved with a sizable fascia board and a deep eaves overhang. The overall height is 0.5m higher than approved. The building has an interlocking tiled roof finished in a dark grey colour and the walls will be finished in white render. The fenestration is aluminium, also of a grey colour. The materials are considered to respect the built form of the surrounding area. A condition is recommended to be imposed to ensure the external surfaces are finished as per the materials as specified on the plans.

8.15 Croydon Local Plan Policy DM10.1 states that in the case of development in the grounds of an existing building which is retained, development shall be subservient to that building. Whilst all of the above features do increase the massing and visibility of the structure in comparison to the approved scheme, it would still be smaller than (and visually subservient to) the nearest houses, and officers do not consider that the overall impact is so harmful to the visual amenities of the area that planning permission should

be refused for this reason. The overall form of the building and materials used are domestic in appearance, and due to its scale, set-back position, and materials, it would appear subservient to the host property.

### Impact on neighbouring residential amenity

8.16 Policy D3 of the London Plan 2021 states development proposals should provide secure safe and inclusive environments, secure outlook, privacy and amenity. Policy DM10.6 states that the Council will not support development proposals which would have adverse effects on the amenities of adjoining or nearby properties or have an unacceptable impact on the surrounding area. This can include loss of privacy, daylight, sunlight, outlook or an increased sense of enclosure. Policies SP4.1 and SP4.2 seek to respect and enhance character, to create sustainable communities and enhance social cohesion and well-being.

8.17 The closest adjacent residential dwellings to the application site are 98 Downs Road, 99 Fairdene Road and the dwellings on the opposite side of Westwood Road. These are shown in the plan below.



Figure 8 – Adjacent residential dwellings

### 98 Downs Road

8.18 98 Downs Road is located to the north east of the application site. The outbuilding as built is located 1.8m from the shared boundary with No.98. The closest corner of the building is 21m from the closest corner of No.98. There are windows/doors and rooflights facing into the rear garden of No.100.

8.19 The neighbour at No.98 has provided photos of the outbuilding taken from the rear rooms of their dwelling.



*Figure 9 – Photo of outbuilding from rear of No.98 Downs Road*

8.20 As can be seen, the outbuilding is clearly visible from the rear amenity space of No.98. However, the distance between the buildings is such that the building is not considered to be unduly visually overbearing. No 98 sits in a wide plot and as such outlook from the rear of this dwelling is not impaired to such an extent to be considered harmful.

8.21 From the ground floor rooms (as per the view shown in Figure 9 above) and garden of No.98, the ground floor openings of the outbuilding are largely screened behind the boundary fencing. Given the distance between the building and rear elevation of No.98 (minimum of 21m), it is not considered that the proposal causes such a degree of overlooking that is materially harmful or inappropriate in a suburban context. There is a small side rooflight facing the rear of the garden of No.98 which sits over the internal staircase. Given its size and location it is not considered that this window causes any harmful overlooking of the garden of No.98.

8.22 Given that the building has been excavated into the ground and the distance from the dwelling at No.98, it is not considered that the proposal causes any undue loss of light.

### 99 Fairdene Road

8.23 The proposed outbuilding is sited towards the end of the rear garden of the application site, close to the rear boundary shared with 99 Fairdene Road. In comparison to the previous approved scheme, the building has been moved further away from the rear boundary (3.5m-4m from the boundary), however a covered carport canopy has been erected up to the rear boundary. This canopy has a height of 2.3m on the rear

boundary. Given the height of the building and its distance from the building at No.99 (over 35m), the building is not visually overbearing and does not cause any harmful loss of light or outlook from this property.

- 8.24 There are windows located in the rear elevation of the outbuilding. These windows are lower than the height of the boundary fence and therefore cause no overlooking of No.99.

#### Dwellings on the southern side of Westwood Road

- 8.25 The outbuilding is located approximately 21m from the front elevation of 4 and 5 Westwood Road. The ground floor of the building is largely screened behind the existing boundary fencing and no rooflights are provided in the roof slope facing Westwood Road. The distance between the buildings is considered to be appropriate in a residential context to ensure that there is no undue loss of privacy. In any case, the windows in the front elevation of the dwellings on Westwood Road face onto the public highway whereby public views into the properties are possible.
- 8.26 Given the gap between the buildings, the proposal does not cause any harmful loss of light or outlook from the dwellings on Westwood Road.

#### Other amenity issues

- 8.27 Representations received have commented that the proposal causes light pollution. It is noted that there are large openings within the elevations of the building, however this is not unusual in a residential setting. The proposal is not considered to be unduly harmful in this regard. There are no planning restrictions in terms of the extent of glazing allowed in buildings.
- 8.28 Representations received have also commented that there has been excessive noise and disturbance as a result of the use of the outbuilding. The building is used for ancillary domestic purposes and the resultant noise is expected to be commensurate in a residential area. As noted above, a condition is recommended to ensure that the building can only be used ancillary to the main house. If there is problematic noise created by the occupiers of the dwelling, this is a separate matter to be reported to Environmental Health officers and would be considered under separate legislation.
- 8.29 Overall, it is considered that the proposal is acceptable in terms of impact on neighbouring residential amenity.

#### **Trees and biodiversity**

- 8.30 Local Plan Policies DM10.8 and DM28 require proposals to incorporate hard and soft landscaping and seek to retain existing trees and vegetation. Local Plan Policy DM27 seeks to protect and enhance the borough's biodiversity. London Plan Policy G6 states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.
- 8.31 It is noted that there are mature trees in the rear gardens of the adjacent residential gardens. The previous application provided an Arboricultural Impact Assessment and Arboricultural Method Statement. Under that permission it was recognised that there were two Category C trees within the site that needed to be removed to facilitate the

development. These were small trees of low visual value that were not overly prominent outside of the site and as such there was no objection to their removal.

- 8.32 The report also highlighted that the proposals would encroach into the Root Protection Areas (RPAs) of two mature trees within the rear garden of 98 Downs Road. The AMS recommended that root investigation should be undertaken under Arboricultural supervision in order to examine root morphology to establish if any specialist construction methods would be necessary. As well as this temporary ground protection would be required during the lifetime of the development works. It was concluded that if such precautions were implemented, the development would have an acceptable impact on the existing trees and a condition was imposed to ensure that the methods outlined in the tree report were adhered to.
- 8.33 The applicant has stated that during the excavation process, no tree roots were found from any of the trees identified in the arboricultural report and the ground was virgin chalk. The applicant has provided photographs taken during the construction of the building which confirm this. Following consultation with the applicant's arboriculturist, it was agreed no tree protection measures were necessary. Officers have no evidence to contradict this assessment.
- 8.34 The building has been built and no further construction works are proposed. Therefore, there will be no further impacts on any existing vegetation as a result of the current proposal. Representations have been received explaining that existing trees have been removed; these were not protected from removal so there is no planning breach in that regard.
- 8.35 Within the previous permission it was also concluded that, as the trees could be protected during construction works, it would be unlikely that the proposals would have any harmful impact on existing ecology and biodiversity, including legally protected species. The building is located close to the Farthing Downs SSSI, to the rear of the existing dwellings that are located closer to the boundary of the open space. Given that no further construction works are now proposed, it is considered that the proposal accords with the requirements of Policy G6 of the London Plan 2021 and Policy DM27 of the Croydon Local Plan 2018. Notwithstanding, the applicant has agreed to a condition requiring biodiversity enhancement measures to be provided on site (e.g., a bird box, log pile).

### **Access, parking and highway impacts**

- 8.36 There is an existing vehicle access to the rear of the site from Westwood Road. This served the detached double garage that originally stood on the site, as well as a hardstanding area within the site that could accommodate an additional two vehicles.
- 8.37 The previous application proposed that the outbuilding would be partially used as a garage. The location of the building meant that the building could be accessed from the existing vehicular access point.
- 8.38 The outbuilding as built has been repositioned further away from the rear boundary of the site. When the application was first submitted, the building was shown to be used partially as a garage and the existing vehicular access was shown to be increased in width to enable the required manoeuvring to be able to access the building. The applicant was advised that the widening of the access would not be acceptable in



highway safety terms. As such the drawings have been amended to retain the existing access as is, and the use as a garage has been removed from the plans (as swept path drawings show that access into the building would be very compromised).

- 8.39 The existing crossover provides vehicular access to the covered car port to the rear of the building which can accommodate two vehicles. This is similar to the pre-existing situation and as such the proposal has no more of an impact in terms of highway safety than the previous situation.
- 8.40 As a separate matter, it is noted that a new vehicular access and hardstanding has been created to the front of the dwelling into Downs Road without planning permission and that retrospective planning permission has been refused. This is currently the subject of appeal, and the decision is awaited.
- 8.41 It is noted that the amount of parking space on site is reduced in the current scheme compared to the previous permission. Whilst the car port, and the unauthorised parking area at the front of the site provide parking space over the maximum parking standards as outlined in the London Plan (2021), the current proposal does not create additional parking in comparison to the pre-existing situation or the previous permission and therefore there are not considered to be any harmful impacts highway safety or the highway network in this instance.

### **Flood risk**

- 8.42 The site is at very low risk of surface water flooding and there is limited potential for groundwater flooding to occur. Notwithstanding this, Local Plan Policy DM25 requires sustainable drainage systems to be provided in all development. The applicant has agreed to a condition requiring a water butt to be attached to the downpipe of the existing roof in order to provide rainwater harvesting on site and it is considered that such measures would be acceptable and proportionate to the scheme to ensure that the development would not result in a significant increase in on-site or off-site surface water. Subject to this being secured the development would conform to the London Plan 2021 Policies SI12 and SI13 and Croydon's Local Plan 2018 Policies SP6 and DM25.

### **Fire Safety**

- 8.43 In terms of Fire Safety, a Fire Statement has been submitted with the application. The application site sits on a corner plot adjacent to Downs Road and Westwood Road. There is unobstructed space outside of the building for fire appliances to be positioned. There is ample space to provide a fire assembly point a safe distance from the building. The building materials will comply with Building Regulation requirements. Heat and smoke detectors will be provided within the building and evacuation routes are shown on plan. It is considered that the proposed fire strategy has suitably demonstrated that the development would be acceptable from a fire safety perspective. The development would therefore conform to the provisions of Policy D12 of the London Plan (2021).

### **Other Planning Issues**

- 8.44 Given the floor space of the development, it would be liable for both Mayoral Community Infrastructure Levy (CIL) and Croydon CIL. It is however noted that self-

built developments are exempt and that in this instance this would need to be demonstrated by way of an exemption notice.

## **Conclusion**

- 8.45 The development is considered to be acceptable in terms of the impact upon character and appearance of the area, the impact upon neighbouring amenity and all other material planning considerations have been taken into account. As such, the proposal would meet all of the requirements of the development plan subject to a number of conditions. Officers are therefore satisfied that the proposal is acceptable in all regards.
- 8.46 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).