

**PART 5: Planning Applications for Decision**

**Item 5.5**

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**1 SUMMARY OF APPLICATION DETAILS**

Ref: 18/03430/FUL  
Location: 14 Hartley Old Road, Purley, CR8 4HG  
Ward: Purley and Woodcote  
Description: Erection of a two storey four bedroom detached house with internal garage, including associated landscaping and formation of vehicular access onto Hartley Down.  
Drawing Nos: 14HOR P1, P2(A) P3(D) and 745-L-02  
Applicant: Barnfield Homes  
Agent: Mr Graham Rix  
Case Officer: Emil Ancewicz

- 1.1 This application is being reported to Planning Sub Committee, because HADRA (Hartley and District Residents' Association) made representations in accordance with the Committee Consideration Criteria and requested Planning Sub 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) In accordance with Tree Planting Schedule and Landscaping Plan
- 4) Removal of permitted development rights for enlargements and outbuildings
- 5) No additional windows in the flank elevations
- 6) Side facing windows at first floor or above (including roof window) to be obscure glazed and non-openable
- 7) Details to be submitted including retaining walls, boundary treatments, SUDs details
- 8) Visibility splays to be retained for the lifetime of the development
- 8) Permeable forecourt material
- 8) 19% reduction in carbon emissions
- 9) Water usage restricted to 110 litres per person per day
- 10) Commencement of development within three years of consent being granted
- 11) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

**Informatives**

- 1) CIL liability

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

2.3 That the Planning Sub Committee confirms that adequate provision has been made, by the imposition of conditions, for the preservation or planting of trees as required by Section 197 of the Town and Country Planning Act 1990.

### **3 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

3.1 The proposal comprises the following:

- Erection of a two storey four bedroom detached house with internal garage; and,
- Formation of vehicular access onto Hartley Down with associated landscaping;

3.2 Amendments were received during the course of the application, comprising the following:

- Changes to site levels to the rear of the site
- Changes to internal layout of the house including the reduction in number of bedrooms from five to four
- Changes to front garden layout
- Submission of a landscaping plan and tree planning schedule

3.3 These changes did not alter the nature of development nor increase its impact, and thus it was not necessary to advertise these amendments.

#### **Site and Surroundings**

3.4 The application site currently forms part of the rear garden of 14 Hartley Old Road, a two storey detached property which is located on the western side of the road, a short distance south of its junction with Hartley Down. Land levels fall towards the north-west, meaning that the rear of the garden is at a lower level than the front. The bottom of the rear garden fronts onto Hartley Down

3.5 The surrounding area is residential in character, generally made up of detached properties of varying styles. Among these, numerous neighbouring buildings are characterised by stained timber frames, boarding and rendering with gable projections at the front.

3.6 The site is not subject to any designated constraints.

#### **Relevant Planning History**

3.7 04/04969/P – Full planning application for alterations to land levels at rear and erection of a two storey detached four bedroom house with integral garage, and formation of vehicular access onto Hartley Down – Application withdrawn

3.8 04/01022/P – Full planning application for alterations to land levels at rear and erection of a two storey detached four bedroom house with integral garage, and formation of vehicular access onto Hartley Down – Application withdrawn

- 3.9 01/02001/P - Erection of a three storey detached four bedroom house with integral garage; formation of vehicular access onto Hartley Down and erection of 1.8 metre high boundary fence and gates – Application dismissed on appeal

Reasons: *'Out of character with surroundings'; 'Out of proportion to the plot'; 'loss of trees' and poor window to window separation (in view of the change in levels) resulting in loss of privacy*

#### **4 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The principle of residential development on the site would be acceptable given the established residential character of the area
- The scale and design of the development is appropriate
- There would be no significant harm to neighbours' living conditions
- The living standards of future occupiers are acceptable and compliant with the Nationally Described Space Standards and the London Plan
- The proposed replacement trees would mitigate the loss of existing trees in site
- 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 Twelve letters were sent to adjoining occupiers to advertise the application. The number of representations received from neighbours and local groups including Hartley and District Residents' Association, in response to notification and publicity of the application were as follows:

No of individual responses: 9      Objecting: 9      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:

- Inappropriate back-land development
- Out of character with the area
- Overdevelopment
- Detrimental to highway safety
- Impact on neighbours' living conditions – loss of privacy or light
- Impact on future occupiers' living conditions - inadequate private amenity space
- Impact on trees

- 6.4 The following matters were raised in representations which are not material to the determination of the application:

- No landfill has been identified where excavated soil would be disposed [OFFICER COMMENT: This is not a material planning consideration and would be a separate civil matter];

- Proximity to electric substation [OFFICER COMMENT: The adjacent electric substation is not considered to harm the living conditions of future occupiers in any way];
- The house, once constructed, could be converted into flats [OFFICER COMMENT: Planning application would be required before the house can be converted into flats. Thus, any potential conversion would be subject to a separate assessment process];
- Inconvenience and noise during construction process [OFFICER COMMENT: This can be addressed through general construction logistics and restrictions on hours of construction – this should not be a significant issues given that the construction process would only result in a short-term inconvenience];
- Impact on local services, including schools, utilities or road service [Whilst a relevant planning matter, it is not considered that a single dwelling would unacceptably affect local infrastructure. Furthermore, any potential impacts would be mitigated by CIL contributions from this development];
- Precedent for similar development is the area [OFFICER COMMENT: This is not a material planning consideration given that any planning application would be considered on its own merits];
- Devaluation to neighbouring properties [OFFICER COMMENT: This is not a material planning consideration];

## **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 revised 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 requiring good design that takes 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):

- 3.3 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
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.11 Smoothing traffic flow and tackling congestion

- 6.13 Parking
- 7.2 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving air quality
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 3.5 Quality and design of housing developments
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Croydon Local Plan 2018 (CLP):

- SP2 Homes
- SP6.3 Sustainable Design and Construction
- DM1 Housing choice for sustainable communities
- DM10 Design and character
- DM13 Refuse and recycling
- DM23 Development and construction
- DM25 Sustainable Drainage Systems and Reducing Flood Risk
- DM28 Trees
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development

## **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. Townscape and visual impact
3. Impact on neighbours' living conditions
4. Residential amenity of future occupiers
5. Highways and transport
6. Environment and sustainability
7. Trees and landscaping

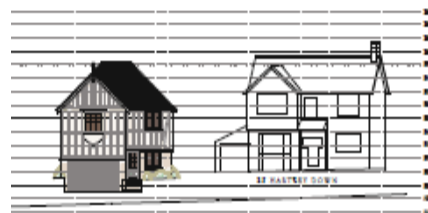
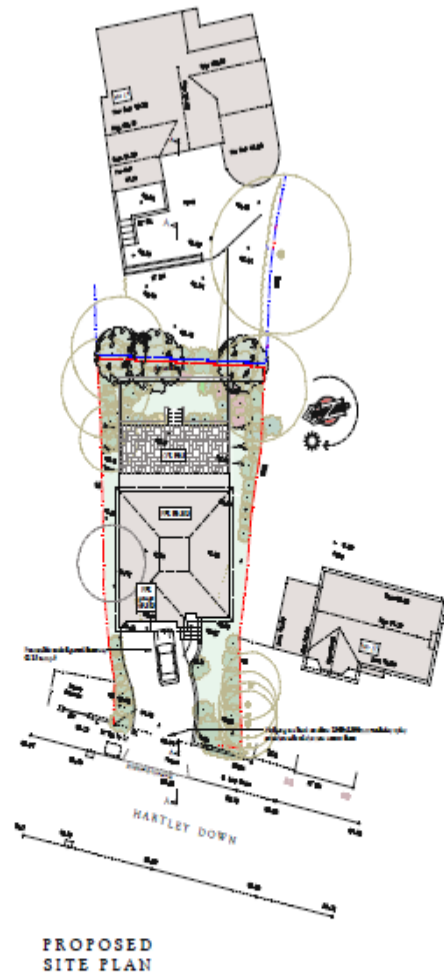
### **Principle of Development**

8.2 The principle of development is acceptable. The development would provide an additional home in an established residential area, retaining the existing dwelling to the front. The other material considerations are discussed below.

### **Townscape and Visual Impact**

8.3 Whilst the plot would be smaller than those predominantly seen in the area, the proposed development would provide a high quality design and adequate levels of private amenity space. Furthermore the proposed subdivision of the plot would allow half of the existing private garden area to be retained for the host property, in compliance with policy DM10 of the CLP (2018).

8.4 The street has no uniform building pattern, with a variety of styles and sizes. It is considered that the site itself does not have any special character and thus, any new building form would add to the apparent diversity of Hartley Down whilst linking into the surrounding built environment.



8.5 The house would be set back from the highway by 3.65m to 5.1m. Inclusion of defensible space to the front to match neighbouring buildings on this side of the road would ensure that the scale would not be overbearing to the street scene and would maintain existing openness. The proposal would be an improvement in relation to existing arrangements. Currently there is an approximately two metre high part brick part timber fence, which subsequently would be replaced with an attractive front garden and house. This would create a new soft edge in this residential street, which would be more inviting, rich in detail would contribute to the character of the street (providing a frontage presence).

- 8.6 The building would be slightly higher than the adjacent dwellings to the south; however, it would be built partially below existing ground level. Furthermore, the land levels slope down towards the south-west, meaning that the floor slab would be set at a lower level compared to neighbouring dwellings on this side of the road. Therefore, it would visually appear to be of similar height as 17 Hartley Down.
- 8.7 The house would feature a hipped roof with a front gable, meaning that highest part of the building would be set back further from the street. This aspect of the development would help to reduce the massing of the building and ensure that the house respects the local development pattern.
- 8.8 Overall, in design terms the proposed scheme is considered to be a significant improvement in relation to previously dismissed appeal at subject site. Whilst the current proposal would provide a similar house in terms of size or height; in this case,
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- 8.8 Overall, in design terms the proposed scheme is considered to be a significant improvement in relation to previously dismissed appeal. Whilst the current proposal would provide a similar house in terms of size or height; in this case, the resultant height and massing of the building would be mitigated by the provision of a high quality design. In any case, the policy position has changed markedly since 2002 (the date of the previous appeal decision) in terms of the need for housing and the positive approach to such development.

### **Impact on neighbours' living conditions**

- 8.9 The position of the proposed house would not be parallel to the adjacent dwelling at 17 Hartley Down, so that the gap between these houses would be relatively wide. Although, the proposed house would occupy a greater footprint and protrude approximately four metres beyond the rear building line of 17 Hartley Down, there would be an 8.15m gap between the rear end of side wall of 17 Hartley Down and side wall of proposed house. The separation distance is considered sufficient to mitigate any potential impacts of the new building on the living conditions of occupiers of this adjacent property. This neighbouring house does not feature any habitable windows in its side wall and further all rear facing windows would retain outlook at 45 degrees, in line with the guidance set out in the BRE Guidelines. Taking these factors into account, there would not be any undue impact to the occupiers of this dwelling through loss of light or outlook.
- 8.10 Two windows (including one roof window) would be inserted in the southern elevation of the building at first floor or above and one window in the norther elevation. Planning

condition is therefore suggested to ensure that these window are obscure glazed and non-openable in order to safeguard privacy of adjoining neighbours.

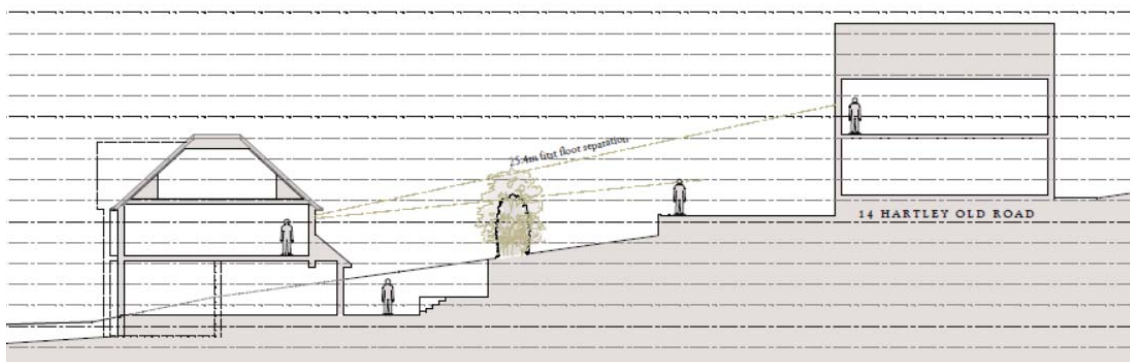
8.11 The dwelling would be sited behind 14 Hartley Old Road and separated from it by 25.4m when measured at first floor level. There would also be a 5.8 metre difference in site levels when measured at ground floor level of these dwellings. Whilst a similar separation distance together with difference in site levels was deemed unacceptable by Planning Inspectorate in 2002 (APP/L55240/A/02/1081459), in this case it has been demonstrated that the proposed site level changes and planting provision would create a stepped barrier, which would effectively mitigate any potential overlooking at ground floor level. Again, the policy position has evolved substantially since 2002 with a 25 metre window to window separation (even with changes in levels) being acceptable in other similar situations. This is considered sufficient to prevent any overlooking between these two houses as it would result in a typical residential relationship that exists between houses with back-to-back gardens.

8.12 With regards to outlook, the proposed building would be sited at significantly lower level than 14 Hartley Old Road, which would reduce its perceived height when viewed from the existing dwelling. As such, it is not considered that the proposed development would unacceptably affect outlook from 14 Hartley Old Road.

### **Residential Amenity of Future Occupiers**

8.13 The proposed four bedroom dwelling would meet the minimum floorspace requirements of the Nationally Described Space Standards for units of this type. The internal rooms are considered to be of acceptable sizes, with adequate light and outlook provided.

8.14 A 95 sq m private garden for the dwelling would be provided to the rear. The submitted landscaping plan demonstrates that this space would be suitably usable and private. The latter has been achieved by the difference in site levels, as well as fencing and planting on the new boundary between proposed dwelling and 14 Hartley Old Road. These features would create a stepped barrier with a height of up to five metres, mitigating any potential overlooking between the higher elevated rear garden of 14 Hartley Old Road and that of proposed dwelling. The development would therefore be acceptable in terms of living conditions for future occupiers.



PROPOSED SITE SECTION



## **Highways, Parking and Waste Matters**

- 8.15 The location for the proposed development has a PTAL level of 1b, which indicates a poor level of accessibility to public transport links. The new dwelling would benefit from one internal parking space, which would be in accordance with the parking standards set out in the London Plan for a four bedroom home. It is considered that if necessary any additional demand could be accommodated on Hartley Down.
- 8.16 Two cycle parking spaces and waste storage would be located in the internal garage of the house, which is considered acceptable.
- 8.17 A crossover to Hartley Down would be created for access. It has been demonstrated that the vehicle would be able to access and exit the car park without difficulty in forward gear and that adequate pedestrian visibility splays could be achieved either side of the access. A condition is proposed to ensure that these are retained in this form for the lifetime of the development.
- 8.18 Overall, it is not considered the development would significantly alter the safety and efficiency of the surrounding highways network.

## **Environment and Sustainability**

- 8.19 Planning condition is proposed 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.

## **Trees and Landscaping**

- 8.20 There are several trees within the existing rear garden which would be removed to facilitate development, along with some shrubbery along the boundaries. These specimens are not preserved and there is no objection to their removal, subject to appropriate replacement. A comprehensive landscaping scheme and tree planting schedule have been submitted showing that several heavy standard trees would be planted in order to mitigate the loss of trees on site. These would bring immediate benefit to the appearance of the area.
- 8.21 Overall, it is considered that the proposed level of planting would be similar to existing arrangements at other houses along this side of the road. Whilst some trees would be removed, the resultant levels of planting would have a degree of visual compatibility with the wider area, which is considered acceptable.

## **Conclusions**

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