



**PART 6: Planning Applications for Decision****Item 6.6****1 APPLICATION DETAILS**

Ref: [16/03185/P](#) (*link to related documents in the Planning Register*)  
Location: 21 Foxley Hill Road, (formally adjacent to 3 The Close, Dale Road), Purley, CR8 2HD  
Ward: Purley  
Description: Retention of two storey two bedroom detached dwelling and formation of pedestrian stepped access (revision of planning permission LBC Ref 11/00735/P – Allowed on appeal)  
Drawing Nos: Location Plan, FHR/2016/005B, FHR/2016/006, FHR/2016/007, FHR/2016/008, FHR/2016/009, Existing Block Plan, Existing Elevations x2, Existing Plan  
Applicant: Mr Ramnath  
Agent: Mr Barron, Barron Planning Consultancy  
Case Officer: Georgina Betts

- 1.1 This application is being reported to Planning Sub Committee because the Ward Councillor (Cllr Simon Brew) made representations in accordance with the Committee Consideration Criteria and requested Committee Consideration.

**2 SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- 2.1 The retention of two storey two bedroom detached dwelling and formation of pedestrian stepped access (revision of 11/00735/P – allowed on appeal) would not harm the character of the surrounding area or the residential amenities of the adjoining occupiers.

**3 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission
- 3.2 That the Director of Planning is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

- 1) The works shall be carried out wholly in accordance with the submitted plans (including the removal of part of the raised platform, the introduction of the ramped access alongside the boundary with 19 Foxley Hill Road and the provision of the refuse storage enclosure) and shall be completed within 3 months of the date of this planning permission and permanently retained thereafter.

- 2) Removal of permitted development – Classes A, B, C and E of Part 1 of Schedule 2

### **Informatives**

- 1) Site notice removal
- 2) Any other informative(s) considered necessary by the Director of Planning

## **4 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

4.1 The applicant seeks full planning permission for the:

- Retention of two storey two bedroom detached dwelling – not undertaken in accordance with planning permission (LBC Ref 11/00735/P)
- Alterations and retention of pedestrian stepped access (revision of LBC Ref 11/00735/P – allowed on appeal)
- Erection of a 1.8 metres fence to en

### **Site and Surroundings**

- 4.2 The application site lies on the eastern side of Foxley Hill Road and is currently occupied by a two storey detached property sited substantially lower than the adjacent highway. The existing property was constructed in 2012 although the works undertaken on site did not comply with the drawings previously granted planning permission (on appeal).
- 4.3 The surrounding area is residential in character and comprises of detached and semi-detached properties within generous plots. The area is characterised by inter-war and post-war housing with a strong mix of styles. There are no constraints affecting the application site and it is not subject to a Tree Preservation Order.

### **Planning History**

4.4 The following planning decisions are relevant to the application:

There is extensive planning history on this site and therefore the most relevant records are provided below.

11/00735/P – Planning permission was refused on 11<sup>th</sup> May 2011 for the erection of two storey two bedroom detached house; formation of pedestrian access and provision of associated cycle/refuse enclosures. The subsequent appeal was allowed on 9<sup>th</sup> November 2011. The Planning Inspector concluded that the proposal would not harm the character or appearance of the area or the living conditions of adjoining occupiers.

Unfortunately, the development was not undertaken in accordance with the approved drawings and since that time, the applicant has been carrying out various works in an attempt to in modify the retained property. In all situations, these attempts have not found favour with the local planning authority or the Planning Inspectorate.

13/01824/P – Planning permission was refused on 7<sup>th</sup> August 2013 for the erection of a two storey two bedroom detached house; formation of pedestrian access; provision of associated cycle/refuse enclosure and retention of retaining wall. This application sought to introduce a raised walkway from Foxley Hill Road. In dismissing the appeal on 17<sup>th</sup> March 2014, the Planning Inspector concluded that the raised walkway would have harmed the character and appearance of the surrounding area along with the living conditions of 19 Foxley Hill Road.

15/00521/P – Planning permission was refused on the 7<sup>th</sup> April 2015 for the retention of two storey two bedroom detached house with raised hard-standing; formation of pedestrian access and provision of associated cycle/refuse enclosure (amendment to 11/00735/P). This application was refused due to the harm caused to the adjoining occupiers.

15/02622/P – Planning permission was refused on the 4<sup>th</sup> August 2015 for the retention of a two storey two bedroom detached house with raised hard-standing; formation of pedestrian access and provision of associated cycle/refuse enclosure. The subsequent appeal was dismissed on 16<sup>th</sup> March 2016. The Planning Inspector concluded that the proposal would have detracted from the character and appearance of the area and would result in a significant loss of privacy.

It is part of this raised hard-standing that the current application is seeking to remove – thereby providing the ramped pedestrian access into the rear garden which was the initial intention (pursuant to the original 2011 grant of planning permission).

## **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 The application has been publicised by way of one or more site notices displayed in the vicinity of the application site. 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: 4      Objecting: 4      Supporting: 0

- 6.2 The following Councillor made representations:

Councillor Simon Brew [objecting] on grounds of effects of the works on the neighbouring residential occupiers in terms of visual intrusion.

- 6.3 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:

### **Objections**

- Loss privacy/light
- Out of character with the surrounding area
- Visual intrusion

- 6.4 The following issues were raised in representations, but they are not material to the determination of the application:

- Failure to comply with the approved drawings [Officer Comment: while this point is noted this application seeks to overcome current breaches of planning control and the findings of previous Planning Inspectors]
- Danger from existing ramp, retaining walls etc [Officer Comment: concerns over the safety of the public highway are being dealt with by the Council's Highways Department. Concerns over the safety of the ramp on site should be raised with the Council Building Control Team who deal with dangerous structures].
- Errors within the application form [Officer Comment: these are noted and any approval/consideration will be clear as to what the LPA are considering]
- Additional windows shown in elevations [Officer Comment: such changes do not form part of this application and can be addressed in a relevant informative if considered necessary]

## **7 MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by the application that the Sub Committee must consider are:

- The impact of the development upon the character and appearance of the surrounding area
- The impact of the development upon the residential amenities of the adjoining occupiers.

### **The impact of the development upon the character and appearance of the Surrounding area**

- 7.2 The National Planning Policy Framework requires good design making a positive contribution to place. London Plan 2011 Policies 7.4 and 7.6 state that new development should reflect the established local character and should make a positive contribution to its context. Policies SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies 2013 require



development to be of a high quality respecting and enhancing local character and informing the distinctive qualities of the area. Policy UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 require proposals to reinforce the existing development pattern and respect the height and proportions of surrounding buildings. Supplementary Planning Document No. 2: Residential Extensions and Alterations (SPD2) is also relevant to this proposal.

- 7.3 The applicant seeks retrospective planning permission for the retention of a two storey two bedroom detached dwelling and formation of stepped pedestrian access to the ground level. As seen from the planning history, there are numerous records relating to this topic. Previous raised glazed walkways and large areas of raised hard-standing close to the boundary with 19 Foxley Hill Road has been refused and dismissed on appeal based on the harm caused to the character of the area and the amenities of these neighbours.
- 7.4 Given the sites steep topography the applicant has sought a resolution to the unauthorised land alterations but also seeks a solution to the storage or refuse and recycling bins. As a result, the applicant proposes to remove a large quantity of the unauthorised raised land level/hard-standing, whilst retaining part of this raised area (width - 2 metres and depth - 2.7 metres approximately) Given the sites steep access and topography the applicant proposes to use this area as a refuse/recycling storage area to allow for easy disposal/collection.
- 7.5 A 1.8 metre high post and rail fence would be provided to the northern and eastern edges with the existing 2 metre boundary fence to the west retained. As such, the raised area would be sufficiently screened from the surrounding area so as not to appear overly incongruous.
- 7.6 While the applicant has implied that the unauthorised land levels would be modified – to tie in more closely with what was granted on appeal back in 2011, it is recommended that a planning condition be imposed to a further planning permission, requiring these works to be undertaken within 3 months of the date of the decision notice. As the existing house (as built) still does not benefit from planning permission, it is also considered prudent to re-impose the previous planning condition to remove permitted development.

#### **Residential amenities of the adjoining occupiers.**

- 7.7 Policy SP4.2 of the Croydon Local Plan: Strategic Policies 2013 requires development to enhance social cohesion and well-being. Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 relates to Protecting Residential Amenity and requires the Council to have regard to the privacy and amenity of the occupiers of surrounding buildings when considering proposals for the extension and alteration of existing buildings.

- 7.8 Supplementary Planning Document No 2 states that any possible detrimental effect to surrounding neighbours and appearance and character of original house must be assessed.
- 7.9 In previous applications the principle of raised walkways and land levels were considered to be unacceptable, in view of the impact on the amenities of 19 Foxley Hill Road. While it is appreciated that a raised area of 2m x 2.7m would be retained as part of this application, this area would be sited approximately 3 metres at the nearest point to the boundary with the adjacent occupiers and any views to and from this raised area will be limited by the proposed 1.8 metre high fencing enclosure to the proposed refuse enclosures..
- 7.10 Given the separation distance and the fact the raised area would be enclosed thereby restricting outlook, the revised layout, with a more limited hard standing area, would not be considered to be unduly harmful to the residential amenities of 19 Foxley Hill Road.
- 7.11 In addition, the removal of a significant quantity of unauthorised land levels would improve the outlook from the habitable room windows of 19 Foxley Hill Road. Subject to these works being undertaken in a timely manner (as required by the recommended planning condition), the proposed development would be acceptable and would overcome previous concerns and issues raised on appeal.

### **Conclusions**

- 7.12 All other relevant policies and considerations, including equalities, have been taken into account. Planning permission should be granted for the reasons set out above. The details of the decision are set out in the RECOMMENDATION.