

1 SUMMARY OF APPLICATION DETAILS

Ref: 19/01810/FUL
 Location: Land R/O 5-6 Oaklands Gardens, Kenley, CR8 5DS
 Ward: Kenley
 Description: Alterations to land levels, erection of detached two storey 3 bedroom house with decking, associated bin and cycle stores
 Drawing Nos: Design and Access Statement (subject to amendments), Tree Survey Arboricultural Implications Assessment, Parking Survey dated 28 August 2019, Preliminary Ecological Appraisal, 3003, 2081-X01-C, 2081-X02-B, 2081-P01-C, 2081-P02-C, 2081-P03-A, 2081-P04-A, 2081-P05-A, 2081-P06-A, 2081-P07
 Applicant: Mr Carlo Navato
 Case Officer: Hayley Crabb

	Studio	1 bed	2 bed	3 bed	4 bed
Proposed House				1	

The unit is proposed for private sale

Number of car parking spaces	Number of cycle parking spaces
0	Up to 3 spaces

1.1 This application is being reported to Planning Sub Committee as objections above the threshold have been received.

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) Remove permitted development
- 4) No additional windows in the elevation fronting the host building and garden area of neighbouring property/obscure glazed first floors (west elevation to landing and bathroom and east elevation – secondary window to master bedroom)

- 5) Landscaping scheme to be submitted including hard/soft landscaping, retaining walls, boundary treatments and planting as boundary screening and SUDs techniques
- 6) Flood risk mitigation measures/water butt
- 7) Prior to first occupation, bin store, cycle store details to be submitted and approved by the LPA
- 8) Tree protection condition
- 9) The roof area of the house shall not be used as a roof terrace
- 10) Ecology conditions – in accordance with ecological mitigation measures
- 11) 1.7m high solid screen to the decking area
- 12) Construction Logistics Plan
- 13) 19% reduction in carbon emissions
- 14) Water usage restricted to 110 litres per person per day
- 15) Commencement of development within three years of consent being granted
- 16) 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) Network Rail
- 4) Protected species
- 5) Applicant's attention re: ownership/access rights to private road. This permission does not give access rights. Applicant should check these matters prior to construction.
- 6) Highways
- 7) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

3 PROPOSAL AND LOCATION DETAILS

Proposal

3.1 The proposal comprises the following:

- Erection of two storey 3 bedroom house
- 3 bedroom (4 persons)
- Private amenity space
- Cycle store at front for up to 3 bicycles
- Bin store at front

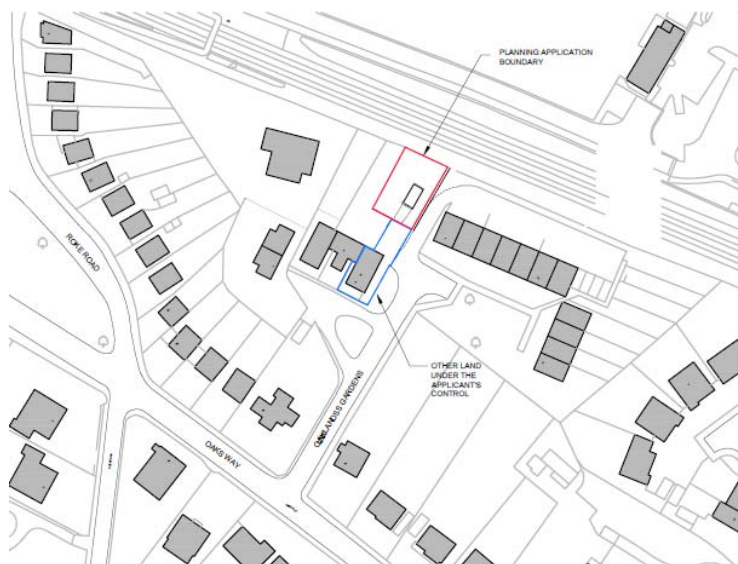
Site and Surroundings

3.2 The site forms the rear garden of 5-6 Oaklands Gardens which lies on the northern end of the cul-de-sac adjacent to a row of terrace properties accessed via a private way immediately adjacent to the site. Away line lies to the north of the site.

3.3 The surrounding area is residential in character and comprises of a mix of detached/semi-detached/terrace properties of varying size, age and style set at differing land levels.

3.4 Tree Preservation Order (TPO:7:2001) protects a number of trees on site.

- 3.5 The site is within an area identified as a Surface Water Flood Risk Area.
- 3.6 The site has a PTAL 2 – low accessibility to public transport links. Parking has been omitted from the proposal.
- 3.7 The rear boundary adjoins a railway line.



Planning History

- 3.8 Planning permission was refused back in December 2014 for the erection of two storey two bedroom house at rear and provision of associated parking (LBC Ref 14/03667/P) for the following reasons:
 1. The proposal would result in an overdevelopment of the site out of keeping with the character of the area and detrimental to the appearance of the street scene and would thereby conflict with Policy SP4.1 of Croydon Local Plan; Strategic Policies, Policies UD2, UD3, H2 and H5 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, Policies 7.4 and 7.6 of the London Plan 2011.
 2. The development would be detrimental to the amenities of the occupiers of adjoining property by reason of its size and siting resulting visual intrusion and loss of privacy and would thereby conflict with Policies UD2, UD8 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, Supplementary Planning Document No 2 on Residential Extensions and Alterations and Policy 7.6 of the London Plan 2011 (with 2013 alterations).
 3. The development would result in sub-standard accommodation by reason of inadequate private amenity space and would thereby conflict with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 and Policy 3.5B&C of the London Plan 2011 (with 2013 alterations).
 4. The proposed development would provide substandard parking provision which would be difficult to access by users and would thereby conflict with Policy UD13

and T8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 Saved Policies, Policies 6.12 and 6.13 of the London Plan 2011.

5. The trees on this site are subject to TPO No. 7, 2001, confirmed on 27 July 2001. The siting of the proposed building(s) is likely to compromise the retention of a number of visually important, preserved trees. The potential loss of these trees would be detrimental to the character of the area and the proposal is, therefore, contrary to Policy NC4 of the Croydon Replacement Unitary Development Plan (the Croydon Plan) 2006 Saved Policies and Policy 3D.15 of the London Plan (as Consolidated 2008), Policies 7.4 and Policy 7.21B of the London Plan.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The principle of residential development on the site is acceptable;
- The design and appearance of the development is appropriate for the site;
- There would be no undue harm to the residential amenities of adjoining occupiers;
- The living standards of future occupiers are acceptable and compliant with the Nationally Described Space Standards and the London Plan;
- Sufficient on street parking is available in the area;
- Sustainability aspects of the development can be controlled by condition.

5 CONSULTATION RESPONSE

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

Network Rail

- 5.2 Network Rail is a statutory consultee and have been consulted. They have raised no objection subject to standard engagement requirements associated with construction activity in close proximity to railway infrastructure. (OFFICER COMMENT). The proposed building would be sited well away from Network Rail land – although on-going engagement between Network Rail and the applicant would need to continue.

LOCAL REPRESENTATION

- 6.1 The application has been publicised by 21 letters of notification to neighbouring properties in the vicinity of the application site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 29 Objecting: 29 and a signed petition with 10 signatures. Neighbours and interested parties were then re-consulted. Further representations have been received together with a signed petition with 11 signatures.

- 6.2 The following issues were raised in representations. Those that are material to the determination of the application, are addressed in substance in the MATERIAL PLANNING CONSIDERATIONS section of this report:

Summary of objections	Response
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Over-development/density/cramped form of development/overcrowding	Addressed in Section 8.5 of this report
Not in keeping with the area/overbearing/visually intrusive/obtrusive by design	Addressed in Section 8.10-8.11 of this report
Loss of light/Loss of privacy/overlooking	Addressed in Section 8.12-8.15 of this report
Noise/light pollution/disturbance/ impact on neighbour amenity	Addressed in Section 8.15 of this report
Substandard accommodation	Addressed in Section 8.17 of this report
Lack of amenity space	Addressed in Section 8.18 of this report
Lack of parking/insufficient space in surrounding roads/private access road	Addressed in Section 8.21-8.27 of this report
Impact on trees	Addressed in Section 8.28 of this report
Impact on wildlife/protected species	Addressed in Section 8.30 of this report
Impact on sewer system etc	Addressed in Section 8.29
In-accurate site plan/ownership/deeds/right of way	A revised site plan has been submitted. Ownership/deeds are not planning considerations. However it is recommended for an informative to be placed on the decision that the permission does not give ownership rights and for the applicant to check prior to construction. Addressed in Section 8.27
Emergency vehicles/construction/delivery of materials	A condition can be imposed for a Construction Logistics Plan to be submitted and approved prior to commencement of development and place an informative bringing the applicants attentions to the Council's code of construction which should be adhered to.
Previous refusal	Each application is judged on its own individual merits
Use of 2006 policies	These policies have now been replaced by the adoption of the Croydon Local Plan 2018 and other planning policies.

Inaccuracies in the Design and Access Statement	A site visit has been undertaken and therefore a judgement has been made with regard to the impact of the development on the character of the area and the siting of the development in relation to the access road
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6 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. Such 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 (February 2018), and the South London Waste Plan 2012.

7.2 Government Guidance is contained in the National Planning Policy Framework (NPPF) issued in February 2019. The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- Promoting sustainable transport;
- Delivery of housing
- Promoting social, recreational and cultural facilities and services the community needs
- Requiring good design.

7.3 The main policy considerations raised by the application that the Committee are required to consider are:

7.4 Consolidated London Plan 2015

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.10 Urban greening
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self sufficiency
- 5.18 Construction, Demolition and excavation waste
- 6.3 Effects of development on transport capacity

- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.6 Architecture
- 8.3 Community infrastructure levy

7.5 Croydon Local Plan (adopted February 2018)

- SP2 – Homes
- DM1 – Housing choice for sustainable communities
- SP4 – Urban Design and Local Character
- DM10 – Design and character
- DM13 – Refuse and recycling
- SP6 – Environment and Climate Change
- DM23 – Development and construction
- DM24 – Land contamination
- DM25 – Sustainable drainage systems and reducing flood risk
- SP7 – Green Grid
- DM27 – Biodiversity
- DM28 – Trees
- SP8 – Transport and Communications
- DM29 – Promoting sustainable travel and reducing congestion
- DM30 – Car and cycle parking in new development
- DM40 (Kenley & Old Coulsdon).

7.6 Other relevant Supplementary Planning Guidance as follows:

- London Housing SPG, March 2016
- National Technical Housing Standards, 2015
- National Planning Practice Guidance
- Suburban Design Guide SPG (2019)

8 MATERIAL PLANNING CONSIDERATIONS

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

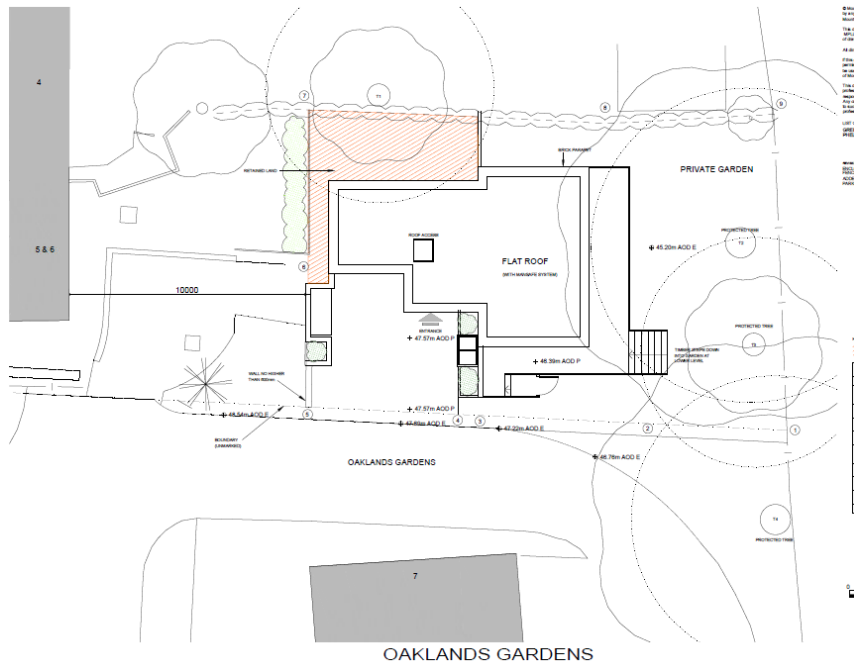
1. Principle of development
2. Townscape and visual impact
3. Residential amenity of adjoining occupiers
4. Residential amenity of future occupiers
5. Highways and transport
6. Trees and environment
7. Environment and sustainability

Principle of Development

8.2 The London Plan and Croydon Local Plan identify appropriate use of land as a material consideration to ensure that opportunities for development are recognised and housing

supply optimised. It is acknowledged that windfall schemes which provide sensitive renewal and intensification of existing residential areas play an important role in meeting demand for larger properties in the Capital, helping to address overcrowding and affordability issues.

- 8.3 The application proposes to infill the plot with the erection of a detached 3 bedroom house. The proposal would therefore provide an additional dwelling within an established residential area, which the Council is seeking to promote. It is considered this is acceptable in principle subject to the demonstration that the development deals adequately with other policy issues relevant to the proposal and any other material planning considerations.



- 8.4 Policy DM10 supports back-land development, subject to the impact on the character of an area and the amenities of adjoining properties. Policy DM10.4 (e) states in the case of development in the grounds of an existing building which is retained, a minimum length of 10m and no less than half or 200m² (whichever is the smaller) of the existing garden area is retained for the host property, after the subdivision of the garden. The Design and Access Statement shows 204m² of garden space would be retained for the host building. This is considered acceptable.

- 8.5 In respect to the density of the scheme, representations have raised concern over the intensification of the site and overdevelopment. The site is a suburban setting with a PTAL rating of 2 and as such, the London Plan indicates that the density levels ranges of 150–250 hr/ha habitable rooms per hectare (hr/ha); the proposal would command a residential density of roughly 154hr/ha which is considered acceptable – with the scheme adopting a thorough design-led approach to determine an appropriate density of development. The London Plan is currently being revised and the density matrix is due to be deleted from the Plan.

Townscape and Visual Impact

- 8.6 Policy DM10.1 and DM40 sets out that developments should respect the local character and distinctiveness.

8.7 The proposed building would be located to the rear of 5-6 Oaklands Gardens which lies on the northern end of the cul-de-sac adjacent to a row of terrace properties accessed via a private access road immediately adjacent to the site.

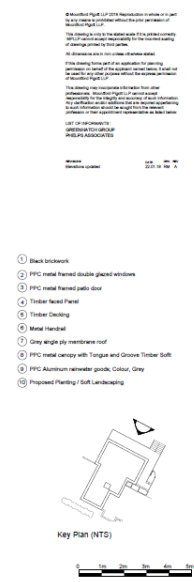
8.8 It is proposed to erect a two storey detached house which would be contemporary in style – with a subordinated flat roof appearance, set within the sloping topography.



PERSPECTIVE VIEW 01



PERSPECTIVE VIEW 02



8.9 The proposed building would be set back from the frontage, adjacent to the railway line. Representations have been received regarding the proposed development would not be in keeping with the area/overbearing/visually intrusive/obtrusive by design. The surrounding area is residential in character and comprises of a mix of detached/semi-detached/terrace properties varying in size, age and style.

8.10 It is proposed to use a simple palette of materials comprising brickwork and timber panelling to reflect the appearance of neighbouring properties and the tree-lined boundary to the north. The Design and Access Statement states the brickwork would match the host building and whilst the proposal would be unashamedly contemporary in style and form (with a flat roof), given its overall subservience and its response to sloping topography (with its back-land situation) officers are satisfied with the scale, massing and overall appearance. It is considered the proposed development would not have a significant effect on the visual amenity of the street-scene and would maintain and respect character of the area. In order to ensure a high quality

development is provided, it is recommended for a condition to be imposed for external facing materials/samples be submitted to ensure these would be acceptable.



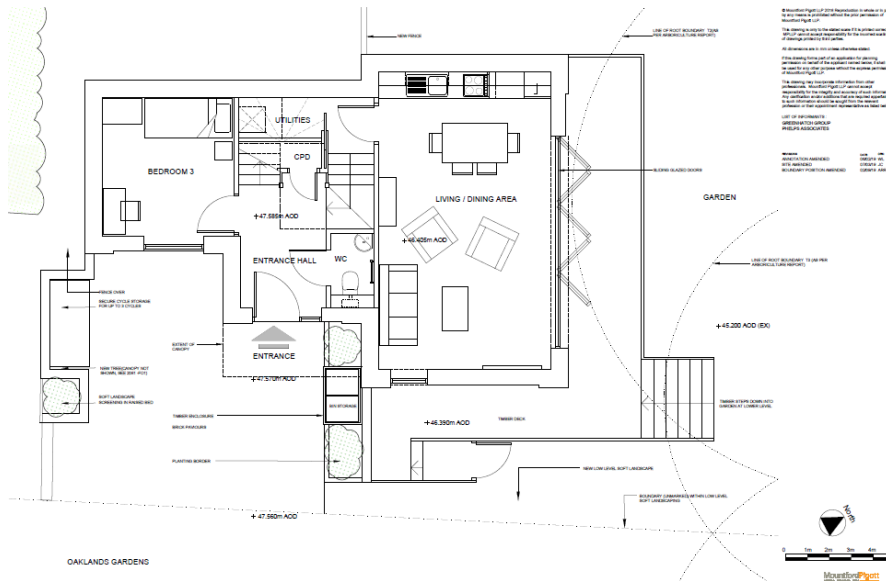
The proposed development would be located to the left of the left image and the second photograph (right) provides details of the wider street-scene

Residential Amenities of Adjoining Occupiers

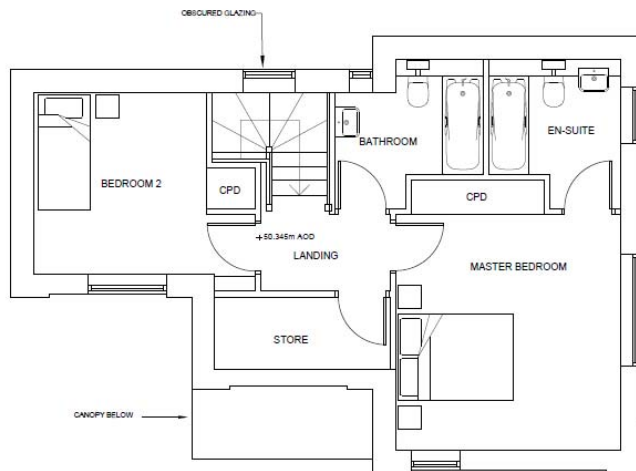
- 8.11 The area is residential in character and policy DM10 protects the first 10 metres of private amenity space from direct overlooking. The proposed house would be situated more than 10m from the rear wall 5 Oaklands Gardens – with no windows proposed overlooking this rear garden.
- 8.12 Many representations have been received raising concerns over loss of light/loss of privacy/overlooking. A condition would be imposed regarding boundary screening adjacent to 5 Oaklands Gardens to ensure adequate screening is provided as part of a landscaping condition. No windows are proposed in the south-western elevation facing onto 5 Oaklands Gardens and obscure glazed windows would be provided in the north-western elevation serving a bathroom and stairwell. The proposed bedrooms would have front facing windows with one of the bedrooms having a front and side facing window (with the side window facing onto the railway line). The proposed amenity space would be located adjacent to the railway line and in order to minimise overlooking, it is recommended to impose a condition on the decision that the roof area of the house cannot be used as a terrace.
- 8.13 7 Oaklands Gardens is opposite the private access road and the proposed house would project beyond the rear building line of this neighbouring property. The proposed walkway leading to the front door of the proposed house would be approximately 7.5m from this neighbouring property with the proposed building mass being 8.6 metres to the side. Whilst there are no windows within the side elevation to 7 Oaklands Gardens, a planning condition is recommended requiring a 1.7m high solid screen to the south-eastern side of the raised decking/walkway adjacent to the front boundary in order to minimise any overlooking into the rear garden of this neighbouring property. .
- 8.14 Following consideration of all the various amenity impacts (including noise/light pollution/general disturbance) officers are satisfied that the proposed development would not have a significant effect on the amenities of neighbouring properties.

Residential Amenity of Future Occupiers (Overall Residential Quality)

8.15 The proposed dwelling should be designed in line with the standards set out in the Nationally Described Space Standards (NDSS), and the London Plan Housing SPG, particularly with regard to minimum floor space standards (including minimum sizes and widths for rooms/storage).



Proposed ground floor plan



Proposed first floor plan

8.16 The standards require a 3 bedroom (4 persons) unit over 2 floors to have a minimum internal floor area of 84 m² with 2.5m built in storage. The dwelling would meet the Technical standards and provide a good standard of accommodation in terms of layout and daylight.

8.17 As regards external amenity space, the London Housing SPG states that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm for each additional unit. A raised decking area would be provided with steps down to the lower land level due to the topography of the site, which is

considered acceptable. Overall, the scheme would provide a good standard of private amenity space.

- 8.18 Cycle and refuse storage is shown to the front of the proposed dwelling – with detailed design to be finalised through discharge of conditions.

Highways and Parking

- 8.19 The site has a PTAL rating of 2 which means very poor accessibility to public transport links. That said, Kenley Train Station is located approximately 300 metres from the application site and has links to London Bridge, Croydon and Caterham. The nearest bus stops (Route 434) are at Oaks Way and Oaks Road (less than 50 metres from the application site). Bus stops for Route 407 can be found approximately 300 metres away from the site. These routes link the site to Caterham, Whyteleafe, Kenley, Coulsdon, Purley, Croydon, Waddon, Wallington, Carshalton and Sutton.
- 8.20 Representations received have raised the issues of insufficient parking/insufficient space in surrounding roads/private access road. To the front of the site is a private access road and concerns have been raised regarding the use of this access road. The applicant has now chosen to omit parking from the proposal. The Suburban Design Guide SPD indicates that the borough will encourage lower parking provision than the maximum car parking standards set in both the current and draft New London Plan. However it further advises that in areas of very low transport accessibility (such as in areas of PTAL 0-1) it will be harder to access sustainable transport and therefore it may be more difficult to reduce reliance on private cars. It advises that in these areas the Council will seek to accommodate all parking within the site (off street) and any anticipated need for on street parking will be judged on a case by case basis. Whilst this approach recognises that the use of the private car might continue to be the preferred transport choice of future residents in this area, the direction of policy is to reduce reliance on the private car in favour of more sustainable transport choices.
- 8.21 In this case, the applicant has undertaken a parking beat survey that indicates that there is an adequate level of spaces to park on neighbouring roads to accommodate any parking from the proposed development. The survey data indicates an average stress of 59% across the whole study area, equating to 35 remaining parking spaces within a 200 metres walking distance of the site. Oaklands Gardens experiences an average parking stress of 45%, equating to 5 available parking spaces. This helps to demonstrate that Oaklands Gardens alone can comfortably accommodate an additional 2 space demand created by the development proposal. Whilst the surveys were undertaken outside school term time, the survey results revealed an abundance of spaces and as such it is not expected that the slight increase in parking that could occur during term time would prevent future residents from parking on-street overnight.
- 8.22 Having considered the proximity to public transport services and the parking survey and additional information provided showing the parking availability in the vicinity, it is considered (on balance) that there would be space on the road network to accommodate any additional parking demand.
- 8.23 Representations have been received with regard to ownership/access rights/deeds. These are not planning considerations but a matter between third parties. It is recommended for an informative to be attached that the permission does not give

ownership rights and for the applicant to check the siting of the proposed house in relation to the boundaries/ownership prior to construction.

Trees and Environment

- 8.24 There is a Tree Preservation Order on the site (TPO 7, 2001) which protects trees situated on the rear boundary. An Arboricultural Tree Report/Tree Protection Plan has been submitted. The siting of the proposed house in relation to the trees is considered acceptable. It is recommended for these to be conditioned

Environment and Sustainability

- 8.25 SP6.4 of the Croydon Local Plan 2018 - To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding. The site falls within an area identified for surface water flooding/critical drainage area. It is proposed to connect to the mains sewer. The Design and Access Statement states the site falls within a Flood Zone 1. The drawings show permeable paving and the provision of a water butt. It is recommended for a landscaping condition to be imposed for SUDs/permeable paving/soft landscaping and a condition imposed for the provision of a water butt, these are considered acceptable. Given the proposal is for a house, conditions would be attached to ensure that a 19% reduction in CO2 emissions over 2013 Building Regulations is achieved and mains water consumption would meet a target of 110 litres or less per head per day.

Other Planning Considerations

- 8.26 During the officer's site visit, it was noted the site was heavily overgrown. A preliminary Ecological Appraisal was submitted for assessment and officers are satisfied that any impacts will be minimal – although a condition is recommended to ensure that ecological issues are suitably safeguarded. Ecological conditions and an informative are therefore recommended.
- 8.27 The rear of the site adjoins a railway line. Network Rail were consulted and have advised the applicant/developer should comply with the comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. This advice has been forwarded to the agent. It is recommended for an informative to be placed on the decision informing the applicant of the relevant requirements/contacts.
- 8.28 Representations received regarding noise and disturbance/emergency vehicles/construction/deliveries. Noise and disturbance due to construction, is part of the build process. It is recommended for a condition to be attached for a Construction Logistics Plan to be submitted and approved prior to the commencement of the development and for an informative to be placed on the decision bringing the owners attention to the Councils code for construction sites which should be adhered to.

Conclusions

- 8.29 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.

- 8.30 Having considered all of the above, against the backdrop of housing need, officers are satisfied that the proposed development would comply with the objectives of the above policies, subject to the provision of suitable conditions.
- 8.31 All other relevant policies and considerations, including equalities, have been taken into account.