

## PART 5: Planning Applications for Decision

## Item 5.1

**1 APPLICATION DETAILS**

Ref: 22/03353/FUL  
 Location: Land Adjacent To 31 Heath Road, Thornton Heath, CR7 8NF  
 Ward: Thornton Heath  
 Description: Erection of two-storey three-bedroom detached dwelling  
 Drawing Nos: 9000PP01, 9000PP02, 9000PP03, 9000PP04, 9000PP05, 9000PP06, 9000PP07, 9000PP08, 9000PP09, 9000PP10, 9000PP11, 9000PP12, 9000PP13, 9000D&AS02, 9000D&AS03, 9000D&AS10, 9000D&AS11, 9000D&AS12, 9000D&AS13, 9000D&AS16.  
 Applicant: Simon Budal  
 Agent: N/A  
 Case Officer: Grace Hewett

<b>Housing Mix</b>					
	<b>1 bed</b> (2 person)	<b>2 bed</b> (3 person)	<b>2 bed</b> (4 person)	<b>3 bed</b> (6 person)	<b>TOTAL</b>
<b>Existing</b>					0
<b>Proposed</b> (market housing)				1	1
<b>TOTAL</b>					1

<b>Vehicle and Cycle Parking (London Plan Standards)</b>	
<b>PTAL: 3</b>	
<b>Car Parking maximum standard</b>	<b>Proposed</b>
Up to 1 space per dwelling	0
<b>Long Stay Cycle Storage minimum</b>	<b>Proposed</b>
2 spaces	2 spaces
<b>Short Stay Cycle Storage minimum</b>	<b>Proposed</b>
0 spaces	0

- 1.1 This application is being reported to committee because:

The ward councillor (Cllr Young) made representations in accordance with the Committee Consideration Criteria and requested committee consideration. Cllr Jewitt made a representation concurring with Cllr Young.

**2 RECOMMENDATION**

- 2.1 That the Committee resolve to REFUSE planning permission.
- 2.2 That the Director of Planning and Sustainable Regeneration has delegated authority to issue the planning decision with the following refusal reasons:

## Reasons for refusal

- 1) The proposed development by virtue of its scale, massing, form, siting, proximity to the site boundaries, and design would form an incongruous development that would have a detrimental impact on the character and appearance of the street scene and surrounding area, contrary to Policies SP4 and DM10 of the Croydon Local Plan 2018 and Policies D3 and D4 of the London Plan 2021.
- 2) The scale, massing, and siting of the proposed development would result in loss of outlook and would have an overbearing impact on the adjacent residential occupiers at 8 and 8A Furze Road and would thereby conflict with Policies SP4 and DM10 of the Croydon Local Plan 2018 and Policy D3 of the London Plan 2021.

## 3 PROPOSAL AND LOCATION DETAILS

### Proposal

- 3.1 The erection of two-storey three-bedroom detached dwelling with associated landscaping, cycle and refuse storage.



*Figure 1: Proposed Street Scene Elevation*

### Site and Surroundings

- 3.2 The application site consists of a fenced-off vacant plot located on the northern side of Heath Road, to the west of 31 Heath Road and to the east of the properties along Furze Road. The application site was historically part of the rear garden of 8 Furze Road, which has been previously subdivided.
- 3.3 The surrounding area is predominantly residential in character, consisting of a mix of terraced, semi-detached, and detached houses, with a newly constructed two-storey block of flats opposite to the south.
- 3.4 The application site is identified as being at risk of surface water flooding. There are no other policy constraints affecting the application site, as identified by the Croydon Local Plan 2018. There is a street-tree adjacent to the site on Furze Road.



*Figure 2: Site Location Plan*

### **Planning Designations and Constraints**

3.5 The site is subject to the following formal planning constraints and designations:

- PTAL: 3
- Flood Risk Zone: 1
- Surface water flooding

### **Planning History**

3.6 The following planning decisions are relevant to the application:

15/00354/P - Erection of single family attached dwelling adjacent to 8 Furze Road.

**Approved** [and implemented].

16/03804/P - Erection of detached one bedroom dwelling at rear; formation of vehicular access onto Heath Road and provision of associated parking.

**Approved** [not implemented].

18/05321/NMA - Erection of single family attached dwelling adjacent to 8 Furze Road (Non-material amendment to permission 15/00354/P to alter the internal layout including roof space mezzanine, amend the rear elevation window arrangement, form new external access ramp, install 3 solar panels to the rear roof slope and insert 1 front facing and 2 rear facing roof windows).

**Approved** [and implemented].

20/02177/FUL - Construction of two-storey building to form 2 flats (1 x 1 bedroom 2 person and 1 x 1 bedroom 1 person).

**Refused** on grounds of lack of family housing, design, substandard quality of accommodation.

**Appeal dismissed** on character and appearance, substandard quality of accommodation, and lack of family housing.

21/03466/FUL - Construction of new 2 storey 3 bedroom detached dwelling.

**Refused** on grounds of character and appearance, impact on neighbouring amenity, substandard quality of accommodation, inadequate refuse storage, and transport and highway impacts.

22/01910/FUL - Erection of a two-storey three bedroom detached dwelling.  
**Refused** on grounds of character and appearance.



*Figure 3: Previously refused development*



*Figure 4: Site Plan showing the previously refused development*

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

4.1 The application is recommended for refusal for the following reasons:

- The principle of the proposed development is acceptable,
- The design and appearance of the proposed development has a harmful impact and is unacceptable in terms of its footprint, massing, siting, form, and design,
- The quality of accommodation would be acceptable for future occupiers,
- The proposed development would have a harmful impact on the residential amenities of the adjoining properties in terms of outlook and visual intrusion and is unacceptable,
- Transport matters are acceptable.
- Trees, landscaping, and biodiversity matters are acceptable.

4.2 The following sections of this report summarise the officer assessment and the reason for the recommendation.

## **5 CONSULTATION RESPONSE**

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

5.2 The following were consulted regarding the application:

Tree and Woodlands Officer

- No objection, subject to a condition requiring tree protection measures and details on works within the root protection area to be submitted. [Officer comment: this consultation comment is in relation to the adjacent street tree].

## 6 LOCAL REPRESENTATION

6.1 A total of 24 neighbouring properties were notified about the application and invited to comment. 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: 20      Objecting: 1      Supporting: 19

6.2 The following Councillors made representations:

- Councillor Callton Young [supporting]
- Councillor Karen Jewitt [supporting]

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:

Objection	Officer comment
Character and design	
Overdevelopment	Acknowledged and addressed in paragraphs 8.6 - 8.14.
Neighbouring amenity	
Loss of light	Acknowledged and addressed in paragraphs 8.22 - 8.28.
Noise	
Overlooking	
Loss of outlook	
Support	Officer comment
Character and design	
Design	Acknowledged and addressed in paragraphs 8.6 - 8.14.
In-keeping with the area	
Improves current site	
Trees and ecology	
Trees	Acknowledged and addressed in paragraphs 8.29 - 8.32.
Quality of accommodation	
Provides high quality housing	Acknowledged and addressed in paragraphs 8.15 - 8.21.
Disabled access	

Provides family housing	Acknowledged and addressed in paragraphs 8.2 - 8.5.
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## 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)

- D1 London's form, character, and capacity growth
- D3 Optimising site capacity through the design led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 2 Minimising greenhouse gas emissions
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T5 Cycling
- T6.1 Residential parking

#### Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change
- SP7 Green Grid
- SP8 Transport and Communication
- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character
- DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- DM19 Promoting and Protecting Healthy Communities
- DM23 Development and Construction
- DM25 Sustainable Drainage Systems and Reducing Flood Risk
- DM27 Biodiversity
- DM28 Trees
- DM29 Promoting Sustainable Travel and Reducing Congestion
- DM30 Car and Cycle Parking in New Development

- 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 on 20 July 2021, 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:

- Delivering a Sufficient Supply of Homes
- Promoting Sustainable Transport
- 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:

- London Housing SPG (March 2016)
- Technical Housing Standards: Nationally Described Space Standard (2015)
- 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. Quality of residential accommodation
4. Impact on neighbouring residential amenity
5. Trees, landscaping, and biodiversity
6. Access, parking, and highway impacts
7. Refuse
8. Flood risk and energy efficiency
9. Fire safety
10. Other Planning Issues
11. Conclusions

## **Principle of development**

- 8.2 The Croydon Local Plan (CLP) sets out a housing target of 32,890 homes over a 20-year period from 2016-2036 (1,645 homes per year). The London Plan requires 20,790 of those homes to be delivered within a shorter 10-year period (2019-2029), resulting in a higher target of 2,079 homes per year.
- 8.3 The CLP also sets out a target for development on Windfall sites of 10,060 homes (approximately 503 per year). The London Plan requires 6,410 net completions on small sites (below 0.25 hectares in size) over 10 years, with a small-sites housing target of 641 per year.
- 8.4 Policy SP2.7 of the CLP sets a strategic target for 30% of all new homes over the plan period to have three or more bedrooms. This policy addresses an identified need for family-sized dwellings within the borough and seeks to provide a choice of homes.
- 8.5 The proposed housing mix would provide 1x 3-bedroom 6-person dwelling. This would comply with policy SP2.7 as a family-sized dwelling is provided. The principle of the proposed development is therefore acceptable.

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

- 8.6 Policy D3 of the London emphasises the need for high-quality design which contributes positively to local character and streetscape. Proposals should incorporate the highest quality materials and design appropriate to the context. CLP policy DM10 requires proposals to respect the development pattern, layout; siting, the scale, height, massing, and density; and the appearance, existing materials, and built and natural features of the surrounding area. Similarly, policy SP4 requires development to be of a high quality which respects and enhances local character.
- 8.7 The application site consists of a vacant plot with high fencing, which is currently overgrown. The site historically formed part of the rear garden to 8 Furze Road.
- 8.8 The surrounding area consists predominantly of two-storey terraced and semi-detached properties with pitched roofs. There is a recently constructed two-storey flatted development to the south of the site which has a contemporary design. There is a sense of uniformity; characterised by consistent building lines, building widths, roof forms, and front-facing entrances which are generally set back from the street with defined front boundary treatments. The existing uniformity is a positive feature of the street scene and contributes to the character of the area.
- 8.9 The proposed development would provide a detached two-storey dwelling, which would front Heath Road. Due to the angled nature and boundaries of the site, the side elevation would also be visible from the street.
- 8.10 The previous application (ref. 22/01910/FUL) was refused as the dwelling would occupy most of the site and the two-storey height and massing was considered

too close to the site boundaries, which would result in a cramped appearance and the overdevelopment of the site. In comparison, the footprint and massing of the current proposal has been increased. The dwelling would be closer to the side and rear boundaries of the site and the footprint would occupy a significant proportion of the plot. Overall, the ratio between the built form and plot size is not in-keeping with the locality as the existing properties have larger rear gardens and less plot coverage. Furthermore, due to the angled nature of the site, the footprint of the proposed dwelling responds to the site boundaries, as opposed to the established pattern of development. Consequently, whilst it is noted that the front building line responds to the existing dwellings along Heath Road, the footprint and massing do not respond to the existing pattern of development and would result in the overdevelopment of the site.



*Figure 5: Footprint of the previously refused development*



*Figure 6: Footprint of the proposed development*

- 8.11 As with the previously refused dwelling at this site, the development would fail to form a successful addition to the street scene as the angled nature of the site (relative to Heath Road), would result in a disconnect between the front elevation and the side elevations, which would be highly visible within the street scene. This is considered to undermine the success of the front elevation appearing part of the street scene and part of the established urban grain. This is unacceptable as it results in a development that has a disconnect between the front and side elevations and fails to integrate into the street scene.

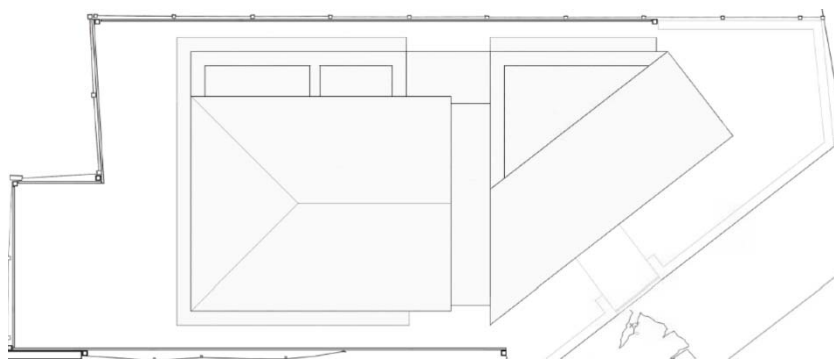


*Figure 7: Street scene elevation of previously refused development*



*Figure 8: Street scene elevation of proposed development*

- 8.12 Also, as with the previously refused dwelling at the site, the side elevation would appear disjointed due to the overly complicated and unbalanced roof form, and the uncomfortable relationship between the pitched and flat roof forms. The current proposal has varied roof forms, using pitched, part hipped and flat roofs. This results in an overly complicated and unbalanced roof form and the side/rear roof forms would be visually disjointed from the pitched roof on the front elevation. Moreover, the complexity of the roof forms further exacerbates the disconnect between the front and side elevations.



*Figure 9: Roof Plan of the proposed development*

- 8.13 The proposed development has therefore failed to address and overcome the concerns raised in refused application 22/01910/FUL in regard to the footprint, massing, design, siting, and form. It is recommended that the application should be refused on these grounds.
- 8.14 The existing dwellings within the locality have a material palette consisting predominantly of brick, pebbledash, and render. The proposed material palette

would consist of brick, natural slate tiles, and timber windows, which would respond to the existing character. The front boundary treatment would consist of a low brick wall with hedging behind, which would screen the cycle and refuse stores and would appear in-keeping with the street.

### **Quality of residential accommodation**

- 8.15 Policy D6 of the London Plan 2021 outlines housing development should be of a high-quality design and provide adequate-sized bedrooms and residential units, as well as sufficient floor to ceiling heights and light.
- 8.16 CLP policy SP2.8 requires residential development to comply with the minimum standards set out in the Mayor of London's Housing Supplementary Planning Guidance and National Technical Standards (2015). Furthermore, proposals should meet minimum design and amenity standards set out in the CLP and other relevant London Plan and National Technical Standards (2015) or equivalent.

Unit	Size (bedroom/person)	GIA (sqm) proposed	Min. GIA (sqm)	Amenity Space (sqm)	Min. Amenity Space (sqm)	Built in storage space (sqm)	Min. built in storage space (sqm)
1	3b/6p	118.3	102	40	9	4.7	2.5

*Table 1: scheme considered against London Plan Policy D6 and Table 3.1*

- 8.17 The proposed development would provide a 3-bedroom 6-person dwelling over two storeys with an internal floor area of 118.3sqm. This would exceed the minimum space standards detailed in London Plan policy D6. A minimum floor to ceiling height of 2.4m has been achieved. The dwelling would be dual aspect and all habitable rooms would have adequate internal light and outlook.

### Amenity Space

- 8.18 CLP policy DM10.4 requires proposals for new residential development to provide a minimum amount of private amenity space of 5m<sup>2</sup> per 1–2-person unit and an extra 1m<sup>2</sup> per extra occupant thereafter.
- 8.19 The proposed dwelling has direct access to an adequately sized private rear garden, which would exceed the requirements of policy DM10.4. The quality of accommodation for future occupiers is therefore considered acceptable.

### Accessible Dwellings

- 8.20 Policy D5 of the London Plan outlines development should be convenient and welcoming with no disabling barriers and policy D7 requires at least 10 per cent of dwellings to meet Building Regulation requirement M4(3) 'wheelchair user dwellings'.
- 8.21 The access to the dwelling would be step free from the street. The ground floor bedroom has been designed for wheelchair users and could provide an

independent living area. The entrance area and ground floor bedroom appear to be M4(3) compliant, which would be subject to Building Regulations approval.

### Impact on neighbouring residential amenity

- 8.22 CLP policy DM10.6 specifies that proposals should protect the amenity of the occupiers of adjoining buildings and should not result in direct overlooking to habitable rooms, or private outdoor space within 10m perpendicular to the rear elevation of a dwelling. Furthermore, proposals should ensure that they do not result in significant loss of sunlight or daylight levels to the adjoining occupiers.
- 8.23 The previous application (ref. 22/01910/FUL) was set in from the rear boundary of the site by 4m at ground floor level and 4.35m - 6.3m at first floor level. The impact on the amenities of the adjoining properties (6, 8a, 8, and 10 Furze Road) was considered to be acceptable, subject to a condition requiring the lower part of the rear facing windows to be obscured and non-openable. In considering the previous scheme, reference was made to the applicant's daylight impact assessment and compliance with the BRE 45-degree measurement.
- 8.24 In comparison to the previously refused application, the current proposal is closer to the rear boundary, separated by 1.9m - 4m at ground floor level and 2.3m - 4.35m at first floor level. The applicant has submitted a daylight impact assessment showing that the proposal would pass the 45-degree measurement from the rear of Nos. 8 and 8A. As such, the proposal would not result in any unacceptable loss of daylight and sunlight to these properties.

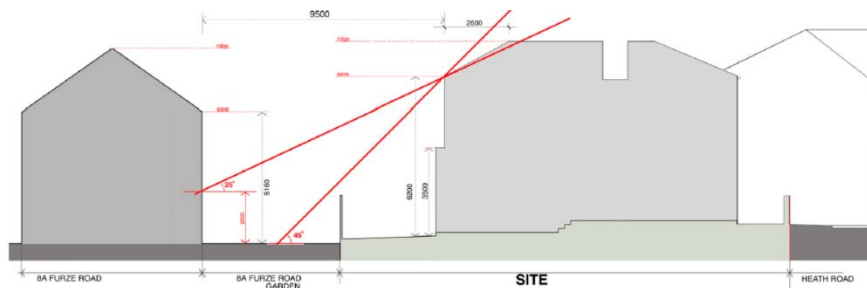
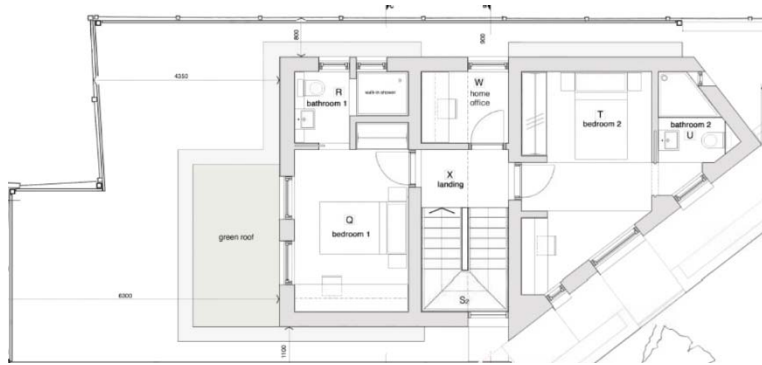
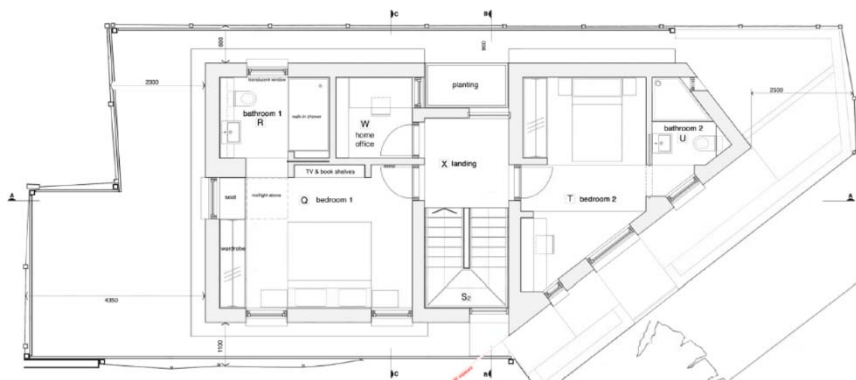


Figure 10: Daylight impact analysis for the proposed development

- 8.25 Notwithstanding this, the massing of the proposed dwelling has been increased and is closer to the rear boundary at first floor level. In comparison, the increased massing also measures the full width of the rear elevation. At ground floor level, the proposed dwelling would be approximately 9.15m from the rear elevations of 8 and 8A Furze Road. The separation distance would be approximately 9.5m at first floor level. No.8A has ground and first floor windows in the rear elevation which serve habitable rooms. No.8 Furze Road also has ground and first floor windows on the rear elevation which appear to serve habitable rooms, as well as a part-width single-storey rear addition which accommodates a kitchen with windows on both the side and rear elevations. Both Nos.8 and 8a have short rear gardens.



*Figure 11: First floor plan showing the previously refused development*



*Figure 12: Proposed first floor plan of the proposed development.*

- 8.26 The ground floor level of the proposed dwelling would not be particularly visible given the boundary treatments. However, given the proximity to the rear boundary of the site, as well as the proximity to the rear elevations of Nos. 8 and 8a, the bulk and massing would appear visually imposing when viewed from the rear windows of 8 and 8a Furze Road and would harm the outlook of these properties due to the overbearing nature of the proposed development.
- 8.27 In comparison to the previous scheme, the proposal has also introduced additional first floor windows in the western side elevation facing towards the rear gardens of 6 Furze Road. There is also a first-floor window in the rear elevation facing towards 8 and 8A Furze Road. If the application had been otherwise acceptable, a condition could have been added requiring the lower part of the first-floor windows on the side and rear elevations to be obscured and non-openable to avoid unacceptable overlooking.
- 8.28 The proposal is not considered to result in any harmful loss of light and outlook or overshadowing to Nos. 6 and 10 Furze Road.

### **Trees, landscaping, and biodiversity**

- 8.29 London Plan policy G6 requires proposals to manage impacts on biodiversity and policy G7 requires that wherever possible, existing trees of value should be retained. Similarly, CLP policy DM28 specifies that proposals which result in the avoidable loss of retained trees where they contribute to the character of

the area will not be acceptable. CLP policy DM10 also requires proposals to incorporate hard and soft landscaping.

- 8.30 There is an existing street tree on the pavement adjacent to the front of the application site. The applicant has submitted a drawing plotting the stem diameter, canopy, and root protection area (RPA) of this tree, which has been categorised as category B. The footprint of the dwelling would be partly within the RPA.
- 8.31 It is noted that this street tree is part of a pollarding programme, and the canopy has previously been reduced. The Council's Street Trees team have been consulted on the proposal and have raised no objection. Furthermore, there is an upcoming work order to pollard the trees on this road. If the application was otherwise acceptable, full details of tree protection measures, including measures to protect the tree during construction works, could have been secured by condition.
- 8.32 The proposal incorporates soft and hard landscaping in a coherent manner and includes the provision of a pond and planting, which would promote biodiversity in line with policy G6. If the application had been otherwise acceptable, full details of the landscaping would have been secured by condition.

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

- 8.33 London Plan policies T4, T6, and T6.1 (and Table 10.3) set out parking standards for proposed development and seek to ensure that proposals should not increase road danger. Similarly, CLP policies SP8, DM29, and DM30 promote sustainable growth and provide further guidance with respect to parking within new developments.

#### **Car Parking**

- 8.34 The application site has a PTAL (public transport accessibility level) of 3, which is considered moderate on a scale of 0 (worst) - 6b (best). The application site is not located within a controlled parking zone. The site is approximately 200m from the Beulah Road Local Centre and nearby bus routes to Thornton Heath District Centre and train station.
- 8.35 London Plan policy T6.1 specifies a maximum provision of up to 1 car parking space for a 3-bedroom unit in areas with a PTAL 3 in outer London.
- 8.36 The proposed development does not provide any off-street parking. A car-free development is considered appropriate in this location and would comply with the maximum provisions in policy T6.1.

#### **Cycle Parking**

- 8.37 CLP policy DM10 requires proposals to incorporate cycle parking within the building envelope. Failing that, cycle parking should be located within safe, secure, well-lit, and conveniently located weather-proof shelters unobtrusively located within the setting of the building. Policies DM16 and DM29 promote

active travel including cycling. CLP policy DM30 and London Plan policy T5 (and Table 10.2) require the provision of 2 cycle parking spaces for a 3-bedroom dwelling.

- 8.38 A bicycle store would be located in the front garden, concealed behind the front boundary wall and hedging, and would provide space for 2 cycles. The location of the store and quantum of cycle spaces would comply with policy T5. If the application had otherwise been acceptable, full details of the cycle store would have been secured by condition.

### **Refuse**

- 8.39 CLP policy DM13 requires the design of refuse and recycling facilities to be treated as an integral element of the overall design.
- 8.40 A refuse store would be located in the front garden and would be screened from the street behind the front boundary treatment. The store would provide adequate space for refuse and recycling bins and would comply with policy DM13. If the application had otherwise been acceptable, full details of the refuse store would have been secured by condition.

### **Flood risk and energy efficiency**

#### Flood Risk and Sustainable Urban Drainage Systems

- 8.41 CLP policies SP6.4 and DM25 seek to reduce the risk of flooding in the borough and ensure that all developments incorporate sustainable urban drainage systems (SUDS) to ensure surface run-off is managed as close to the source as possible. Similarly, London Plan policies SI 12 and SI 13 require proposals to ensure that flood risk is minimised and mitigated, and that surface water run-off is managed as close to its source as possible.
- 8.42 The application site is located within Flood Zone 1 and is identified as being at risk of surface water flooding. The applicant has submitted information addressing flood risk and drainage, which outlines that the garden area would provide permeable surfaces and rainwater would be collected in water butts. If the application had otherwise been acceptable, a condition requiring the incorporation of sustainable urban drainage systems would have been added to ensure compliance with policies DM25, SI12 and SI13.

#### Energy Efficiency

- 8.43 CLP policy SP6 requires the development to achieve the national technical standard for energy efficiency in new homes, which is set at a minimum of 19% CO2 reduction beyond the Building Regulations Part L (2013). Policy SP6 also requires the development to meet a minimum water efficiency standard of 110 litres/person/day.

- 8.44 If the application had been otherwise acceptable, matters regarding energy efficiency would have been secured by condition to ensure compliance with policy SP6.

### **Fire safety**

- 8.45 London Plan policy D12 requires all development proposals to achieve the highest standards of fire safety, which should be considered from the outset. Part A sets out six requirements that should be achieved on all developments.
- 8.46 The applicant has submitted a fire safety strategy which suitably addresses the relevant requirements of policy D12. Fire safety measures would also be subject to Building Regulations approval.

### **Other Planning Issues**

- 8.47 It is acknowledged that applicant has outlined that the proposal would improve the condition of the existing site, which has become overgrown with frequent fly-tipping. However, for the reasons discussed above, the proposal would result in harm to the amenities of the adjoining properties and the character and appearance of the area. It has not been demonstrated that the site could not be cleared otherwise and taking all material considerations into account in the consideration of this planning application, the benefit of clearing the site does not outweigh the harm identified.
- 8.48 It is acknowledged that the application has received a number of representations in support of the proposed development. However, the volume of support received is not in itself a material consideration and, as outlined above, the proposal is considered to result in harm to the character and appearance of the surrounding area and to the amenity of adjoining occupiers.

### **Conclusions**

- 8.49 The proposed development would be harmful to the character and appearance of the area and would have a harmful impact on the residential amenities of the adjoining occupiers. Whilst it is acknowledged that the proposed development would provide a family home and would clear up the site, on balance, this would not outweigh the harm identified.
- 8.50 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.
- 8.51 Given that the proposed development does not comply with the Development Plan, and weighing this against all other material planning considerations, the proposal is considered to be unacceptable in planning policy terms and is recommended for **REFUSAL**.