

PART 5: Planning Applications for Decision

Item 5.3

1 APPLICATION DETAILS

Ref: 24/00915/FUL
 Location: R/O 31-33 Hillcrest Road, Whyteleafe, CR3 0DN
 Ward: Kenley
 Description: Demolition of detached garage, alterations to include alterations to land levels, erection of a two-storey house (lower ground/ground floor levels) with a platform at front with steps adjacent, alterations to existing dropped kerb, provision of parking and associated refuse store fronting Hilltop Road
 Drawing Nos: Design and Access Statement Rev B (received 28th May 2024), 23-275-P001 Rev B, 23-275-P002 Rev B, 23-275-P003, 23-275-P004 Rev C, 23-275-P005 Rev B (proposed building elevations), 23-275-P005 Rev B (existing and proposed street scene), 23-275-P0010 Rev B, 23-275-P011 Rev B, 23-275-P012 Rev B, 23-275-P013 Rev B, 23-275-P014 Rev B, 23-275-P015 Rev B, 23-275-P016 Rev B, 23-275-P017 Rev B, 23-275-P018
 Applicant: Seaspray Developments Ltd
 Agent: David Ciccone Architects
 Case Officer: Hayley Crabb

	Houses	Total
Proposed House	1 x 4 bedroom house	1

Proposed for private sale

Vehicle and Cycle Parking (London Plan Standards)	
PTAL: 1b	
Car Parking maximum standard	Proposed
1.5 spaces	2 spaces
Cycle Storage minimum	Proposed
2	3

1.1 This application is being reported to committee because: The ward councillor (Cllr Ola Kolade) made representations in accordance with the Committee Consideration Criteria and requested committee consideration and objections above the threshold in the Committee Consideration Criteria have been received.

2 RECOMMENDATION

2.1 That the Committee resolve to GRANT planning permission subject to the completion of a S.106 agreement to secure the following heads of terms:

- (a) A financial contribution of £1,500 towards sustainable travel improvements.

- 2.2 That the Director of Planning and Sustainable Regeneration is delegated authority to negotiate the legal agreement indicated above.
- 2.3 That the Director of Planning and Sustainable Regeneration has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

Conditions

- 1) Commencement time limit of 3 years
- 2) Carried out in accordance with the approved drawings

Pre-commencement

- 3) Construction Logistics Plan to include a conditions survey of the public highway

Prior to above ground floor slab level

- 4) Materials
- 5) Details of the appearance and capacity of refuse storage
- 6) Landscaping scheme (including hard and soft landscaping, replacement trees, SUDs details/boundary treatment/retaining walls/ permeable paving to car parking area/lighting and details of visibility splays with no obstruction over 0.6m in height)
- 7) Sustainable drainage (SUDs)
- 8) Ecology condition (Biodiversity Enhancement Strategy)

Pre-occupation

- 9) Details of external plant, including any external air source heat pumps including prospective noise levels [TL1]
- 10) Ecology condition (Wildlife sensitive lighting design scheme)
- 11) Visibility splays shall be provided as specified (with no obstruction above 0.6m)

Compliance

- 12) No windows/doors in the side elevations other than as specified/obscure glazed
- 13) Remove Permitted Development
- 14) Car parking layout
- 15) Fire Safety (including fire emergency plan)
- 16) Ecology condition (in accordance with ecological appraisal recommendations)
- 17) Water efficiency requirements
- 18) Cycle storage
- 19) Any other planning condition(s) considered necessary by the Director of Planning and Sustainable Regeneration

Informatives

- 1) Community Infrastructure Levy
- 2) S106
- 3) Code of Practice on the Control of Noise and Pollution from Construction Sites
- 4) Party Wall Act
- 5) Highway matters
- 6) EVCP
- 7) Any other informative(s) considered necessary by the Director of Planning and Sustainable Regeneration

2.4 That the 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.

2.5 That if, by three months, the legal agreement has not been completed, the Director of Planning and Sustainable Regeneration has delegated authority to refuse planning permission.

3 PROPOSAL AND LOCATION DETAILS

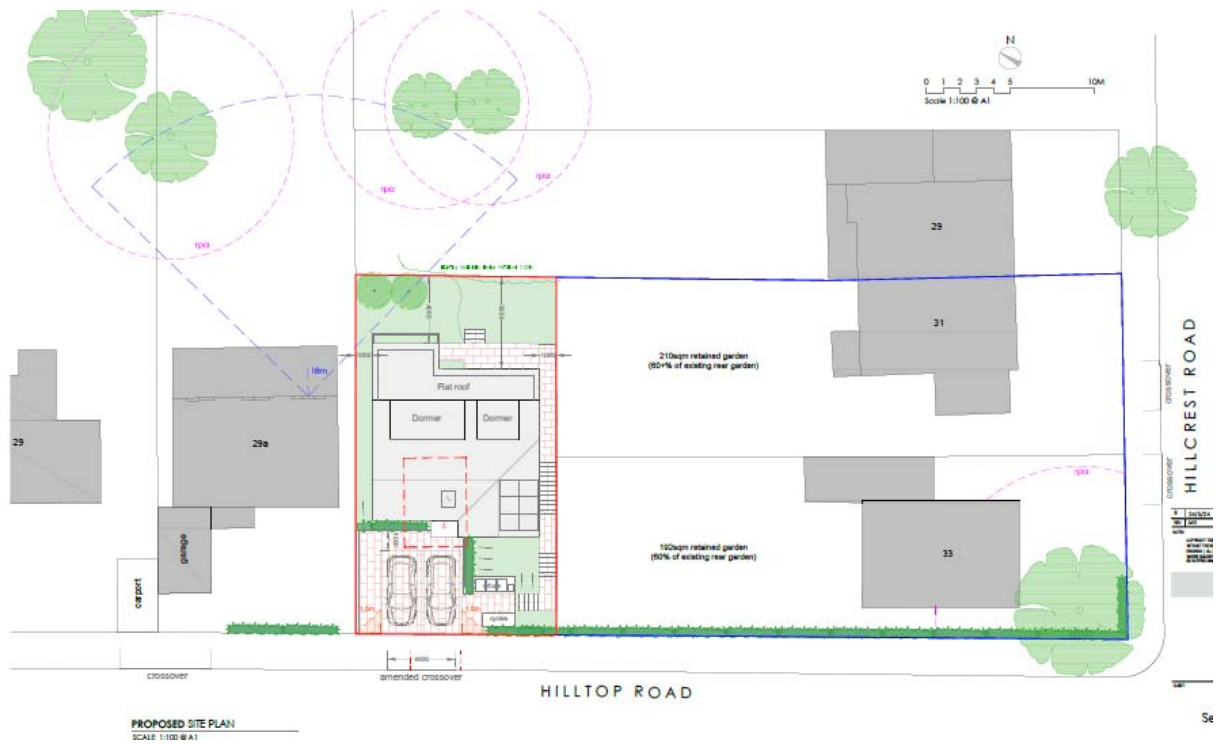
Proposal

3.1 The proposal comprises the following:

- erection of a two storey 4-bedroom house (lower ground/ground floor levels);
- alterations to land levels;
- refuse and cycle provision;
- 2 car parking spaces (fronting Hilltop Road)
- alterations to existing crossover



Location Plan



Proposed Site Plan (23-275-P002 Rev B)

- 3.2 It should be noted that planning permission has been refused twice for a pair of semi-detached houses (lower ground/ground floor levels) with a platform at the front to provide off street parking. See planning history. The changes to the current proposal, compared with the previous refusals include the provision of one dwelling as opposed to two, reduced height, and re-design including alternative fenestration and materials.
- 3.3 It should also be noted that a revised application form (including Ownership certificate B) has been submitted with notice served on relevant parties. It should also be noted that an updated Design and Access Statement (Rev B) has been submitted with amended plans and clarification details. These have been considered accordingly, however these do not change the nature of the proposal originally consulted upon and therefore re-consultation was not required. Inconsistencies have been addressed and clarification details have been provided in respect of ownership, the site boundary and ceiling heights. Changes to the scheme include a revised parking layout with improved cycle and refuse provision and details of boundary treatment and retaining walls provided.

Site and Surroundings

- 3.4 The application site is located to the rear of no. 31 and no. 33 Hillcrest Road fronting Hilltop Road.
- 3.5 No. 31 Hillcrest Road is a semi-detached house and no. 33 Hillcrest Road is a detached house set at differing land levels due to the topography of the site/area. There are therefore varying land level changes across the sites.
- 3.6 Hilltop Road is characterised with a mix of detached/semi-detached houses of varying sizes and styles set at differing land levels. The site is adjacent to No. 29a Hilltop Road, which is a detached house with the entrance set at a lower land level in relation to the

road with a garage at road level. The properties opposite the site on Hilltop Road are elevated in relation to road level.

Planning Designations and Constraints

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

- PTAL: 1b – Very poor accessibility to transport links
- The potential of ground water flooding to occur at surface
- The site falls within an archaeological priority area (Tier III – Croydon Downs)

Planning History

3.8 The following planning decisions are relevant to the application

3.9 21/03465/FUL - Alterations to include alterations to land levels, erection of a pair of two storey 3 bedroom houses (lower ground/ground floor levels) with a platform at front with steps adjacent, alterations to existing dropped kerb, provision of parking and associated refuse stores fronting Hilltop Road – Planning Permission refused on 15.09.2021 for the following reasons:

1. The proposed development would provide a cramped form of development resulting in the overdevelopment of the site, which would be out of character with the visual amenity of the street scene and the character of the area and would thereby conflict with Policies D3, D4 and D5 of the London Plan (2021) and Policies SP4 and DM10.1 of the Croydon Local Plan (2018) and the Suburban Design Guide SPD (2019).

2. The applicant has failed to demonstrate that the proposed development would retain sufficient amenity space for the host property resulting in the overdevelopment of the site, out of character with the area and so would be contrary to policies D3, D4 and D5 of the London Plan (2021), policies SP4, DM10, DM10.4 (e) of the Croydon Local Plan 2018 and the Suburban Design Guide - SPD April 2019.

3. In-adequate car parking would be provided within the site to support the number of units proposed, it has also not been demonstrated that there would not be an unreasonable impact on parking stress levels of the surrounding roads, would be to the detriment of highway safety and highway conditions in the area also the proposal would provide poor visibility and an excessively wide crossover which would be prejudicial to pedestrian and highway safety and would therefore be contrary to Policies T4, T6 of the London Plan (2021), Policies SP8, DM29 and DM30 of the Croydon Local Plan (2018) and the Suburban Design Guide (2019).

4. The development would provide unsatisfactory facilities for refuse and bulky waste within the site and would thereby be contrary to Policies D6, Table 3.2 and SI7 of the London Plan (2021), Policy DM13 of the Croydon Local Plan (2018) and the Suburban Design Guide SPD (2019).

5. It has not been demonstrated that cycle storage could adequately be provided which would be useable and accessible and would therefore be contrary to Policies D6, Table 3.2, SI7, T4 and T5 of the London Plan (2021), Policies DM10, DM13,

SP8, DM29 and DM30 of the Croydon Local Plan (2018) and the Suburban Design Guide - Supplementary Planning Document (2019).

6. The applicant has failed to demonstrate that the development would not result in the loss of good quality trees to facilitate the development and would thereby conflict with Policies DM10 and DM28 of the Croydon Local Plan (2018) and policies D3 and G7 of the London Plan (2021).

7. Insufficient information has been provided to demonstrate that the development would not result in unacceptable harm to protected species or habitats. This would be contrary to policies SP7.4, DM27 and DM28 of the Croydon Local Plan (2018) and policy G6 of the London Plan (2021).

8. The development fails to demonstrate how it would ensure the safety of all buildings users in relation to fire, thereby conflicting with Policy D12 of the London Plan (2021).

3.10 22/02574/FUL - Alterations to include alterations to land levels, erection of a pair of two storey 3 bedroom houses (lower ground/ground floor levels) with a platform at front with steps adjacent, alterations to existing dropped kerb, provision of parking and associated refuse and cycle stores fronting Hilltop Road – Planning Permission refused on 14.09.2022 for the following reasons:

1. The applicant has failed to demonstrate that the proposed development would retain sufficient garden area for the host property, resulting in the overdevelopment of the site, out of character with the area and so would be contrary to policies D3, D4 and D5 of the London Plan (2021) and policies SP4, DM10, DM10.4 (e) of the Croydon Local Plan (2018).

2. The proposed development would provide a cramped form of development resulting in the overdevelopment of the site, which would be out of character with the visual amenity of the street scene and the character of the area and would thereby conflict with Policies D3, D4 and D5 of the London Plan (2021) and Policies SP4 and DM10 of the Croydon Local Plan (2018).

3. The development would provide poor level of accommodation with poor internal layout and poor outlook for future occupiers and would thereby conflict with Policies SP2.8 and DM10.4 and DM10.5 of the Croydon Local Plan (2018), Policies D.3 and D.6 of the London Plan (2021), the DCLG Technical Housing Standards - Nationally Described Space Standard (March 2015) and the Housing Supplementary Planning Guidance to the London Plan (March 2016).

4. In-adequate car parking would be provided within the site to support the number of units proposed, it has also not been demonstrated that there would not be an unreasonable impact on parking stress levels of the surrounding roads, would be to the detriment of highway safety and highway conditions in the area also the proposal would provide poor visibility and an excessively wide crossover which would be prejudicial to pedestrian and highway safety and would therefore be contrary to Policies T4, T6 of the London Plan (2021) and Policies SP8, DM29 and DM30 of the Croydon Local Plan (2018).

5. *The development would provide unsatisfactory facilities for refuse and bulky waste within the site and would thereby be contrary to Policies D6, Table 3.2 and SI7 of the London Plan (2021) and Policy DM13 of the Croydon Local Plan (2018).*

6. *The cycle storage would not be useable and accessible and would therefore be contrary to Policies D6, Table 3.2, SI7, T4 and T5 of the London Plan (2021), Policies SP4, DM10, DM13, SP8, DM29 and DM30 of the Croydon Local Plan (2018).*

7. *The applicant has failed to demonstrate that the development would not result in the loss of good quality trees to facilitate the development and would thereby conflict with Policies DM10 and DM28 of the Croydon Local Plan (2018) and Policies D3 and G7 of the London Plan (2021).*

29a Hilltop Road, Whyteleafe

3.11 16/05579/HSE - Erection of two storey rear extension, with external staircase and decking – Planning Permission granted on 22.12.2016.

3.12 18/01717/HSE - Alterations. Erection of a two storey rear extension and raised steps/patio at the rear – Planning Permission granted on 31.07.2018.

4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

4.1 The application is recommended for approval because:

- The principle of residential backland development is acceptable given the residential character of the area and the amount of retained garden;
- The design and appearance of the development is appropriate for the site;
- The living standards of future occupiers would be acceptable and compliant with the Nationally Described Space Standards and the London Plan;
- The proposed development would not cause unacceptable harm to the amenities of neighbouring residential occupiers;
- Subject to the imposition of conditions, the proposed development would not have an adverse impact on the operation of the highway;
- Subject to conditions, the proposal would not have an adverse impact on Flooding;
- Landscaping/replacement trees can be controlled by conditions; and
- Sustainability aspects can be controlled by conditions

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:

Historic England (Statutory Consultee)

5.3 Historic England were consulted due to the site being within an Archaeological Priority Area – Tier III (Croydon Downs). Historic England have advised, the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and have advised that no further assessment or conditions necessary.

6 LOCAL REPRESENTATION

6.1 A total of 14 neighbouring properties were notified about the application and invited to comment. Site Notices were also 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: 34 Objecting: 34 Supporting: 0

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

Objection	Officer comment
Overdevelopment, Character and design	
Overdevelopment, out of character and poor design. Flats should not be permitted, and public open space should not be lost to development.	Addressed in paragraph 8.09-8.16 of this report. Officer comment: The site forms part of the garden of nos. 31 and 33 Hillcrest Road and therefore not public space and the proposal is for one house as opposed to flats.
Green Space/Heritage	
Loss of green space and harm to a Conservation Area (Kenley Common)	Addressed in paragraph 8.15 of this report. Officer comment: It should be noted that the site does not fall within a Conservation Area and is of sufficient distance to not have an undue impact on Kenley Common.
Neighbouring amenity	
Harm to residential amenity	Addressed in paragraph 8.25-8.32 of this report.
Quality of accommodation	
Poor quality amenity space/overcrowding	Addressed in paragraph 8.12, 8.17-8.22 of this report.
Transport and Highways impacts	
Inadequate parking, harm to highway safety and efficiency, construction impacts, and refuse storage.	Addressed in paragraph 8.39-8.50 of this report. Officer comment: A Construction Logistics Plan (CLP) would be secured via a pre-commencement condition. Noise is part of the build process, however an informative would be placed on the decision to bring the owners attention to the Council’s “Code of Practice on the Control of Noise and Pollution from Construction Sites.” which should be adhered to and the CLP would include suitable mitigation in respect of noise and dust minimising impact on neighbouring properties/ Kenley Common). In terms of refuse, the amended

	plans show an enlarged area for 4 receptacles. Details would be secured via a condition.
Tress and ecology	
Harm to trees and ecology	Addressed in paragraph 8.33-8.38 of this report.
Flooding	
Risk of flooding/drainage	Addressed in paragraph 8.51-8.53 of this report
Services/infrastructure	
Impact on services/infrastructure	Addressed in paragraph 8.58 of this report. Officer comment: The scheme would be CIL liable. The levy amount has been calculated to ensure that the development contributes to meeting the need for physical and social infrastructure, including educational and healthcare facilities).
Other	
Set a precedent	Officer comment: Each application is judged on its own individual merits.
Plans inconsistent	Officer comment: A complete set of revised drawings have been submitted (28 th May 2024). The topographic survey drawing however has not been amended. It should be noted that the plans show a car port (at no. 29) adjacent to the boundary with no. 29a Hilltop Road, and outside the site. This area appears to be used for bin storage as opposed to car parking.
Development encroaching upon the neighbouring site boundary	Officer comment: This has been raised with the agent who has confirmed (email dated 20.05.24) that the rear garden of no. 29 Hillcrest Road is not within the proposed site, and no changes are proposed to the existing hedge between nos.29 and 31. On this basis it is considered the development does not encroach upon the neighbouring site and is wholly contained within land under the control of the parties on certificate B. If the query remains beyond this, this would be a private civil matter to resolve between third parties.
Loss of a view	Officer comment: This is not a material planning consideration.
Profit	Officer comment: This is not a material planning consideration.
Harm to neighbouring foundations ^[TL2]	Officer comment: This is not a material planning consideration and would either be covered by the Party Wall Act or by Building Regulations. Drawings have been provided showing that the proposed retaining walls would be wholly within the site.

6.4 Councillor Ola Kolade has objected to the proposed development and referred the application to Planning Committee (if the officer's recommendation were to be for approval), raising the following concerns:

1. Overdevelopment and Density: The application proposes a substantial backland development which is an overdevelopment of the site. This is contrary to Policy

DM10 of the Croydon Local Plan that seeks to ensure new developments are of a scale and density that is compatible with the local character.

2. Residential Amenity: The development will have a negative impact on the amenity of neighbouring property in Hilltop Road due to its positioning and massing. The siting creates an overbearing impact on adjacent homes such as 29 Hillcrest road.

3. Design & Character: The introduction of this backland development in this predominantly low-density, backland setting would disrupt the existing streetscape and visual harmony of the local area, contrary to Policy DM10 of the Croydon Local Plan.

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
- D12 Fire Safety
- D14 Noise
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and Woodlands
- H1 Increasing Housing Supply
- H2 Small Sites
- HC1 Heritage conservation and growth
- SI 2 Minimising Greenhouse Gas Emissions
- SI 8 Waste Capacity and Net Waste Self-Sufficiency
- SI 12 Flood Risk Management
- SI 13 Sustainable Drainage
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- T7 Deliveries, servicing and construction

Croydon Local Plan (2018)

- SP2 Homes
- SP4 Urban Design and Local Character
- SP6 Environment and Climate Change

- DM1 Housing Choice for Sustainable Communities
- DM10 Design and Character
- DM13 Refuse and Recycling
- DM16 Promoting Healthy Communities
- DM18 Archaeology
- 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
- DM40 Kenley and Old Coulsdon

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 December 2023, and accompanied by the online Planning Practice Guidance (PPG). The NPPF sets out a presumption in favour of sustainable development, requiring that development which accords with an up-to-date local plan should be approved without delay. The NPPF identifies a number of key issues for the delivery of sustainable development, those most relevant to this case are:

- 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)
- London Mayoral Affordable Housing SPG: Homes for Londoners (August 2017)
- Technical Housing Standards: Nationally Described Space Standard (2015)
- National Design Guide (2021)
- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Housing Design Standards LPG (2023)

8 MATERIAL PLANNING CONSIDERATIONS

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

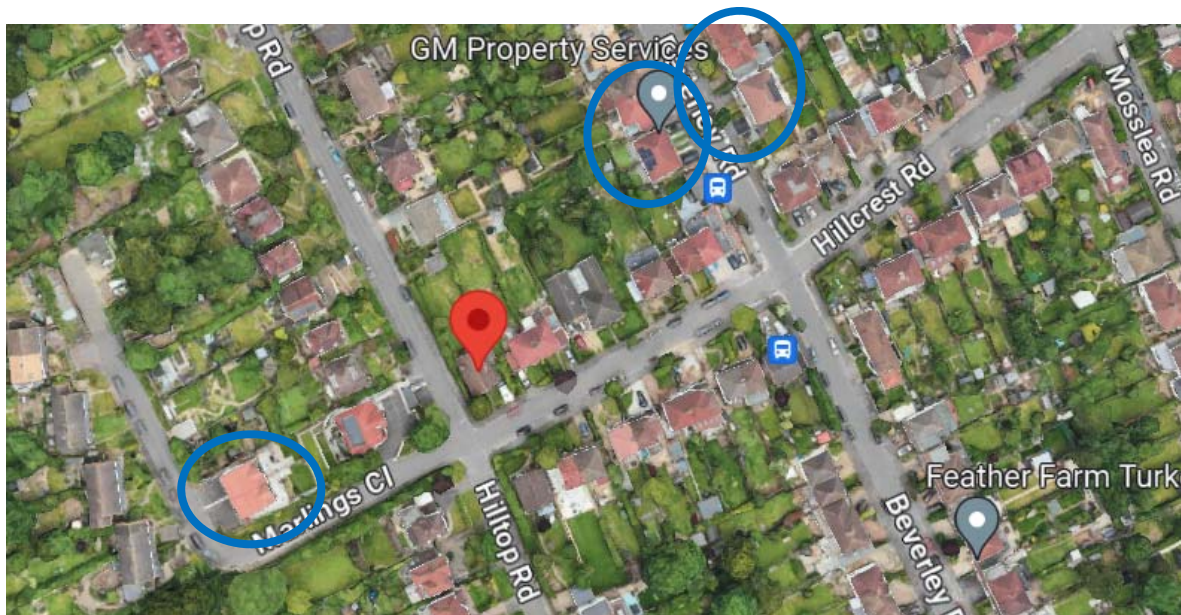
1. Principle of development
2. Design and impact on character of the area
3. Quality of residential accommodation
4. Impact on neighbouring residential amenity
5. Trees, landscaping and biodiversity
6. Access, parking and highway impacts
7. Flood risk and energy efficiency
8. Fire Safety
9. Other Planning Issues
10. Conclusions

Principle of development

- 8.2 There is significant housing need within the Borough, and the Local Plan requires the delivery of a minimum of 32,890 new homes between 2016 and 2036. The London Plan requires 20,790 of those homes to be delivered within a shorter 10-year period (2019-2029), resulting in a higher annual target of 2,079 homes per year.
- 8.3 Of those homes, Policy SP2.2 of the Croydon Local Plan (2018) expects 10,060 homes delivered across the Borough on windfall sites (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 the housing target for small sites at 641 per year. In order to provide a choice of housing for people in socially-balanced and inclusive communities in Croydon, the Council will apply a presumption in favour of sustainable development of new homes, including in established residential areas such as Kenley/Whyteleafe.
- 8.4 This requirement is set out into Policies H1 and H2 of the London Plan (2021) which encourages Boroughs to optimise the potential for housing delivery on all sites and advises pro-active support for well-designed new homes on small sites (below 0.25 hectares in size). The development site would fall within the definition of a small site.
- 8.5 It is proposed to erect a detached house (over two floors) which would have four bedrooms.
- 8.6 The new house would be in the grounds of existing retained buildings; in such cases policy DM10.4 (e) of the Croydon Local Plan (2018) states that a minimum length of 10m and no less than half or 200sqm (whichever is the smaller) of the existing garden area must be retained for the host property, after the subdivision of the garden. The previous applications (21/03465/FUL and 22/02574/FUL) were refused for failing to comply with this policy.
- 8.7 It should be noted that the proposed plot has been reduced in width to the previous proposals from approximately 15.1m to 12m and now one dwelling is proposed as opposed to a semi-detached pair.
- 8.8 The host properties would each retain 60% of their existing gardens and would therefore meet policy DM10.4 (e).

Design and impact on character of the area

- 8.9 Policy H2 of the London Plan (2021) requires boroughs to recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. Policy DM10 of the Croydon Local Plan (2018) requires the siting, layout and form of new development to respect the character and appearance of existing areas. Policy SP4.1 indicates that the Council will require all new development to contribute to enhancing a sense of place and improving the character of the area. Policies SP4.1 and SP4.2 also require development to be of a high quality which respects and enhances local character. Policies D2, D3, D4 and D5 of the London Plan (2021) are also of relevance.
- 8.10 It is proposed to sub-divide part of the rear garden of no. 31 and no. 33 Hillcrest Road and erect a 4 bedroom detached house (provided over 2 floors) fronting Hilltop Road. There are varying land levels on site due to the topography of the area. The previous schemes were refused on the ground that the proposed development would provide a cramped form of development resulting in the overdevelopment of the site, which would be out of character with the visual amenity of the street scene and the character of the area.
- 8.11 It should be noted that section details have been provided of the side boundaries including boundary treatment.



Aerial view of the site and surrounding area (google maps)

- 8.12 The area is characterised by a mix of detached/semi-detached properties of varying sizes and styles set at differing land levels due to the topography of the area, including various infill developments (circled on the above aerial view). The proposed house would be set approximately 1m from the side boundary with no. 29a Hilltop Road and approximately 15m from the rear of no. 33 Hillcrest Road (from the single storey element). The proposed house would have a similar relationship to the side boundaries as no. 29a Hilltop Road (see plan above in paragraph 3.1). Whilst the depth of the garden would be less than adjacent gardens, the size of the proposed house would be comparable to that at no. 29a Hilltop Road and would not appear cramped for the plot. It would be sufficiently in keeping with the character of the area to respect local character.



(Part of) Existing and proposed street scene (23-275-P005 Rev B)

8.13 The proposed house would sit slightly forward of the main front wall of no. 29a Hilltop Road and would have the appearance of a bungalow (as viewed from Hilltop Road) with a lower ridge height to no. 29a Hilltop Road thus would be subservient to its neighbour (as illustrated on the proposed street scene above). The scale and massing of the development is considered to be appropriate for the plot and in keeping with the surrounding character.

8.14 Properties in the vicinity of the site vary, however render is prominent in the area including opposite the site and adjacent to the site in Hilltop Road. The surrounding houses on Hilltop Road have tiled roofs, with grey or white windows, and in some cases black woodwork and gutters. 29A Hilltop Road and 33 Hillcrest Road (on either side) also have contrasting materials (brick/stone) on their lower floor elevations, and some of the houses have dormers on the front, side or rear elevations. The proposed house at road level would have white render and aluminium windows under a tiled roof, which would sit comfortably within the street scene. The sides and rear of the house have been shown with larch timber cladding at lower ground level and white render at upper ground floor level. The rear dormers would have zinc cladding. The front of the house would be in keeping with the street scene, with a more contemporary design to the rear where it would be readily visible within the street scene. The use of dormers at upper level, and a contrasting material at lower level, would reflect the locally distinctive design characteristics of the adjacent houses.



Proposed elevations (23-275-P005 Rev B)

- 8.15 Additional areas of landscaping have been proposed to the frontage, compared to the previous schemes, in order to soften the appearance of the development in the street scene. This is considered acceptable. With regard to the loss of garden land/green space, as noted above the proposal would comply with the Council's backland policy. It is therefore considered the proposed development would be acceptable in terms of its impact on the visual amenity of the street scene/character of the area. The site does not fall within a Conservation Area and is of sufficient distance to not have an undue impact on Kenley Common and therefore no heritage concerns raised.
- 8.16 It is recommended for materials to be secured via an appropriately worded condition to ensure a high-quality development is brought forward. An appropriately worded landscaping condition would also be secured to ensure an acceptable level of soft landscaping is provided for the site (including on the frontage).

Quality of residential accommodation

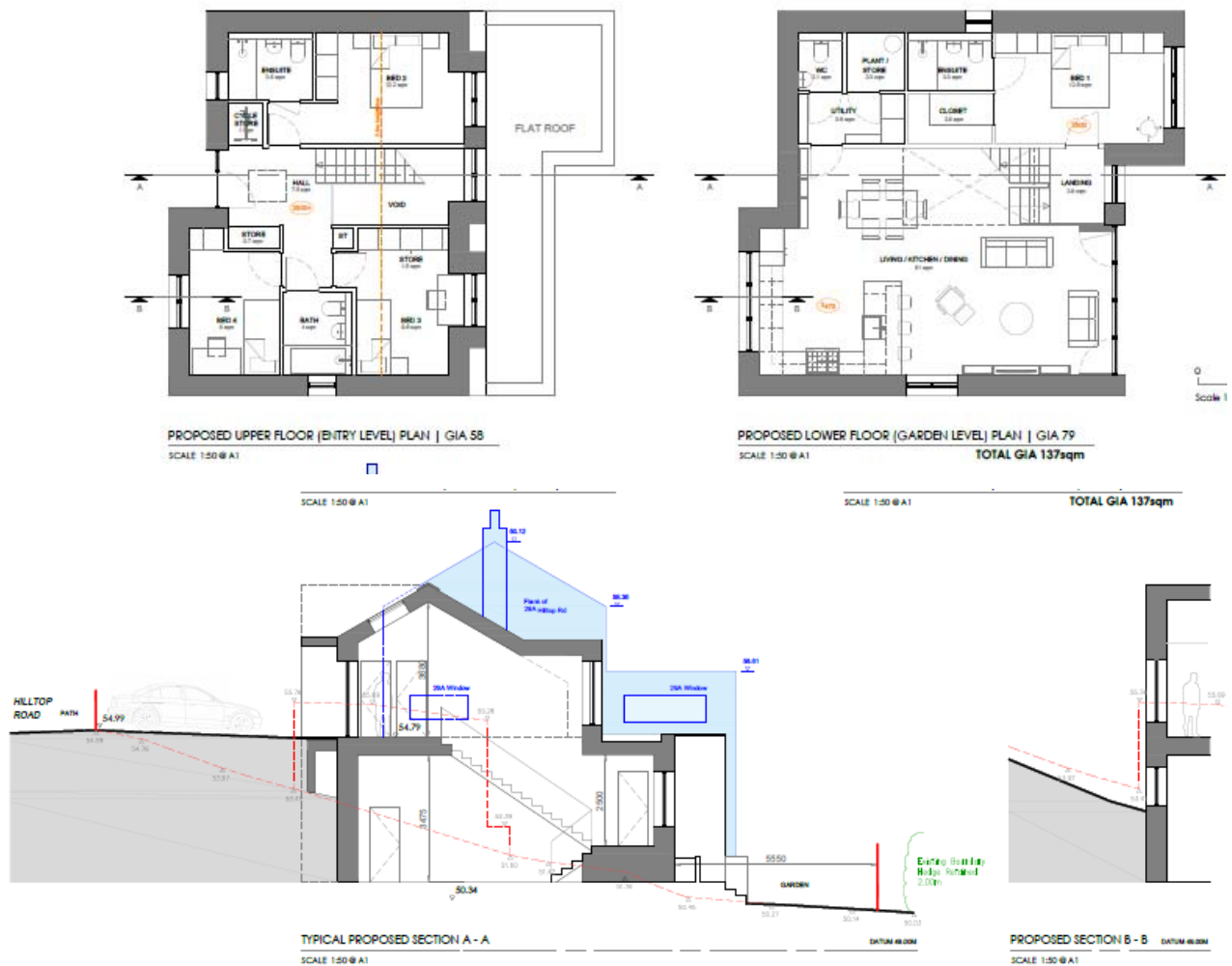
- 8.17 The proposed house is required to be designed in line with the standards set out in the Nationally Described Space Standards (NDSS) and the London Plan Housing SPG, particularly regarding minimum floor space standards (including minimum sizes and widths for rooms/storage).
- 8.18 Policies D3 (optimising density through the design-led approach), D6 (Housing quality and standards) and D7 (Accessible housing) of the London Plan require that:
- Development should achieve secure safe and inclusive environments, secure outlook, privacy and amenity, provide green space and achieve outdoor /indoor environments that are inviting for people to use (D3).
 - Housing development should meet specified space standards.
 - Housing development should maximise dual aspect dwellings (D6).
 - Development should provide sufficient daylight and sunlight to new and surrounding housing (D6).
 - Development should provide adequate outdoor space, 5m² per person (1 and 2 bed units) and 1m², per person thereafter (D6).

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	4b/6p	137	106	In excess of 9m ²	9	Various built-in stores and a utility room	3

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

- 8.19 Application 22/02574/FUL was refused (refusal reason 3) on the ground "the development would provide poor level of accommodation with poor internal layout and poor outlook for future occupiers". The current proposal is now however for one dwelling with an improved internal layout/outlook to the previous scheme.
- 8.20 The standards require a 4 bedroom (6 person) unit over two floors to have a minimum gross internal area of 106m² with 3m² built in storage. The gross internal floor area of

the proposed dwelling would be 137m². The dwelling would also have a utility room and storage facilities throughout the house. The above table demonstrates that the proposed 4-bedroom house for 6 occupants would comfortably comply with the required minimum space standards internally. Adequate floor to ceiling heights (over 2.5m) would be achieved and the dwelling would receive sufficient light and outlook which has adequately overcome the previous reason for refusal.



Proposed Floor Plans and typical sections (23-275-P004 Rev C)

8.21 The London Housing SPG requires a minimum of 5sqm of private outdoor space for 1-2 person dwellings, with an extra 1sqm for each additional occupant, or 9sqm for the proposal.

8.22 The proposed outdoor amenity space (at approximately 59 sqm) would substantially exceed 9sqm. The access to the external amenity space at rear would either be via the steps to the side of the proposed house or from the proposed house internally via the proposed lower ground floor level. There are varying land levels across the site due to the topography of the site. Whilst there would be varying levels, it is considered sufficient details have been provided to show that this would be of an adequate size and would provide a usable/functional space. The proposed site plan (23—275-P002 Rev B) shows that the existing hedging (along the rear boundary, currently the eastern boundary of no.29) would be retained.

Accessible Design

- 8.23 London Plan Policy D7 requires homes which achieve the higher “optional” building regulations standards for accessibility (M4(2) and (3)). This is accompanied by an exemption for small-scale infill developments, where provision of step-free access would be unfeasible.
- 8.24 Good design promotes quality of life for the occupants and users of buildings. This includes function, buildings should be easy to use. The proposed development would not include any M4(2) or M4(3) units. Due to the steep gradient of the site, the entrance and garden are on different levels which means that the building would not be wheelchair accessible. It would however have step-free access to the entrance for the parking area, and a bathroom at entrance level, meaning that reasonable provision has been made for disabled visitors. Given the constraints of the site, and the exemption for small sites within the London Plan, it is considered that the scheme makes adequate provision and the failure to comply with M4(2) standards does not warrant refusal.

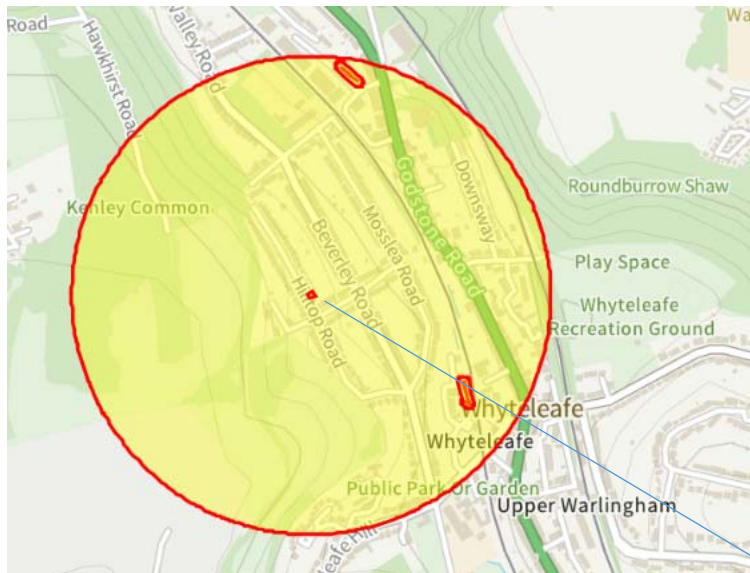
Impact on neighbouring residential amenity

- 8.25 Policy D3 (Optimising density through the design-led approach) of the London Plan (2021) explains that developments should secure safe and inclusive environments, secure outlook, privacy and amenity, provide green space and achieve outdoor /indoor environments that are inviting for people to use. Policy DM10 of the Croydon Local Plan (2018) requires the Council to have regard to the privacy and amenity of adjoining occupiers. Policies SP4.1 and SP4.2 seek to respect and enhance character, to create sustainable communities and enhance social cohesion and well-being.
- 8.26 The host properties would each retain an approximate garden depth of between 15-16m and would have sufficient external amenity spaces. Two windows are proposed in the side of the proposed dwelling. One at lower ground floor level serving an open plan living/kitchen/dining room (secondary window) and one at upper ground floor level serving a bathroom. A condition is recommended to ensure these are obscured glazed with limited opening, to avoid overlooking the rear elevations, or the first 10m of the gardens of, nos. 29-33 Hillcrest Road.
- 8.27 Given the size, siting, and design of the proposed development, it would not have an undue impact on the amenities of the host properties or no. 29 Hillcrest Road in terms of outlook, overbearing impact, sense of enclosure and loss of daylight/sunlight. The proposal is for one house, and the amount of noise generated will be commensurate to the residential location; a condition is recommended to avoid excessive noise generated by external plant (for example an air source heat pump).
- 8.28 No. 29a Hilltop Road has two side-facing windows, facing the site. These are secondary windows to rooms which also have front and rear windows, and whilst there would be some loss of light, it would not result in undue harm to living conditions.
- 8.29 The proposed dwelling would project in front of the front wall of no. 29a Hilltop Road by approximately 0.7m (adjacent to the boundary) and would be set approximately 2m from the side wall of no. 29a. It would fall outside the 45-degree line from no.29a’s front windows. The rear elevation would be approximately aligned with the rear elevation of no.29a, and as a result there would be no harm to the daylight, sunlight, or outlook to the windows of no.29a.

- 8.30 It is also considered the proposed development would not have an undue impact on any other neighbouring property in this instance.
- 8.31 It is likely that alterations and extensions to the proposed development will result in unacceptable impacts on no. 29a Hilltop Road/neighbouring properties including the potential use of the flat roof. For that reason, a condition is justified and recommended removing permitted development rights for extensions and alterations to the new dwelling as conferred by Classes A, B, C, D, and E only, of Schedule 2 of Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 8.32 Officers are satisfied that the development would not have a significant impact on the amenities of neighbouring properties. Appropriately worded conditions would be imposed to minimise impact which would include the removal of permitted development rights, a pre-commencement condition for a Construction Logistics Plan to be submitted which would include suitable mitigation in respect of noise, dust and mess minimising disruption on neighbouring properties/Kenley Common) and an appropriately worded informative would also be placed on the decision to bring the owners attention to the Council's "Code of Practice on the Control of Noise and Pollution from Construction Sites" which should be adhered to.

Trees, landscaping and biodiversity

- 8.33 Policy DM28 of the Croydon Local Plan (2018) seeks to protect and enhance the borough's woodlands, trees and hedgerows and to ensure that development is not permitted which results in the avoidable loss or deterioration of irreplaceable habitats. Policy G7 of the London Plan (2021) is also of relevance.
- 8.34 It should be noted that planning application 21/03465/FUL and 22/02574/FUL were both refused on tree grounds that *"the applicant has failed to demonstrate that the development would not result in the loss of good quality trees to facilitate the development."*
- 8.35 Since the determination of application 22/02574/FUL the prominent Pine tree situated to the rear of no. 33 Hillcrest Road has been removed. The current application proposes no loss of trees. The proposed site plan (23-275-P002 Rev B) shows two trees proposed adjacent to the proposed rear boundary, resulting in an increase of 2 trees. The proposed site plan also shows the position of existing hedging along the boundary (between no. 29 and no. 31 Hillcrest Road) which would be retained. It is recommended for an appropriately worded landscaping condition be imposed which includes the siting/retention of the hedge and the siting of the new trees.
- 8.36 Policy DM27 of the Croydon Local Plan (2018) (Protecting and enhancing our biodiversity). Policy G6 of the London Plan (2021) states development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.



The site

8.37 The planning application was accompanied by a Preliminary Ecological Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA), undertaken on 29th January 2024. This identified low ecological value, negligible bat roost potential, and limited potential for reptiles, nesting birds, and mammals. Whilst the assessment did not identify any ponds in the vicinity, representations have identified some small ponds nearby, and the assessment did identify limited potential for reptiles on the site. In order to mitigate that limited potential, several measures are proposed. The proposal would protect and retain the existing hedgerow; an existing shrub, “rockspray cotoneaster” (an invasive, non-native species) will be disposed of safely; and a landscape scheme would provide areas of grassland and shrub. Construction measures will include control of dust and covering of excavated footings/trenches (to prevent badger trapping), and careful removal of vegetation to avoid killing reptiles or destroying bird nests. Enhancements are also proposed in the form of pollinating plants; nesting, bee and bat boxes; and native planting. The Councils ecological advisor has reviewed the submitted assessments and raised no objection subject to securing the recommended biodiversity mitigation and enhancement measures. Additional mitigation in the form of a Wildlife Sensitive Lighting Strategy has also been recommended.

8.38 Subject to the recommended conditions to secure this mitigation, the proposal will take suitable measures to appropriately limit and mitigate the impacts on ecology.

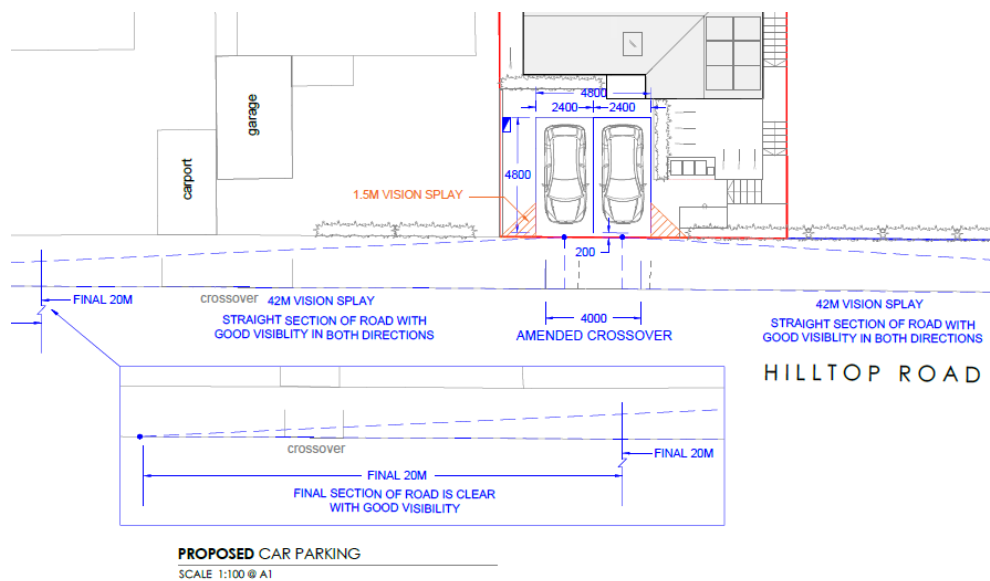
Access, parking and highway impacts

8.39 Policy SP8 of the Croydon Local Plan (2018) concerns traffic generation, sustainable travelling and parking standards. Policy DM29 of the Croydon Local Plan 2018 requires development to have a positive impact and not have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles Policy DM30 – Promoting sustainable growth and reducing impact of car parking in new development. Policies T4, T5, T6 of the London Plan (2021) are also of relevance.

8.40 Applications 21/03465/FUL and 22/02574/FUL were refused on Transportation grounds, due to inadequate parking, insufficient information on parking stress, and concerns about the visibility and access from the proposed crossover.

8.41 The site is located within PTAL 1b (very poor level of accessibility). The London Plan (2021) seeks for a 3+ bedroom dwelling in a PTAL 0-1 to have a maximum of 1.5 spaces per dwelling. A parking area would be provided at road level (with the construction of a platform) to provide space for 2 cars. The amount of parking is considered acceptable. It should be noted that nos. 31 and 33 would also retain off-street parking onto Hillcrest Road.

8.42 In terms of the parking layout, this has been amended. It should be noted that an existing garage (which fronts Hilltop Road) and shed would be demolished to facilitate the development. The car parking would achieve the required pedestrian/vehicular visibility splays. The parking spaces would also be 2.4m x 4.8m each which complies with standards. Concern has been raised in respect of the close proximity to the junction with Hillcrest Road, manoeuvrability, traffic, and highway safety. There is already a crossover in a similar location, and there are other crossovers closer to the junction. It is considered the access would not be that dissimilar to the existing arrangements on the street. It is therefore considered that the proposed car parking arrangements would be satisfactory. It is recommended for an appropriately worded condition be attached for the car parking to be provided as specified. It is also recommended as part of the landscaping condition to ensure the front drive (including the pedestrian access) includes a pedestrian path to the front door, and that that the visibility splays are maintained (with no obstruction over 0.6m in height).



Part of Proposed Car Parking Plan (23-275-P016 Rev B)

8.43 It should be noted that application 21/03465/FUL and 22/02574/FUL were both refused on the ground that “*the development would provide unsatisfactory facilities for refuse and bulky waste within the site.*”

8.44 Policy DM13 of the Croydon Local Plan (2018) requires that refuse/recycling should be sensitively integrated, ensure facilities are well screened, provide adequate space for temporary storage of waste (including bulky waste) materials generated by the development and provide layouts that ensure facilities are safe, conveniently located and easily accessible by occupants, operatives and their vehicles.

8.45 The proposal now proposes space for 3 receptacles and space for a smaller receptacle. The scheme should provide space for 3 receptacles (2x240ltr recycling bins, 1x180ltr general waste) and space for a 23ltr food caddy.

- 8.46 It is considered there would be sufficient space on the frontage in order to provide space for the required number of receptacles. It is recommended for an appropriately worded condition be imposed for full details of the store to be provided (including number, size, layout of the receptacles, openable lid). In terms of the bulky waste, given the proposal is for one dwelling with space on the forecourt, this is considered satisfactory.
- 8.47 In terms of the cycle provision, application 21/03465/FUL and 22/02574/FUL were both refused on the ground that the cycle storage would not be useable and accessible.
- 8.48 A cycle store has been shown internally and a cycle store for 2 bikes within a detached store on the frontage. The cycle storage plan shows a galvanised PVC steel bike store (anthracite) with an openable lid. The store would be 1.95m x 0.88m and 1.33m in height. Whilst the cycle store within the frontage would not provide space for a wider/adapted bike, given the proposal is for one house and the store would be large enough to accommodate 2 bicycles it is therefore considered satisfactory in this instance.
- 8.49 A Construction Logistics Plan would be secured via an appropriately worded pre-commencement condition (including suitable mitigation measures in respect of noise, dust and mess minimising impact on neighbouring properties/Kenley Common and a Photographic Conditions Survey). In terms of Electric Vehicle Charging Points, this would be dealt with by Building Control. An informative would also be placed on the decision in respect of the Councils "Code of Practice on the Control of Noise and Pollution from Construction Sites" which should be adhered to and in respect of other highway matters.
- 8.50 A financial contribution of £1,500 will be secured via S106 agreement to contribute towards sustainable transport initiatives in the local area in line with Strategic Policies SP8.12 and SP8.13 of the Croydon Local Plan (2018).

Flood risk and energy efficiency

- 8.51 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. Policy DM25 of the Croydon Local Plan (2018) is also of relevance as well as Policies SI 12 and SI 13 of the London Plan (2021).
- 8.52 The application site falls within an area identified with the potential of ground water flooding to occur at surface. A Flood Risk Assessment has been submitted as well as a drainage strategy plan. The Flood Risk Assessment states the site falls within Flood Zone 1. The report states "the proposed development will increase the hardstanding area of the site, however all external surfaces will be permeable or free draining and captured surface runoff from the roofs will be directed to an attenuation tank, and discharged back into the combined public sewer system, at a restricted flow rate". Also there would be further opportunities to incorporate SUDs as part of a landscaping scheme for the site. An appropriately worded condition would be imposed for Sustainable drainage (SUDs) details to be submitted.
- 8.53 A condition is recommended to ensure that the mains water consumption would meet a target of 110 litres or less per head per day.

Fire safety

- 8.54 Policy D5 of the London Plan (2021) seeks for inclusive design and Policy D12 of the London Plan (2021) states in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.
- 8.55 A Fire Statement has been submitted as well as a fire emergency plan which outlines internal/external fire measures for the development. The proposed fire emergency plan shows a fire appliance would be able to gain access via Hilltop Road as per the arrangements for other properties in Hilltop Road. It is considered the submitted details sufficiently address the requisite fire safety measures/procedures. Subject to the imposition of an appropriately worded condition the proposed development would comply with Policy D12.

Other Planning Issues

Archaeology

- 8.56 DM18.9 of the Croydon Local Plan (2018) states - In consultation with the Greater London Archaeological Advisory Service, or equivalent authority, the Council will require the necessary level of investigation and recording for development proposals that affect or have the potential to affect Croydon's archaeological heritage. Remains of archaeological importance, whether scheduled or not, should be protected in situ or, if this is not possible, excavated and removed as directed by the Greater London Archaeological Advisory Service or equivalent authority. Policy HC1 of the London Plan (2021) is also of relevance.
- 8.57 The site falls within an Archaeological Priority Area (Tier III – Croydon Downs). It is considered that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

Community Infrastructure Levy

- 8.58 With regard to infrastructure, the scheme would be CIL liable. The levy amount has been calculated to ensure that the development contributes to meeting the need for physical and social infrastructure, including educational and healthcare facilities.

9 Conclusions

- 9.1 The provision of new dwellings in the Borough is encouraged by the Council's Local Plan policies, national guidance in the NPPF and regional policies of the London Plan. The proposed new home would add to the supply of family sized housing in the area, whilst respecting the local character. It would not result in unacceptable impacts in terms of highways, amenity, or environmental impacts, and would result in a sustainable form of development.
- 9.2 Subject to the completion of a legal agreement and the appropriate conditions, the development would be acceptable.

9.3 All other relevant policies and considerations, including the statutory duties set out in the Equalities Act 2010, the Human Rights Act, the Planning and Compulsory Purchase Act, and the Town and Country Planning Act, have been taken into account. Given the consistency of the scheme with the Development Plan and weighing this against all other material planning considerations, the proposal is considered to be acceptable in planning terms subject to the detailed recommendation set out in section 2 (RECOMMENDATION).