

Appeal Decision

Site visit made on 4 August 2016

by **Grahame Gould BA MPhil MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2016

Appeal Ref: APP/L5240/W/16/3148496 Gainsborough Drive, South Croydon CR2 9AQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Reg Coote against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/02565/P, dated 1 June 2015, was refused by notice dated 19 October 2015.
 - The development proposed is described as '4 bedroom detached chalet bungalow with garage and off-street parking. (Increase of 500mm on right hand side to garage and bedrooms on previous approved application – Ref. 12/02824/P Appeal Ref. APP/L5240/A/12/2189334)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal development has been implemented in that a chalet bungalow has been constructed and this dwelling is essentially complete, with the outstanding works relating to the completion of external finishes, landscaping and the installation of some balustrading. This dwelling is a substitute for one that was allowed on appeal¹ on 17 April 2013 (the 2013 permission). Having regard to the very advanced stage of the works I have considered this appeal as one concerning a development that has been substantially completed.

Main Issue

3. The main issue is the effect of the development on the character and appearance of Gainsborough Drive.

Reasons

4. Gainsborough Drive is a short cul-de-sac that originally comprised five, detached, two storey houses and two detached bungalows (Nos 1 to 7). The new chalet bungalow occupies part of what was the rear garden of 4 Lime Meadow Avenue.
5. The main differences between the appeal development and the previously allowed dwelling are: an increase of height of 525 mm, in overall terms, albeit that the front door threshold level is around one metre high; an increase in the width of around 500mm; the installation of a ramped front access (the

¹ APP/L5240/A/12/2189334

- ramp) running parallel to the dwelling's front elevation to provide access to the front door because of a raised slab level; and an enlarged first floor area housed in a rearward projecting element.
6. The appellant has submitted that the appeal site '... has always been above the road level by a minimum of 0.5 m and a ramp may have been required ...'. However, in terms of the frontage area for the development subject to the 2013 permission a change of level of 500mm is not readily apparent from the details shown on the previously approved drawings, with the front door threshold appearing to be around the level of the road. Accordingly I consider the Council's submissions in this regard to be more accurate.
 7. The dwelling occupies a comparatively prominent position within Gainsborough Drive, being situated on the outside of a bend. A characteristic feature of Nos 1 to 7 is that their ground levels are essentially at road level. The appeal dwelling, given its raised floor level, is therefore at odds with the other properties in this street and I found the ramp to be a particularly alien element within the street scene, with it occupying a position that is very close to the back edge of the carriageway. While I appreciate that the installation of a balustrade along the access ramp is a safety requirement, its installation would add to the incongruity of the ramp's appearance.
 8. It has been submitted that the ramp could be removed and replaced with steps and that this could be secured through the imposition of a planning condition. However, this change to the property would still leave it sitting on what is in effect a raised plinth, with a door threshold level that would be incompatible with those of Nos 1 to 7. On the available evidence I am not persuaded that the imposition of a planning condition requiring the ramp's removal would provide an acceptable alternative.
 9. The need to accommodate the ramp and the relocation of the garage door have had implications for the extent of soft landscaping that will be possible, with the areas adjacent to No 1's garage and in front of the ramp now being block paved, contrary to the planting details shown on the drawings subject to the 2013 permission. While some planting in front of the ramp could be undertaken, I consider that this would do little to soften the appearance of the ramp and its balustrade and in relative terms the absence of the planted area adjacent to No 1's garage would be significant. Although the provision of a ramp assists with making this dwelling accessible for disabled persons, this has resulted in an unacceptable hardening in the frontage's appearance.
 10. I consider it of note that the Inspector who determined the previous appeal placed weight on the role the limited planted areas would have in assisting with assimilating the previously proposed development into the street scene, given that most of the properties in Gainsborough Drive, i.e. Nos 1, 2, 3, 5 and 6 have spacious frontages. Nos 4 and 7 have less generous frontages, but in this respect are not comparable with the appeal property because No 4 occupies a more discrete location, while No 7 benefits from being next to the planted area opposite Nos 1 and 2. It is clear that the treatment of the frontage area was an important consideration when the previous appeal was allowed and I find that the development has not adequately paid heed to that consideration, with the appearance of the frontage having been severely compromised, given the introduction of the ramp and the limited soft landscaping that will be possible.

11. While I have found the frontage treatment for this dwelling is unacceptable, with that being the consequence of the raised slab level, I consider the building's overall height does not look out of place, given that Gainsborough Drive comprises a mixture of one and two storey dwellings. There is little space between the flank walls of this dwelling and its boundaries with No 1 and 4 Lime Meadow Avenue and this is something that contributes to this development having a relatively compact appearance. However, there is limited space between the shared boundaries for Nos 1 and 2 and Nos 4 and 5 and I therefore find that the new dwelling's proximity to its side boundaries is not so tight as to be out of context within the street scene.
12. With respect to the dwelling's appearance to the rear, I found the first floor rear gable element to have acceptable proportions and accordingly I consider that this element of the development does not have a bulky appearance.
13. I am mindful of the submissions made by the appellant that reverting to the previously approved design would mean that the as built dwelling would need to be demolished. It is stated that the reason for this dwelling having a raised slab level is to enable a foul sewer connection to be made. While, I have some reservations about that explanation, given the levels in Gainsborough Drive and Lime Meadow Avenue, I would have expected the need for such a significant reworking of the dwelling's design to have become apparent as part of the process of obtaining an approval under the Building Regulations prior to the commencement of the development. I am therefore not persuaded that any technical difficulties associated with implementing the 2013 permission justifies allowing a development with the appearance shortcomings that I have identified.
14. For the reasons given above I therefore conclude that this development is having a harmful effect on the character and appearance of Gainsborough Drive and that this harm is something that could not be mitigated by the imposition of reasonable planning conditions. The development's failure to be of a high quality and respectful of its surroundings gives rise to conflict with: Policies SP.1.1, SP4.1 and SP4.2 of the Croydon Local Plan Strategic Policies of 2013; saved Policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan of 2006 (the UDP); and Policies 3.5, 7.4, and 7.6 of the London Plan (as altered since 2011). While conflict with Policy H5 (back garden development) of the UDP has been alleged, I find that conflict to be limited because it is only the appearance of the dwelling's frontage that is giving rise to harm.
15. Given the visual harm that I have identified, I also find that there would be conflict with the parts of the National Planning Policy Framework (the Framework) that address the visual quality of new development, most particularly paragraphs 17 (the fourth bullet point), 56, 57, 58, 60, 64 and 65. In this respect I find the aforementioned UDP policies, despite their age, to be consistent with the Framework, because they seek to ensure that new development is well designed and is compatible with its surroundings.
16. I find there to be no conflict with Policies 7.1 and 7.5 of the London Plan because these policies respectively address neighbourhood/place making and the appearance of the public realm (public and private spaces designed to be accessible by the public) as opposed to the consideration of the appearance of a single dwelling.

Other Matters

17. The siting of the dwelling relative to the neighbouring properties is such that I found no unacceptable overlooking to be possible from the first floor windows that have been installed. I also acknowledge that in accessibility terms this is a sustainable location. However, while those matters count in favour of this development I find them to be outweighed by the visual harm that I have identified.

Conclusions

18. For the reasons given above I have found that the appeal development has an unacceptable appearance. The nature of the harm is such that I consider it could not be addressed by my imposition of reasonable planning conditions. The appeal is therefore dismissed.

Grahame Gould

INSPECTOR