

**PART 5: Planning Applications for Decision**

**Item 5.1**

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**1 SUMMARY OF APPLICATION DETAILS**

Ref: 17/00318/FUL  
Location: Land Adjacent To 2 Fitzroy Gardens, Upper Norwood, SE19 2NP  
Ward: South Norwood  
Description: Erection of 2 three storey three bedroom houses with basements:  
provision of associated parking  
Drawing Nos: 2472/PL/21, 2472/PL/20 Rev D and un-numbered site location plan  
Applicant: SPJ Holdings Ltd  
Agent: Angus Brown Architects  
Case Officer: Katy Marks

- 1.1 This application is being reported to Sub-Committee because representations over the threshold for Committee consideration were received.

**2 RECOMMENDATION**

- 2.1 That the Committee resolve to GRANT planning permission.
- 2.2 That the Director of Planning and Strategic Transport has delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

**Conditions**

- 1) Development to be carried out in accordance with the approved drawings and reports except where specified by conditions
- 2) Materials to be submitted with samples
- 3) Car parking, refuse and cycle parking to be submitted
- 4) Removal of permitted development rights for enlargements and outbuildings
- 5) Landscaping scheme to be submitted including hard/soft landscaping, retaining walls, balustrades/screens, boundary treatments
- 6) Tree protection plan
- 8) 19% reduction in carbon emissions
- 9) Water usage restricted to 110 litres per person per day
- 10) Commencement of development within three years of consent being granted
- 11) Development to be carried out entirely in accordance with submitted tree report including protection measures
- 12) Any other planning condition(s) considered necessary by the Director of Planning and Strategic Transport

**Informatives**

- 1) Site notice removal
- 2) CIL liability
- 3) Any other informative(s) considered necessary by the Director of Planning and Strategic Transport

### **3 PROPOSAL AND LOCATION DETAILS**

#### **Proposal**

3.1 The proposal comprises the following:

- Erection of a pair of three storey, 3-bedroom houses with basements.
- Two new access points would be created off Fitzroy Gardens, serving two off street parking spaces for each dwelling with associated refuse storage, cycle storage and landscaping to the frontage.
- Each house would have a small private garden and basement courtyard

3.2 Amendments and additional information has been received during the course of the application, comprising the following:

- Clarification of the application site boundary in relation to the ownership and boundary with the adjacent Queens Hotel site
- Submission of a daylight and sunlight report
- Clarification as regards trees affected by the development
- Alterations to improve access to the private gardens from the properties

3.3 These changes have not altered the description of development, nor increased its impact. It has therefore not been necessary to advertise these amendments.

#### **Site and Surroundings**

3.4 The application site is a vacant area of land adjacent to 2 Fitzroy Gardens. The land slopes down away from the road and contains a number of trees. It is bounded to the east by an existing sub-station structure and to the west by the end of terrace property (2 Fitzroy Gardens) To the north and north east, the site is bounded by the Queen's Hotel. The main building of the hotel is a locally listed building. To the south on the opposite side of the road is the Grade II listed 124 Church Road (which faces onto Church Road).

3.5 The surrounding area is residential in character. Fitzroy Gardens comprises 3 storey terraces houses constructed in the 1960s.

3.6 The site adjoins the Church Road Conservation Area to the north, east and south. There are no other designations for the site.

#### **Planning History**

3.7 11/02007/P: Permission granted for erection of three bedroom attached house at side; formation of vehicular access and provision of associated parking; installation of light wells at rear ground level

3.8 15/02255/P: Permission granted on appeal for erection of 2x2 bedroom three storey attached houses; formation of vehicular access and provision of associated parking; provision of bin and cycle stores

3.9 The adjacent Queens Hotel has relevant planning history as follows:

- 14/03472/P: Permission granted with legal agreement for erection of four storey front/side extension (including lower ground, ground, first and second floors) to provide an additional 24 rooms; alteration of car parking arrangement and associated landscaping works
- 17/04332/FUL: Permission granted for erection of a ground and lower ground floors rear extension, to accommodate additional ancillary hotel space, and associated works
- 18/00831/FUL: Application pending for the demolition of existing buildings to the centre and rear of the site and existing extensions to the roof, and the construction of a new spine building including a glazed link to part retained mews building, an extension from the southwestern facing elevation of the existing locally listed building, a single storey extension to the restaurant, five subterranean levels which provide parking, a swimming pool and servicing space, to create a total of 495 hotel rooms and 207 vehicle parking spaces, the re-cladding of the 1970's extension, provision of enhanced landscaping across the site including 5 coach parking spaces to the front, and the adaption of existing entrance to the hotel

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

- 4.1 The principle of residential development on the site is acceptable given the established residential character of the area
- 4.2 The design and appearance of the development reflects the character of the street scene and would preserve the setting of the conservation area
- 4.3 There would be no undue harm to the residential amenities of adjoining occupiers
- 4.4 The living standards of future occupiers would be acceptable and compliant with the Nationally Described Space Standards and the Local Plan
- 4.5 The parking provision for the development would be acceptable
- 4.6 Sustainability aspects of the development would be acceptable and is able to be controlled through the use of planning conditions.

#### **5 CONSULTATION RESPONSE**

- 5.1 The views of the Planning Service are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 5.2 Site notices were erected to advertise the application. 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: 27    Objecting: 27    Supporting: 0    Comment: 0

- 5.3 North Croydon Conservation Area Panel objected to the application and raised the following comments:

- The proposals would represent overdevelopment of the site

- The introduction of light wells to the street frontage would be out of keeping with the street; detrimental to the appearance of the conservation area and destructive of the unity of the terrace.
- The front light wells would provide very limited natural light and the basement room would have poor light
- Extensive basement area are not a feature of this 1960s development

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

- Overdevelopment of the site
- Loss of green space, trees and green buffer between the hotel and Fitzroy Gardens
- Development would not preserve or enhance the conservation area
- Basement would be out of keeping with the area
- Development would spoil the uniformity of the existing row due to width and basements
- Houses would compromise the architectural integrity of the estate
- Insufficient information about the materials and detailing [Officer Comment: These details would be secured by condition]
- Proposed houses do not appear to have same roof line as neighbours [Officer Comment: The proposed elevations confirm that the roof line is designed to be the same as the adjacent neighbour].
- Cycle and bin stores would be at odds with current street layout
- Loss of light and invasion of privacy to houses along Fitzroy Gardens
- The houses would be very close to the hotel car park and substation, providing very little amenity for residents
- Basement rooms would provide poor living accommodation
- New hotel development would harm the living conditions of occupiers
- Inadequate parking which will lead to further congestion in the cul-de-sac
- Not clear how many trees to be removed [Officer Comment: A tree plan has been provided which confirms which trees are proposed for removal]
- Not clear how this development would relate to the hotel scheme. Some buffer zone should be maintained to stop erosion of green spaces and loss of trees
- Quality of the drawings which does not show the relationship between the houses and proposed hotel development

5.5 The following matters were raised in representations which are not material to the determination of the application:

- This use is for multiple occupancy not family houses [Officer Comment: The application is for 2 houses; HMO use is not part of the scope of the application]
- Basement concerns regarding drainage, stability and subsidence and pressure on utilities e.g. drainage, sewers [OFFICER COMMENT: This is not a material consideration and outside the scope of planning remit]

## **6 RELEVANT PLANNING POLICIES AND GUIDANCE**

6.1 In determining any planning application, the Council is required to have regard to the provisions of its Development Plan so far as is material to the application and to any other material considerations and the determination shall be made in accordance with

the plan unless material considerations indicate otherwise. The Council's adopted Development Plan consists of the Consolidated London Plan 2015, the Croydon Local Plan 2018 (CLP) and the South London Waste Plan 2012.

- 6.2 Government Guidance is contained in the National Planning Policy Framework (NPPF), issued in March 2012. 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, including requiring good design that takes the opportunities available for improving the character and quality of an area and the way it functions.
- 6.3 The main policy considerations raised by the application that the Planning Sub Committee is required to consider are:

Consolidated London Plan 2011 (LP):

- 3.5 - Quality and design of housing developments
- 6.13 - Parking
- 7.4 - Local Character
- 7.6 - Architecture
- 7.8 - Heritage assets and archaeology

Croydon Local Plan 2018 (CLP):

- SP2 - Homes
- SP6.3 - Sustainable Design and Construction
- DM1 - Housing choice for sustainable communities
- DM10 - Design and character
- DM13 - Refuse and recycling
- DM18 - Heritage assets and conservation
- DM23 - Development and construction
- DM28 - Trees
- DM29 - Promoting sustainable travel and reducing congestion
- DM30 - Car and cycle parking in new development

## **7 MATERIAL PLANNING CONSIDERATIONS**

- 7.1 The main planning issues raised by the application that the committee must consider are:
1. Principle of development
  2. Townscape and visual impact
  3. Residential amenity of adjoining occupiers
  4. Residential amenity of future occupiers
  5. Highways and transport
  6. Environment and sustainability
  7. Trees and landscaping

### **Principle of Development**

- 7.2 The principle of development is acceptable. The development would provide two additional family homes in an established residential area. The homes would both be 3 bedroom homes which the Local Plan identifies a need for in the Borough. The other material considerations are discussed below.

### **Townscape and Visual Impact**

- 7.3 Planning Permission was granted in 2016 (on appeal) for the erection of 2x3 bedroom houses. The appeal decision concluded that whilst the width of each proposed dwelling would have been slightly narrower than other dwellings present in the terrace, the difference would have been limited and would not have been immediately recognisable when viewed from the street frontage. The Planning Inspector noted that the land changes and staggered height of the terrace split the uniform appearance of the terrace and would have reduced any perceived difference between it and the proposed development. The decision also noted that several properties had refuse containers to the front and the proposal would not have been out of keeping with the street frontage. Finally, the Inspector concluded that the buildings would not be visually discernible when viewed from the Church Road Conservation Area to the east and south. He also noted that to the north, the terrace had a more varied appearance. Overall, he was satisfied that the scheme would have preserved the character and appearance of the adjoining conservation area.
- 7.4 The current scheme is similar in design and layout to the extant permission. The only difference is the inclusion of a basement room for each property and associated courtyard space to the rear and light wells to the front elevation.
- 7.5 The light wells to the front elevation would result in limited intervention to the front elevation with short railings around the light wells. The land level changes would reduce the visibility of the light wells and railings within the street scene. To the rear, two basement courtyard areas would be created for each house. The proposed basement courtyards would not be visible from the street-scene and would have a limited impact upon the character and appearance of the area. It would be visible from neighbouring upper floor windows and from the neighbouring Queen's Hotel but boundary treatment and landscaping would limit the impact.
- 7.6 It is therefore felt that the development would not appear out of keeping with the character and appearance of the street scene and would preserve the setting of the adjoining conservation area and the listed and locally listed buildings nearby.

### **Residential Amenity of Adjoining Occupiers**

- 7.7 The development would respect the building line of the existing neighbours and it would therefore not result in any harm to the living conditions of the adjacent property. The development would overlook the Regency Gardens to the rear with a similar relationship as the existing terrace. The development is not considered to have any impact upon the amenity of Queen's Hotel as there is no direct overlooking for the hotel building due to orientation. Overall, the development is not considered to result in any harm to the amenities of immediate neighbours.

### **Residential Amenity of Future Occupiers**

- 7.8 The proposed dwellings would be three bedroom dwellings and the proposed floorspace for each unit would exceed the minimum requirements of the Nationally

Described Space Standards for units of this type. The internal rooms are considered to be of acceptable sizes, with adequate light and outlook provided. A daylight assessment has been submitted which confirms that the main habitable rooms on ground floor and above would all provide high levels of daylight exceeding the BRE guidelines. The basement rooms for each house would not meet the guidelines, but the report concludes that the light wells allow for daylight and sunlight from the front (south facing) façade and large windows to the rear lighten the room. The proposed use of the rooms is as 'cinema rooms' which is likely to have a low expectation for daylight. Furthermore, the proposed dwellings would have a number of other well sized rooms which would all receive light well in excess of the BRE guidelines.

- 7.9 Each property would have a split level private garden which would meet the standards set out in the Local Plan for amenity space. The space would be constrained by the shape of the site but would provide useable space and the daylight report confirms that they would meet BRE guidance in terms of overshadowing. The development is considered to be acceptable in terms of living conditions for future occupiers.

### **Highways and Parking**

- 7.10 The location for the proposed development has a PTAL level of 3, which indicates a moderate level of accessibility to public transport links. Each new dwelling would benefit from one off street parking space to the frontage. This is considered acceptable as the site is located in walking distance to main bus routes along Church Road and within close proximity to the Upper Norwood District Centre.
- 7.11 Cycle parking is proposed to the front of the buildings together with waste storage. The cycle storage should provide 2 spaces for bicycles for each house in line with London Plan standards. A planning condition is recommended to secure details for cycle storage structure design to ensure that it meets policy requirements.
- 7.12 It is not considered the addition of the two new dwellings would have a significant impact on local parking facilities, congestion or the flow of traffic due to its small scale and proposed parking provision. The development is considered acceptable in this respect.

### **Environment and Sustainability**

- 7.13 Conditions would secure a 19% carbon dioxide emission reduction and a water use target of 110L per head per day thereby meeting sustainability targets.

### **Trees and Landscaping**

- 7.14 There are trees and shrubbery on site, most of which appears to be self-seeded. The proposals seek to retain the larger trees to the rear boundary and to the side of the site which will assist in retaining the green character of the street scene. The trees proposed for removal have been assessed and are not of high quality and would not warrant a tree preservation order.
- 7.15 A tree protection plan (for the trees to be retained) has been provided but needs to be updated to reflect the introduction of the basement courtyards. A condition is recommended for submission of an updated tree protection plan to ensure the works, including protection measures and methods during construction, are carried out to required standards. A condition for comprehensive landscaping for the site is also

recommended to ensure that suitable landscaping to the basement courtyards and rear gardens is provided.

### **Conclusions**

- 7.16 It is recommended that planning permission should be granted for the proposal, as it would be acceptable in all respects, subject to conditions.
- 7.17 All other relevant policies and considerations, including equalities, have been taken into account.