

**PART 5: Planning Applications for Decision**

**Item 5.3**

**1 SUMMARY OF APPLICATION DETAILS AX10+15-53-101**

Ref: 18/00953/FUL  
 Location: Land at rear of 44 Kidderminster Road fronting onto Stanton Road CR0 2UE  
 Ward: Broad Green  
 Description: Excavation to erect a two storey semi-detached building comprising of 2 x 2 bedroom duplex flats with accommodation at ground and basement levels ; removal of vehicle crossover to reinstate public footway  
 Drawing Nos: 005, 006, 007, 008, 009, 010, 011, 012  
 Applicant: Daniel Lach Roseacre Enterprise Ltd  
 Agent: Matt Lindley  
 Case Officer: Christopher Grace

	<b>1 bed</b>	<b>2 bed</b>	<b>3 bed</b>	<b>4 bed</b>
<b>Houses</b>	0	0	0	0
<b>Flats</b>	0	2	0	0
<b>Totals</b>	0	2	0	0

<b>Type of floorspace</b>	<b>Amount proposed</b>	<b>Amount retained</b>	<b>Amount lost</b>
Residential	140Sq.m	0Sq m	0Sq m
<b>Number of car parking spaces</b>		<b>Number of cycle parking spaces</b>	
0		2	

1.1 This application is being reported to Planning Committee because it has been referred by Cllr Paul Scott who made representations in accordance with the Committee Consideration Criteria for committee consideration.

**2 RECOMMENDATION**

2.1 That the Planning Committee resolve to refuse planning permission for the following reasons:

The proposal would be an overdevelopment of the site by reason of the buildings position, siting and layout resulting in full site coverage which would fail to integrate successfully within the immediate surroundings contrary to policy DM10 of the Croydon Local Plan (2018).

The proposed development would result in overshadowing of the neighbouring gardens, would create a sense of enclosure and would dominate neighbours outlook to the detriment to the visual amenity of neighbouring properties at no.44 and 46 Kidderminster Road resulting in an unneighbourly form of development contrary to policy DM10 of the Croydon Local Plan (2018).

The proposal would result in a cramped form of development with limited outlook to the proposed bedroom windows of the two houses and create a poor standard of amenity space at basement level, resulting in a poor standard of accommodation for potential occupiers of the building contrary to Policy 3.5 of the London Plan and Policies SP2 and DM10 of The Croydon Local Plan (2018).

### **Informative**

- 1) CIL – refusal

## **3 PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 3.1 The proposal would involve excavation of ground level to enable the construction of a pair of two-storey semi-detached buildings (maximum of 6.5m high (3.5m above ground), extending the entire width of the site 10m; and length 8m. The proposed building to form 2 x two- bedroom (3 person) houses (70sq.m each).
- 3.2 The proposal would include a new high level front boundary wall and door which would enclose a front garden and courtyard approach to each house which will also enclose refuse storage and cycle parking. The proposed building would be constructed of the following materials:- brickwork elevation; sedum roof; timber panelling timber gate and brick front boundary wall.

### **Site and Surroundings**

- 3.3 0.01ha site which formerly formed part of the rear garden of no.44 Kidderminster Road which is a three-storey corner building divided into five flats with the rear garden fronting Stanton Road. To the west of the site is a single-storey electrical substation building and beyond that is a three-storey semi-detached building no.8 Stanton Road. The surrounding area is residential in character; rear gardens to three-storey properties to the north and garages and three storey houses opposite to the south.
- 3.4 The site is located within a Surface Water Flood Risk Area (1:1000yr). There are no protected trees identified and no other designations for the site identified on the Croydon Local Plan Policies map.

### **Planning History**

- 3.5 The following information is relevant to the application:-
  - 87/02199/B Planning permission granted for conversion of 44 Kidderminster into 5 flats.
  - 88/03082/P Planning permission granted for a block of three garages and formation of access onto Stanton Road
  - 94/00049/p Planning permission granted for a block of three garages and formation of access onto Stanton Road.
  - 17/03486/pre Pre-application enquiry from new building with lower ground accommodation to provide 3 flats (concern expressed over scale, massing design, private amenity space, impact on neighbours, outlook privacy and light for potential occupiers).

## 4 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 4.1 The proposed building would fail to respond positively to the local context or reinforce the existing predominant character of the area leading to a sense of enclosure to the detriment of the outlook for neighbouring properties and is therefore considered to be unacceptable.
- 4.2 The proposed development would result in a cramped form of development leading to a poor standard of accommodation for potential occupiers

## 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:

## 6 LOCAL REPRESENTATION

- 6.1 The application has been publicised by way of neighbour letters. 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: 1          Objecting: 1    Supporting: 0

No of petitions received:        0

Cllr Paul Scott in capacity as Chair of the Planning Committee referred this application to the committee for the following reasons:

1. The potential to meet housing need through the provision of new homes, responding to the governments National Planning Policy Framework and the Mayor for London's housing targets
2. Amenities for future occupiers

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:

<b>Summary of objections</b>
<i>Scale, massing appearance</i>
Not in keeping with the area will dominate neighbours garden.
<i>Daylight and sunlight</i>
Loss of light to neighbouring garden.
<i>Outlook</i>
Neighbours windows (kitchen, bathroom and bedroom) face the site and our garden falls between our back wall and the proposal site
<i>Noise</i>
Increase in noise and disturbance
<i>Other</i>

Permitted development rights should be removed from any building on site
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## **7 RELEVANT PLANNING POLICIES AND GUIDANCE**

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)

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, those most relevant to this case are:

- Achieving sustainable development (Chap 1)
- Promoting sustainable transport (Chap 9)
- Delivering a wide choice of high quality homes (Chap 6)
- Requiring good design (Chap 7)
- Meeting the challenge of climate change, flooding and coastal change (Chap10).

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

Consolidated London Plan 2015 (LP):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.2 Minimising carbon dioxide
- 5.3 Sustainable design
- 5.12 Flood risk management
- 5.14 Water quality and wastewater infrastructure
- 5.17 Waste capacity

- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local character
- 7.6 Architect

Croydon Local Plan: Strategic Policies 2018:

- SP2 Homes
- SP4 Urban design and local character
- SP6 Environment and Climate Change
- SP8 Transport and communication

Croydon Local Plan Policies 2018 :

- DM1 Homes
- DM10 Design and character
- DM13 Refuse and recycling
- DM23 Development and construction
- DM25 Sustainable drainage systems
- DM29 Promoting sustainable travel and reducing congestion
- DM30 Car and cycle parking in new development
- DM46 South Croydon

There is relevant Supplementary Planning Guidance as follows:

- The Council's Supplementary Planning Document 2 'Residential Extensions and Alterations' (SPD2), formally adopted by the Council on 6 December 2006

## **8 MATERIAL PLANNING CONSIDERATIONS**

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

1. Principle of development
2. Townscape and visual impact
3. Residential amenity/Daylight & Sunlight for neighbours
4. Housing/Mix
5. Housing Quality/Daylight & Sunlight for future occupiers
6. Transport
7. Sustainability

8. Waste
9. Flooding

### **Principle of Development**

- 8.2 In considering this proposal the local planning authority has had regard to delivering a wide choice of homes in favour of sustainable development in line with the principles of paragraph of the NPPF, Policy 3.3 of the London Plan relating to increase housing stock; policies SP2 of CLP in providing a choice of housing for all people at all stages of life in line, and DM1 in supplying new housing.
- 8.3 This site area was effectively the rear garden of the no.44 Kidderminster Road and was subdivided a number of years ago with the intention to provide garages in association with residential use. The previous lawful use of this land was residential. In principle there is no objection to the use of the land for residential purposes subject to a development meeting other Policy requirements of the Development Plan.
- 8.4 The principle of development of this site was discuss at pre-application stage in Sept 2017. At the time the provision of 3 flats on this site was considered to be excessive. While the current proposal is of a smaller scale and of alternative design to that originally commented upon; serious concerns remain associated with massing, design, relationship with surroundings and standard of accommodation proposed. Residential development on this small site would only be acceptable subject to the proposal providing adequate separation, being of suitable scale, design, appearance and would provide a suitable standard of accommodation in terms of light, outlook and amenity space for potential occupiers. Therefore while the principle of residential activity on this site is considered to be acceptable this would be dependent on the extent of the proposal.

### **Townscape and visual impact**

- 8.5 In townscape terms the surrounding area is residential in character and comprise of detached and semi-detached dwelling houses of various heights predominantly 3 storeys maximum with reasonable sized gardens as originally built. The proposed building has been designed to reflect the single storey level associated with the previously approved garages for this site and therefore in height terms would be subsidiary to the buildings and properties either side. It is acknowledged that the character in most areas of the borough will evolve over time through the recycling of existing plots with denser forms of development still within keeping of local character, the subdivision of larger properties, infill development and the development of the largest back gardens in the borough.
- 8.6 However, this is a very small tight site. In terms of policy the objective of the evolution of local character is to achieve an intensification of use without major impacts on local character. The proposal would need to be well integrated and respect and enhance the Boroughs natural and historic environment.
- 8.7 Objection has been raised over the form and layout of the proposed development. The proposed buildings would occupy the full width of the site and when compared with the previous approved garages resulting in almost 100% site coverage with the exception of a small approach area to the front. Contextually the building would

create an awkward relationship with the neighbouring adjoining properties in terms of site coverage. Current policy identifies a distance of 10m separation from the main building as a guide for backland development. The extent of the building 3.5m high directly along the boundary (1.8m high) with neighbouring garden at no.44 (4m separation distance) and southern boundary with 46 Kidderminster Road would create a sense of enclosure to the rear of these properties. As a result the proposal would fail to create the right balance in optimising housing provision and preserving the existing character and would result in an inappropriate development in what was part of the residential garden of no.44 causing harm to local setting. Council policy identifies that poorly planned piecemeal development of garden land can have significant negative impacts on local biodiversity, amenity, and character. The proposed development would not integrate successfully into the natural built and historic environment. The proposal would fail to enhance or preserve street setting to the rear of 44 therefore in terms of design and appearance the proposal is considered to be unacceptable.

- 8.8 As a result of extensive site coverage, the proposed layout would offer no significant external space for potential occupants. While the entrance point could work with the front approach the building would be forced to be concealed behind the proposed high wall where there is a lack of presence on the street. Further refinement to the gates and how they work as entrances on the street would need to be provided. It should also be noted that due to the arrangement of the two separate dwellings the separate entrances, bin and cycle stores would take up significant space that could be given over to more generous internal accommodation if the plan was rationalised. The proposed materials would be complementary of a modern contemporary building however this does not overcome the concerns of the extensive site coverage.
- 8.9 Overall the extent of the proposal means that it would not be in line with NPPF requirements of sustainable development, good design and conserving the natural environment. The proposal would be contrary to London Plan policies 3.5 quality and design of housing, 7.4 Local character and 7.6 Architecture; and CLP Policies SP2, SP4, DM10.

#### **Residential Amenity Daylight/Sunlight for neighbours.**

- 8.10 London Plan Policy 7.1 seek to protect the amenities of existing occupiers when considering new residential development. CLP policy DM10 in particular, considers the form and layout of existing and adjacent buildings; privacy and amenity of adjoining occupiers, the provision of amenity space for residents; and maintenance of sunlight and daylight for adjacent occupiers.
- 8.11 The neighbours impacted by this development would be those at Nos. 44 and 46 Kidderminster Road. The proposed building would be constructed directly on the boundary with the ground floor one bedroom flat at no.44 Kidderminster Road 4m from the rear elevation. The proposed building would increase the height along this neighbour boundary by a minimum of 1.7m from 1.8m to 3.5m for length of 8m. The occupier of 44 has objected to the impact of the proposed building directly on the boundary in terms of outlook, light and extent of development with the creation of the new basement level. The proposed building would be built directly along the east boundary line of no.44 and extend cross the majority of garden area for this property. The building would result in some overshadowing of this neighbours

garden, but more importantly create a sense of enclosure for this neighbour and dominant the main useable space of the occupiers small garden seating area.

- 8.12 The proposed building would be constructed directly on the south facing boundary with no.46 Kidderminster Road. The proposed building would increase the height along this neighbour boundary by a minimum of 1.5m from 2m to 3.5m for a length of 10m. The proposal would create a sense of enclosure for this neighbour and overshadow part of this neighbours garden which would impact on the light and outlook for users of this property.
- 8.13 Overall the combination of total site coverage, the proximity to the neighbours boundary and the extent of the proposal, would result in an unneighbourly form of development detrimental to the amenity of the adjoining occupiers by way of outlook and sense of enclosure. The proposal is not considered acceptable in line with London Plan policy 7.6 Architecture for good design and Council policy DM10.
- 8.14 Neighbours have raised concern over potential noise and disturbance. In view of the residential setting it is not considered that the proposal would result in undue loss of amenity in terms of noise disturbance. It is acknowledged that there will be increased activity to the site with some noise and disturbance during the construction process, with pollution also a concern expressed by neighbours. Details of construction through a construction management plan would need to be submitted. Any proposed external lighting would need to be in accordance with guidance from the Institution of Lighting Professionals, as light from the proposed illuminations should not cause a nuisance to local residents. However these issue would no overcome the fundamental problems associated with the proposal.

### **Housing Tenure**

- 8.15 CLP Policy SP2.7 sets out a strategic target for 30% of all new homes to have three or more bedrooms The proposed mix of flats does not meet this strategic target as none of the proposed flats would have three bedrooms. The proposed development would provide 2 two bedroom (3 person) accommodation. However this is an aspiration determined on a case by case basis.

Overall the proposal would deliver a choice of homes and therefore would be in line with the principles of the NPPF, however this would not overcome the concerns identified above.

### **Housing Quality/Daylight and sunlight for future occupiers**

- 8.16 Policy SP2.8 of the Croydon Local Plan: Strategic Policies states: 'The Council will seek to ensure that new homes in Croydon meet the needs of residents over a lifetime and contribute to sustainable communities with the borough. This will be achieved by: a) requiring that all new homes achieve the minimum standards set out in the Mayor of London's Housing Supplementary Planning Guidance'.
- 8.17 The proposed houses would meet the floorspace requirements as identified within the Mayor of London's Housing Supplementary Planning Guidance' for split level two bedroom (3 person). Each of the houses would need to meet environmental standards in respect acoustic design and air ventilation.
- 8.18 There is however concern in respect to the bedrooms for each house which would be at basement level. Over half of the floorspace to be created for the proposed



flats (42sq.m each) would be at basement level. Light to the basement level would be from a roof lightwell through the building to a small sunken courtyard. In particular bedroom 2 would only have a small area of glazing onto the sunken courtyard which would face northwards. The applicants have submitted a light report which identifies that this would receive sufficient light. Bedroom 1 of both units would be located deep into the plan where the plot is sheltered by neighbouring buildings and trees. Officers consider that the light reaching these rooms would be compromised.

- 8.19 The proposed ground floor living space appears cramped and this would only add to the poor enclosed outlook which potential occupiers would have. The proposed development would provide a minimum of amenity space for each unit with quality of the sunken courtyard area significantly compromised and restricted while the front garden approach would be hampered by the entrance and cycle storage. Overall the proposal would result in a cramped form of development leading to a poor standard of accommodation to the houses, with poor outlook and quality of amenity space. The proposal would not be in accordance with the principles of the NPPF in delivering a wide of choice of quality homes and London Plan Policies.

### **Transport**

- 8.20 The site is located in an area with a PTAL rating level of 6b which is “Excellent” in terms of accessibility to public transport. The proposal would be a car-free development which his acceptable. Cycle storage for 4 bicycles would need to be provided in compliance with London Plan. The proposal includes cycle storage and a condition to provide adequate enclosed secured space would be necessary however the overall the imposition of such conditions would not overcome the general concerns associated with this proposal overall.

### **Sustainability**

- 8.21 The Council would seek new homes to meet the needs of residents over a lifetime and be constructed using sustainable measures to reduce carbon emissions. In line with Policy 5.2 of the London Plan, the development proposals should make the fullest contribution to minimising carbon dioxide emissions. The development would need to achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations and demonstrate how the development will achieve a water use target of 110 litres per head per. Subject to condition the proposal would be in accordance with NPPF guidelines on meeting climate change; London Plan Policy 5.2 minimising carbon dioxide, 5.3 sustainable design, 5.14 water quality and waste water infrastructure; CLP policies SP6.1 environment and climate change, SP6.2 energy and carbon dioxide reduction, SP6.3 sustainable design construction.

### **Waste**

- 8.22 The proposed plans indicate the location for the waste storage facilities with the building with access from Stanton Road. It is considered that the proposed bin storage should provide housing for 2x240ltr landfill, 4x55ltr recycling boxes, 2x23ltr external food caddy and 2x9ltr internal food caddy. However, while details confirming this provision would need to be secured by condition to ensure that the proposal would be in line with the principles of London Plan policy 5.17 waste capacity; CLP policies SP6 and DM13; this would not overcome the concerns expressed above.

### **Flooding:**

- 8.23 The property has been identified as being located within an area of surface water flood risk (1:1000yr). The applicants have stated that the site is not located within an area of flood risk. The applicants note that, in accordance with the building regulations and to suit the ground conditions, the proposed basement shall be designed to be fully tanked and waterproof using two separate systems ie waterproof concrete and cavity drained tanking system. The proposed development would need to provide full details of suitable SUDS measures are submitted for consideration to ensure that the proposal would introduce adequate safeguard against potential flooding. In line with the principles of the NPPF in meeting flooding requirements; London Plan policy 5.12 flood risk management; CLP policies SP6 and DM25.

### **Conclusions**

- 8.24 The recommendation is to refuse planning permission.
- 8.25 All other relevant policies and considerations, including equalities, have been taken into account.