

PLANNING COMMITTEE AGENDA

16 July 2020

Part 8 Other Planning Matters

Item 8.2

Report of: Head of Development Management Author: Nicola Townsend	Title: Planning Appeal Decisions (June 2020)
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1. PURPOSE

- 1.1 This report provides details of town planning appeal outcomes and the range of planning considerations that are being taken into account by the Planning Inspectors, appointed by the Secretary of State for Housing, Communities and Local Government.
- 1.2 The report covers all planning appeals, irrespective of whether the related planning application was determined by Planning Committee, Planning Sub Committee or by officers under delegated powers. It also advises on appeal outcomes following the service of a planning enforcement notices.
- 1.3 A record of appeal outcomes will also be helpful when compiling future Annual Monitoring Reports.

2. APPEAL DECISIONS

- 2.1 The following appeal decisions have been received by the Council during the reporting period.

Application No:	19/044108/HSE
Site:	415 Davidson Road, Croydon CR0 6DS
Proposed Development:	The development proposed is a vehicular access point with dropped kerb.
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Russell Smith
Ward	Addiscombe West

- 2.2 The main issues in this case were as follows:
 - The effect of the proposal on the character and appearance of the area particularly in relation to the effect on the adjacent street tree
- 2.3 The appeal site comprises a two storey terraced house. The scheme sought to create an access to the highway with a dropped kerb.

Immediately outside the site and located within the pavement is a street tree which the Inspector noted makes a significant contribution to the appearance of the locality. The planning application was not accompanied by any Arboricultural information however an Arboricultural Method Statement (AMS) was submitted to the Planning Inspectorate as part of the appeal information.

- 2.4 The submitted plans indicated that the proposed dropped kerb and cross over would be in very close proximity to the existing tree and partially below its crown. The Inspector also noted that the works would replace some of the bare soil surrounding the tree and he also noted that the submitted AMS stated that some of the works would occur within the root protection zone of the tree.
- 2.5 The Inspector concluded that undertaking the proposal would likely alter the health of the existing street tree and that it had not been demonstrated that the effect would be minor or whether it could be mitigated. He therefore concluded that the proposal would have an unacceptable effect on the character and appearance of the area.
- 2.6 The appeal was therefore DISMISSED.

Application No:	19/01905/FUL
Site:	97 Birchanger Road, South Norwood, London SE25 5BH
Proposed Development:	<i>The proposed development is a change of use of the first floor as a 1 bed two person flat (C3) from HMO (C4).</i>
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	ALLOWED
Case Officer	Christopher Grace
Ward	Woodside

- 2.7 The main issue in this case focussed on whether the development would provide satisfactory living conditions for its occupiers particularly in relation to playspace.
- 2.8 The appeal site comprises a two storey semi-detached dwelling. The proposal is to convert the first floor of the property from an HMO to a 1 bedroom flat. The principle issue was that no private amenity space would be provided for the new flat as required by Policy DM10 of the Croydon Local Plan.
- 2.9 The Inspector noted that whilst the flat did not have access to private amenity space the internal floors space of the units would be 4.3sqm above the minimum floorspace which would go some way towards compensating for the lack of outdoor space. He also noted the proximity of the appeal site to Brickfields Meadow. He therefore concluded that

whilst no private amenity space was provided for the proposed flat that satisfactory living conditions would be provided for the future occupiers.

2.10 The appeal was Allowed.

Application No:	19/04292/HSE
Site:	1 St Leonards Road, Waddon, Croydon
Proposed Development:	Proposed front boundary wall
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Jonathan Archibald
Ward	Waddon

2.11 The main issue in this case was the effect on the character and appearance of St Leonards Road. The works had already been undertaken and appeal effectively sought to retain the works that had already taken place. The Inspector noted that the front boundaries of properties in St Leonards Road mainly comprised walls and hedges at the back edge of the pavement, which provides the road with a degree of openness.

2.12 In contrast the inspector concluded that the wall which was subject to the appeal was excessively tall and bulky which resulted in it dominating the frontage. He also found the smooth render finish incongruous with the host dwelling. He also concluded that the wall did not accord with the council Suburban Design Guidance.

2.13 The inspector concluded that the wall harms the character and appearance of St Leonards Road.

2.14 The appeal was dismissed. The Council's Enforcement Team have been advised of this decision so that they can progress work to require the removal of the unauthorised structure.

Application No:	19/04495/FUL
Site:	19 Broom Road, Croydon, CR0 8NG
Proposed Development:	Demolition of existing storage shed and erection of a single storey outbuilding for use as a one bedroom dwelling house
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Chris Stacey
Ward	Shirley South

2.15 The main issues in this case were as follows:

- The vitality and viability of the neighbourhood centre
- The living conditions of the future occupiers, with regard to the size, outlook and light.

2.16 The appeal site lies in a parade of shops which forms part of a neighbourhood centre. Policy seeks to ensure that the vitality and viability of neighbourhood centres are maintained and that they are able to continue to serve local communities. Policy sets out acceptable activities within ground floor space within such centres. Residential use is not one of the specified acceptable uses. The appellant argued that as the floor space was part of a separate storage building that the building was ancillary to the retail unit. However the Inspector clearly concluded that its floor space formed part of the shopping parade. He also stated that the loss of ancillary storage could have a long term impact on the future of this retail unit.

2.17 Whilst the floor space of the proposed residential unit fell short of the required space standards for a one bedroom two person dwelling. The Inspector concluded that a small change to an internal wall would result in the building complying with the standards for a 1 bedroom 1 person dwelling. However he raised significant concerns regarding the outlook for the future occupiers due to the property being served by a number of high level slit windows. He concluded they would have almost no outlook which would be oppressive and claustrophobic

2.18 The appeal was dismissed

Application No:	19/04636/HSE
Site:	10 Downsway, South Croydon, CR2 0JA
Proposed Development:	Alterations, demolition of conservatory at rear and part demolition of existing two storey and single storey side extension, erection of two storey side extension and single storey rear extension
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	Hayley Crabb
Ward	Sanderstead

2.19 The main focus of this appeal was the effect of the development on the character and appearance of the area. The Inspector noted that the area is characterised by detached and semi-detached houses of similar styles and whilst there had been some alterations to properties in the area that these have been relatively sympathetic to the existing character.

2.20 Taking into account the guidelines in the Council's Suburban Design Guide the Inspector found that the proposed development would not respond successfully to the character and appearance of the dwelling or the street scene. This was due to the fact that the Inspector considered that the two storey element of the extension would not appear subordinate to the existing house due to the higher eaves and limited set back. He also raised concerns regarding the contemporary design of the extensions and considered that it resulted in a poor marrying of architectural styles.

2.21 The Inspector did note that the proposed extension would have had a similar or even less of an impact on the adjoining occupiers in terms of overlooking but he did not consider this factor to outweigh the discordant design of the extension.

2.22 The appeal was dismissed.

<i>Application No:</i>	<i>19/04240/FUL</i>
<i>Site:</i>	<i>5 Jamaica Road</i>
<i>Proposed Development:</i>	<i>Conversion of a single dwelling to one x 1 bedrooms flat and one x 2 bedroom flat, alterations to the property including the erection of a single storey rear extension and the erection of a dormer in the rear roof slope.</i>
<i>Decision:</i>	<i>REFUSE PLANNING PERMISSION</i>
<i>Appeal Method:</i>	<i>WRITTEN REPRESENTATIONS</i>
<i>Inspector's Decision</i>	<i>DISMISSED</i>
<i>Case Officer</i>	<i>Russell Smith</i>
<i>Ward</i>	<i>West Thornton</i>

2.21 The main issues for consideration in this case was the supply of family accommodation in the Borough and the character and appearance of the area.

2.22 The Borough has an identified need for 3 bedroom units to provide family accommodation and has Policies in place which seek to protect this provision. The Inspector noted that the proposal would be in direct conflict with this Policy.

2.23 The property had already benefited from a dormer window extension on the side and rear of the original pitched roof. The appeal proposal sought to extend the roof further over the existing outrigger. The Inspector stated that the size, elongated form and flat roof of this extension would appear poorly proportioned and unsympathetic to the existing building thus causing harm to the character and appearance of the area.

2.24 The appeal was Dismissed.

Application No:	19/03505/FUL
Site:	28A Portland Road, South Norwood
Proposed Development:	Change the class use from sui generis (William Hill store) to C3 Residential. Change of shop front and rebuild facing brick and window to match as existing with a new side entrance via security gates
Decision:	REFUSE PLANNING PERMISSION
Appeal Method:	WRITTEN REPRESENTATIONS
Inspector's Decision	DISMISSED
Case Officer	George Clarke
Ward	Woodside

2.25 The main issues in this case involved the following:

- The effect of the development upon the vitality and viability of the South Norwood District Centre
- Whether it would preserve or enhance the character or appearance of the South Norwood Conservation Area
- Whether it would provide acceptable living conditions for future occupants in respect of lighting, privacy and outdoor space
- Its effect on highway safety, with respect to parking provision.

2.26 The site lies within the South Norwood District Centre in a Secondary Retail Frontage as defined by the Local Plan 2018 (CLP). Policy DM4 resists the introduction of uses other than shops and related activities in such locations to ensure they do not undermine the retail function of the frontage. The Inspector noted that at the time of his visit the premises were being used as a fishmongers and grocery store and stated that a change from a shop to residential use would change the ground floor from an active to a passive frontage, removing the opportunity for an activity that complements the retail-led purpose of the district centre.

2.27 The Inspector did note the level of vacant units within the vicinity of the site he stated that in the absence of marketing information for a reasonable period of time and the fact that the units were occupied indicates that there is interest from uses suitable for a secondary retail frontage. The Inspector concluded that the proposal would undermine the vitality and viability of the South Norwood District Centre.

2.28 The site also lies in the South Norwood Conservation Area. However, the Inspector noted that this building is a modern infill in the street scene. The Council had raised concerns regarding the appearance of the alterations to the frontage to create a domestic appearance. The Inspector did not however uphold this concern.

- 2.29 The Inspector noted that the units would be single aspect, with limited outdoor space and that the ground floor unit windows would be located at the back edge of the footway. However he considered that the units would provide an acceptable standard of accommodation for the future occupiers.
- 2.30 The Council raised concerns that the future occupiers should be restricted from obtaining parking permits. The Inspector stated that in the absence of evidence to demonstrate that this was necessary he did not consider that the scheme would result in harm to highway safety.
- 2.31 The scheme was Dismissed but only on grounds relating to harm to the vitality and viability of the district centre and the character of the South Norwood Conservation Area.