



Appeal Decision

Site visit made on 6th February 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 26th February 2024

Appeal Ref: APP/L5240/W/23/3326780

3 Park Road, Kenley, Croydon CR8 5AS

- 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 Robert Turner, Turnbull Land against the decision of the London Borough of Croydon.
 - The application Ref.22/03280/FUL, dated 18 July 2022, was refused by notice dated 27 April 2023.
 - The development proposed is the "demolition of the existing property and the erection of four, three bedroom terraced houses, with associated access and parking."
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Decision

1. The appeal is dismissed.

Procedural Matter and Main Issues

2. The main issues in the appeal are the effect of the proposed development on the character and appearance of the area and whether there would be suitable pedestrian, wheelchair and vehicular access including servicing vehicle access. The Council had questioned whether there was sufficient information to rule out unacceptable harm to ecological interests but it has since received additional ecological information and has indicated that it does not wish to contest the appeal on ecological grounds.

Reasons

Character and appearance

3. The appeal site is a detached chalet bungalow (Magpie Cottage) with attached single storey garage and a garden. It is located to the south east of Park Road in Kenley, on backland behind a row of properties which border Park Road. There is a path from Park Road which emerges in the rear garden of the Cottage. It runs between nos 3a and 5 Park Road.
4. Vehicular access to the appeal site is via Ravenswold (a private no-through road) which runs off Hayes Lane. Kenley rail station is situated in walking distance to the north. The topography of the site slopes fairly steeply upwards from Park Road to Ravenswold (west to east). An Area TPO covers the site. (Ravenswold is also written as Ravens Wold).
5. To the south-west of the appeal site there is a neighbouring detached property at 3a Ravenswold which has shared use of the driveway access to the site. To the north-east is a detached house 1 Park Road, to the north-west lies rear and

side gardens to detached houses 1a, 3a and 5 Park Road. To the south of the site there is 3 Ravenswold and to the south of that a terrace of 8 three storey dwellings with a shallow pitched roof (nos 4 – 11 Ravenswold). In terms of backland development the appeal site is one of a line of 4 detached dwellings which sit behind 4 dwellings which border Park Road. Whilst nothing turns on it, I use the term backland but the properties fronting Park Road might post date those behind them.

6. The proposal is to demolish the existing bungalow and erect 4 two/three storey terraced dwellings with part flat/part mansard roofs. They would have a staggered footprint and they would use the topography to present as two storey from the east (front/parking forecourt) elevation and three storey from the west (rear/rear garden). An external platform lift is shown at the front of the proposed building to facilitate movement from the parking area to the building.
7. The character and general appearance of the area is suburban with detached bungalows and two storey properties with a mix of gable and hipped roof features, set within landscaped plots. The pattern is not one of a formally planned housing estate. The block of 4-11 Ravenswold dwellings is at odds with the prevailing character, being a terrace of 8 three storey units, large in size and also at odds in form with its shallow-pitched roof and functional appearance. The approach to 4-11 Ravenswold from Hayes Lane is also made up of detached bungalows/low rise dwellings in spacious landscaped plots. In my view, 4-11 Ravenswold is, in terms of character and appearance, anomalous.
8. Whilst the proposed development would be constructed using high quality materials, it would nevertheless appear incongruous and inharmonious with the dominant and prevailing character of the surrounding area. 4-11 Ravenswold is not a defining characteristic of the area.
9. In particular in relation to the appeal proposal, the roof form, whilst well-designed in itself, would jar with its immediate neighbours' roofs and indeed almost all of the surrounding dwellings' roof forms. Its partially mansard style would not meld with the suburban location. Looking at the wider design of the building, that does not appear to take many or indeed any design cues from what is locally distinctive and sympathetic in the area. It fails to respect the development pattern or provide a roof-form which positively contributes to the character of the local and wider area as is sought by policy DM10 of the Croydon Local Plan 2018.
10. I have borne in mind the need to make effective and efficient use of land in built-up areas and to optimise and to encourage change including increasing density but it should be appropriate and maintain environmental quality. I do not consider that the proposal would be appropriate or maintain environmental quality.
11. Consequently, I conclude that the proposal would significantly harm the character and appearance of the area. It would conflict with policy D3 of the London Plan 2021 and policies SP4 and DM10 of the Croydon Local Plan 2018.

Pedestrian and Vehicular Access

12. Access for pedestrians is envisaged to be primarily via the path from Park Road and access by vehicles would be via Hayes Lane then Ravenswold. The land in

the area does undulate and some gradients are steep. I would agree that Hayes Lane and Ravenswold are not conducive to walking and so the pedestrian link from the appeal site to Park Road should be safe and useable. The appellant has demonstrated that a ramp of differing gradients could be constructed between the two and that it would be wheelchair user compliant. I am satisfied that it could be done without harming trees, subject to a suitable planning condition. The method and materials to be used for surfacing it and the lighting scheme for it could be controlled via planning condition. I am satisfied that pedestrians and wheelchair users could have a workable access to and from the proposed development.

13. There is sufficient room to provide food bin storage and the precise location of this could be secured by condition. The bin store is capable of being located within the specified 20m distance of the bin collection point and there would be sufficient space to facilitate manoeuvrability of the bins in and out of storage point and through the car park on collection days. Precise details of this could be secured by condition.
14. The proposal would include 4 car parking spaces on site. The Council has a concern that vehicles could not adequately turn within the constraints of the site. The appellant has provided a number of swept path analyses which show that vehicles could enter and leave the site in a forward gear albeit with some fairly long manoeuvres. Although I note that the Council's Transportation Team tend to use a typical private vehicle length of 4.8m to calculate manoeuvring configurations, it is within reasonable tolerances to base the swept path analysis on a car of about 4.6m in length in this particular case. I have noted above that reversing manoeuvres would be fairly long but they are in the context of a private car park and a private right of way shared with only one other property, and so I consider that they would be suitable. I am satisfied that vehicle manoeuvring would be adequate and safe, including manoeuvres by typical delivery vehicles, and that access and egress could be undertaken without harm to highway safety.
15. On these issues, I conclude that the proposed development demonstrates that it would afford future occupiers with sufficient and suitable pedestrian, wheelchair and vehicular access, and that the site can be accessed by service vehicles without hindrance. It would not conflict with policies T4, T5 or T6 of the London Plan 2021 nor policies SP8, DM13, DM29 or DM30 of the Croydon Local Plan 2018.

Benefits, Planning Balance and Conclusion

16. It is a clear benefit of the scheme that it would provide additional family accommodation in the form of 3 (net) new dwellings. National policy seeks to boost the supply of housing and small increases carry weight in favour of the grant of permission. The new housing would also be on partially previously - developed land and in an area with reasonably good access to facilities. There would also be economic benefits flowing from the construction of the scheme and from its future occupation and CIL contributions could be spent on public infrastructure.
17. I have not identified any harm in relation to the second issue, however, I have identified significant harm to the character and appearance of the area. I have weighed this harm against the benefits of the scheme but the benefits do not outweigh that harm. I find that the proposal would not be in accordance with

the Development Plan as a whole; it would conflict with some key policies. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.

18. Having taken into account all representations made, for the reasons given above, I dismiss the appeal.

Megan Thomas K.C.

INSPECTOR