
Appeal Decision

Site visit made on 1 October 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2024

Appeal Ref: APP/L5240/W/23/3335733

13A Russell Hill, Purley, Croydon CR8 2JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ching Patel of Palatium Properties Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/03346/FUL.
 - The development proposed is demolition of existing dwelling and erection of a part-2, part-3 storey building with habitable roofspace above to create 8 flats, with associated access, parking, cycle storage, bin and recycling storage and landscaping.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing dwelling and erection of a part-2, part-3 storey building with habitable roofspace above to create 8 flats, with associated access, parking, cycle storage, bin and recycling storage and landscaping at 13A Russell Hill, Purley, Croydon CR8 2JB in accordance with the terms of the application, Ref 23/03346/FUL, and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. In the decision above I have used the description set out on the decision notice and appeal form, as this is more precise than that given on the planning application form.
3. Amended floor plans, a unilateral undertaking securing a sustainable transport contribution, an updated Ecological Appraisal and a Transport Statement were submitted with the appeal. The amended plans detail minor changes to the layout of the cycle store and the balconies serving units 7 and 8. These plans and documents do not fundamentally change the substance of the proposal that was before the Council, and the Council had the opportunity to comment on them as part of their appeal submissions. Therefore, the Council and interested parties would not be prejudiced by my consideration of them.
4. The Council confirms that the refusal reasons relating to cycle storage and the absence of a legal agreement have been addressed by the amended plans and unilateral undertaking, and I have no reason to reach a different view.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;

- whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to internal space, outlook, light and external amenity space;
- the effect of the proposal on parking availability in the area; and,
- the effect of the proposal on ecology.

Reasons

Character and appearance

6. The appeal site is a two storey detached dwelling located on a large, landscaped plot on the south side of Russell Hill. It is flanked by neighbouring properties on either side. The property has a rectangular footprint which is positioned parallel to the road. It is set back from and well below the road. There is a driveway and garden to the front of the property and a larger rear garden which slopes steeply down towards properties on Foxley Lane. A public footpath adjoining the western boundary of the site provides a link between Russell Hill and Plough Lane.
7. Russell Hill is a residential road characterised by detached dwellings and apartment blocks situated on large plots. They are arranged along linear building lines and set back from the road behind low boundary walls and planting. Properties on the north side of the road occupy higher ground than those on the south side. There is considerable variation in the size and style of properties, which range from two storey houses to four/five storey apartment blocks. Projecting front gables and facing brick and white render are characteristic features. Mature trees and planting within the gardens and the generous plot sizes results in a verdant and spacious character.
8. The proposal would replace the existing house with a block of eight apartments. Due to the site topography, the proposal would appear as a two storey building to the front and as three storeys to the rear, with accommodation in the roofspace. The building would be set back into the site, and would align with the building line of properties on this side of the road. Although it would extend across much of the width of the plot, generous gaps would be maintained between the sides of the property and the buildings on either side. This would maintain the spacious character of the plot and avoid its overdevelopment.
9. The roof of the proposal would be higher than the properties on either side, but not significantly so and this difference is unlikely to be readily apparent from the road. Moreover, there are tall apartment blocks alongside traditional two storey dwellings elsewhere on this road which demonstrates that differing roof heights of buildings are a feature of the area and can be successfully integrated into the street scene. While the proposal would appear as a four storey building from rear and side views, its scale, massing and height would be comparable to existing blocks of flats on both sides of the road. Therefore, it would be not over-dominant in the context of this area, where buildings on the north side in particular have a significant presence due to their height and elevated positions.
10. The design of the proposal incorporates a mansard roof with pitched roofs to the front and rear, side gables and dormer windows. The Council considers that the recessed glazed gable projection to the centre of the front elevation would result in an overly commercial and symmetrical appearance. However, the scale of this feature would not be dissimilar to other front gables in the area, including that

recently permitted at 15A Russell Hill¹, and many nearby properties also have a strongly symmetrical appearance. The gable is a well designed feature which would provide some visual interest to the front elevation. Only partial views of the recessed balconies to the rear elevation would be possible from the side footpath which would not be harmful.

11. Whilst the proposed raised forecourt would be visible within the street scene, this would not be unlike other raised hardstanding and parking areas to the front of properties on this road and could be softened with appropriate planting.
12. For the above reasons I conclude that the proposal would not be harmful to the character and appearance of the area. Accordingly, it complies with Policy D3 of the London Plan (2021) and Policies SP4 and DM10 of the Croydon Local Plan (2018) (Local Plan). Amongst other things, these policies seek to ensure that development proposals are of high quality design with appropriate scale, height and massing which respects local character and distinctiveness.

Living conditions

13. London Plan Guidance: Housing Design Standards (2023) (the HDS) set out at C2.5 that the standards for the minimum size of living/kitchen and dining space should be met or exceeded. The living/kitchen and dining spaces for units 1, 2, 4, 6, 7 and 8 would fall below the minimum size required and therefore not strictly accord with the HDS. That said, the HDS is for guidance only. Units 1 and 2 would each have access to a private south facing balcony, which could act as an extension of the living space in good weather, as well as their own terraces and a large communal south facing garden. This would compensate for the slight shortfall in the size of the living spaces within these units. Furthermore, the overall internal floor space of all 8 units would either meet or exceed the minimum standards set out in Table 3.1 of London Plan Policy D6. That supports my view that the internal space would be acceptable.
14. Bedrooms 1 and 2 within unit 1 and bedroom 1 within unit 2 would be served principally by windows facing onto lightwells close to the side boundaries of the site. Whilst these windows would have a restricted outlook, the principal bedrooms in both units would also be served by high level windows which would provide additional outlook. Consequently, the outlook from these bedrooms would be acceptable. The appellant's Daylight and Sunlight Report indicates that bedroom 2 within unit 1 would not receive adequate daylight, but this is not sufficiently harmful as to warrant dismissal of the appeal on this ground, given that this is a secondary bedroom and the remainder of the accommodation within this unit would be of a good overall standard.
15. The amended plans show enlarged balconies for units 7 and 8 to address the Council's concern regarding insufficient private amenity space for these units. The balconies would be of reasonable size and meet the standards for 1 bedroom units as set out in London Plan Policy D6. Therefore, the balconies would provide sufficiently large, useable outdoor space for future occupiers.
16. For the above reasons I consider that the proposal would provide satisfactory living conditions for future occupiers of the development in terms of internal floor area, outlook, light and external amenity space. Therefore, it complies with London Plan Policy D6, and Local Plan Policies DM10 and SP2, which, amongst

¹ Council ref. 22/02397/RSM

other things, seek to ensure that development is of high quality design which provides comfortable and functional layouts.

Parking

17. During my site visit at around mid-morning on a Tuesday, I noted many unoccupied parking spaces along Russell Hill, which includes stretches of uncontrolled kerb side parking space as well as controlled parking zones. While only a snapshot in time, the appellant's Parking Survey also identified spare parking capacity in the area and a low level of parking stress. The Council have provided no substantive evidence that local parking pressure is at a level where there would not be capacity along Russell Hill, or any details of how on street parking is currently resulting in parking stress.
18. 5 car parking spaces are proposed on the front driveway, which would be accessed via the new centrally located access point. The appellant's tracking plans demonstrate that there would be adequate manoeuvring space on the driveway to ensure the accessibility of the parking spaces, and the requisite pedestrian and visibility splays from the new access would be achieved.
19. Minor residential developments are required to provide car parking spaces in accordance with the standards set out in Table 10.1 of Local Plan Policy DM30. That equates to 8 parking spaces in this case, 1 for each apartment. The proposed 5 on site parking spaces therefore represents a shortfall in parking provision when assessed against Policy DM30.
20. The Council assessed the proposal based on the Public Transport Accessibility Level (PTAL) of 1b, which represents "very poor" accessibility. However, this understates the accessibility of the site in my view. The public footpath immediately adjacent to the site, whilst relatively steep and narrow, is publicly maintained and served by street lighting and a handrail. It provides convenient access to Plough Lane, where there are regular bus services. In addition, Purley Railway Station is around a 15 minute walk from the site. As such, future occupiers would have reasonable access to public transport and services in Purley Town Centre. In reaching this conclusion, I note a small part of the site is in fact located within a PTAL 3 grid square and some surrounding grid squares are also within PTAL 3, including other parts of Russell Hill. Therefore, PTAL 3 is a more accurate reflection of the site's accessibility which indicates a "moderate" level of public transport accessibility.
21. In these circumstances, the maximum parking standards contained in London Plan Policy T6.1 indicate that the proposal would generate a parking demand of 6.5 spaces, rounded to 6 spaces as they are maximum standards. Thus, the proposal would result in only a small shortfall in required on site parking provision. Even when other nearby developments currently under construction are accounted for, I consider it likely that there is an adequate number of on street car parking spaces available in the vicinity of the site to cater for the additional parking demand created, including visitor parking. Moreover, future occupiers will not necessarily be dependent on the private car, given that walking, cycling and the use of public transport will be realistic options.
22. I conclude that the proposal would not significantly affect parking availability in the area. Thus, it complies with London Plan Policies T4, T5, T6 and T6.1 and Local Plan Policies DM29 and DM30 which promote sustainable travel and seek to ensure that development secures adequate parking provision.

Ecology

23. The appellant's updated Bat Survey found evidence of foraging and commuting bats, but concludes that roosting bats are unlikely to be present in the building itself. As such, there are not anticipated to be any adverse impacts on bats as a result of the proposal. A precautionary working method and low impact lighting strategy are recommended. Subject to these measures there would be sufficient safeguards in place for bats. The updated Ecological Assessment indicates that the proposal would not have an adverse impact on biodiversity and it recommends mitigation measures and biodiversity enhancement opportunities, which can be secured by condition.
24. To conclude, there is no substantive evidence before me that the proposal would have an adverse effect upon biodiversity. Accordingly, the proposal complies with London Plan Policy G6 and Local Plan Policy DM27, which require development proposals to protect and enhance biodiversity. There is also no conflict with paragraph 99 of the ODPM Circular 06/2005.

Other Matters

25. Although I have had regard to the other concerns raised by interested parties that do not form part of the Council's reasons for refusal, neither alone nor in combination do they amount to a reason to dismiss the appeal. While the proposal would result in the loss of the existing family dwelling, it would create new 2 and 3 bedroom units suitable for occupation by families. This would make a positive contribution to the choice of housing and address the borough's need for homes of different sizes. I have no substantive evidence before me to persuade me that local services and infrastructure would be unable to cater for the development. I consider that acceptable interface distances between the development and existing neighbouring properties would be achieved to minimise adverse impacts on the neighbours' living conditions. The effects of construction traffic and activities at the site would be of temporary duration and can be mitigated by way of measures in a Construction Logistics Plan.
26. The sustainable transport contribution contained in the unilateral undertaking is required to mitigate the highway impacts of the development. Thus, it is necessary to make the development acceptable, and is directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore, the planning obligations meet the tests set out within Regulation 122 of the Community Infrastructure Levy Regulations and paragraph 57 of the National Planning Policy Framework.

Conditions

27. I have had regard to the conditions suggested by the Council. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans as this provides certainty.
28. To protect the living conditions of neighbouring residents and safeguard highway safety, a pre-commencement condition is necessary to agree the details of a Construction Logistics Plan. Conditions requiring details of external materials and hard and soft landscaping are necessary in the interests of the character and appearance of the area.
29. To ensure that surface water run-off is managed safely and effectively to manage flood risk, I have attached a condition requiring details of a surface

water drainage scheme. A condition is required to secure protection measures related to biodiversity and enhancement measures in order to conserve and enhance protected species and accord with nature conservation legislation.

30. I have attached a condition requiring the development to be carried out in accordance with the Fire Statement to ensure that the development incorporates the necessary fire safety measures. A condition requiring the provision of accessible and adaptable units, including a wheelchair user dwelling, is required so as to provide accessible units and a suitable mix of housing. Compliance with a water efficiency standard is also needed in order to secure an efficient use of water. A condition is necessary to secure details of cycle and refuse storage arrangements in order to ensure satisfactory provision in the interests of future occupiers of the development. Finally, I have included a condition requiring provision of the accesses, parking spaces and turning area, in the interests of highway and pedestrian safety.

Conclusion

31. For the above reasons, and having considered all other relevant material considerations, I conclude that the appeal should be allowed.

M Ollerenshaw

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 2395_OS_01, Rendered Elevation_01 2395_PL_10, Rendered Elevation_02 2395_PL_11, Site Layout Plan 2398_PL_99, Proposed Plans 2398_PL_100_A, Proposed Sections 2398_PL_200, Proposed Sections 2398_PL_201, Proposed Elevations 2398_PL_300, Proposed Elevations 2398_PL_301, Fire Strategy Plans 2398_FS_100, Landscape Proposals 1014-L-01 B, and Planting Plan 1014-L-02.

Before development commences

- 3) Prior to the commencement of development (including demolition), a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development: a) Hours of construction; b) Hours of deliveries; c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors; d) Facilities for the loading and unloading of plant and materials; e) Swept paths for manoeuvring and turning of large vehicles inside the site; to leave the site in forward gear; f) Details of any site hoardings; g) Details of the precautions to guard against the deposit of mud and substances on the public highway; h) Dust control methods; and i) Condition survey of the highway. All construction phases of the development shall be carried out strictly in accordance with the details approved.

Before work above ground

- 4) Prior to commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: a) External facing materials including specifications and/or samples of all facing materials and finishes; and b) Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings in external walls. The development shall be carried out strictly in accordance with the details approved.
- 5) Prior to commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority: a) Hard landscaping materials to include pedestrian access path/details of shared surface (including samples as appropriate); b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees; replacement trees, including no less than two semi mature trees; c) Boundary treatments; and d) A maintenance/management plan for all aspects of the hard and soft landscaping. The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.

- 6) Prior to the commencement of above ground works, a detailed surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the Local Planning Authority: a) Calculation of the existing and proposed run-off rate (which should achieve greenfield run-off rates unless an alternative rate is adequately justified and achieved); b) Confirmation of the impermeable and permeable site areas used for the infiltration calculations; c) Details of the on-site infiltration drainage; d) Details of the on-site attenuation tank; e) Details of further sustainable drainage measures; f) An updated layout plan (to scale) of the proposed drainage scheme; and g) Details of the ownership and / or maintenance agreement for the SUDS on the site. The approved scheme shall be implemented prior to the first occupation of the development and maintained and retained thereafter.

Before occupation or other stage conditions

- 7) Full details of cycle parking and refuse storage, including provision of an area for the temporary disposal of bulky waste, shall be submitted to and approved in writing by the Local Planning Authority prior to occupation. The approved details shall be implemented prior to the first occupation of the development and retained for the lifetime of the development.
- 8) Prior to the first occupation of the development hereby approved, a Biodiversity Enhancement Strategy to ensure biodiversity net gain for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following: a) Purpose and conservation objectives for the proposed enhancement measures; b) Detailed designs or product descriptions to achieve stated objectives; c) Locations, orientation and heights of proposed enhancement measures by appropriate maps and plans; d) Persons responsible for implementing the enhancement measures; and e) Details of initial aftercare and long-term maintenance (where relevant). The works shall be implemented in accordance with the approved details and shall be retained.
- 9) All ecological mitigation measures shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Roost Assessment (Arbtech, 17 May 2024), and Bat Emergence and Re-Entry Surveys (Arbtech, 24 July 2024).
- 10) The development shall be carried out in accordance with the Fire Statement (2395 Fire Statement Form Rev_0) and Fire Strategy Plans (2398_FS_100) unless otherwise agreed in writing by the Local Planning Authority.
- 11) The residential dwellings within the development hereby permitted shall endeavour to achieve a water use target of 110 litres per head per day.
- 12) Unit 3 within the development hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) requirement M4(3) 'wheelchair user dwelling'. All other units shall achieve the Building Regulations 2010 (as amended) requirement M4(2) 'accessible and adaptable'. The provision shall be reasonably maintained for the lifetime of the development.
- 13) The vehicular and pedestrian access, car parking spaces and turning area shall be provided as specified in the approved plans prior to the first occupation of the development hereby approved. The parking areas shall be permanently retained exclusively for their designated purpose.