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**Monks Orchard Residents' Association  
Planning**

20<sup>th</sup> December 2020

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**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal under Section 78**

**Location:** 67 Orchard Avenue, Croydon, CR0 7NE,

**Application Number:** 20/01997/FUL

**Appeal ref:** APP/L5240/W/20/3260388

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Dear Safia Kausar

Please accept this formal letter supporting the LPA refusal of the proposed development **Ref: 20/01997/FUL** as our written Statement for request for Dismissal of the Appeal **Ref: APP/L5240/W/20/3260388** against the LPA's refusal for "*Demolition of existing garage; erection of a two storey side extension, two storey rear extension, loft conversion with roof lights in the front roof slope and dormers in the rear roof slope, the construction of rear basement with terrace area and external staircase and alterations to the front vehicular access and boundary treatment. With the object of Conversion of single dwelling into 6 flats – (3 x 1 bedroom flat and 3 x 2 bedroom flat); provision of car parking, refuse and recycling store, soft landscaping and new vehicular access onto Woodland Way, with hardstanding area at 67 Orchard Avenue, CR0 7NE*".

We have objected to this Development application in our submission to the LPA on 2<sup>nd</sup> June 2020, a copy of which should have been forwarded to you as evidence of our objection for your information and consideration. If not, we can supply a copy on request to: [planning@mo-ra.co](mailto:planning@mo-ra.co)

This submission is in response to the appellant's "Grounds of Appeal". The appellant's statements are in "Blue" to simplify interpretation. The Text with 'light green' backgrounds are "planning Policies".

**Appellant's Statement para 4 Planning Considerations:**

**Paragraph 4.1**

*(NPPF) "Paragraph 7 states that: "The purpose of the planning system is to contribute to the achievement of sustainable development." Paragraph 8 goes on to explain that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles.*

1. *an economic role*
2. *a social role*
3. *an environmental role*

These “**roles**” as specified in the **NPPF para 7 & 8** are “**objectives**” they are **NOT** defined **Policies** within specific parameters. The guidance for meeting these “**objectives**” is documented in the relevant **Local Plans** to which the case officer has referred in his report.

The appellant’s statement at **paras 4.2 to 4.4** inclusive are a **subjective interpretation** of the status of **NPPF Para 8** – again which are ‘**objectives**’ – they are not defined policies.

8. Achieving sustainable development means that the planning system has three overarching **objectives**, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different **objectives**):

*4.5 At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision making. Local planning authorities should approve development proposals that accord with statutory plans without delay, and grant permission where the plan is absent, silent, in determination or where relevant policies are out of date. All of these policies should apply unless that adverse impact of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

To be ‘**sustainable**’, developments **MUST** meet the ‘**objectives**’ as required in the **NPPF para 8** and as specified in the **Local Plan** to ensure all requirements of the proposal meet the defined **accommodation standards** with the commensurate local **supporting infrastructure** for viable **sustainable developments**. The proposal **clearly does NOT** meet all of these criterion as seen in the summary of parameters (page 3) and set out in **Table 3.2** below. The proposal is not within the **appropriate ranges** which require the available **supporting infrastructure** as set out in our objection letter of **2<sup>nd</sup> June 2020** when the **PTAL is 1b** and forecast to remain at **1b** (numerically  $\equiv \approx 1.33$ ) until at least **2031** (see TfL WebCAT).

Table 3.2 Sustainable residential quality (SRQ) Density Matrix (habitable rooms and dwellings per hectare)			
TfL Webcat	Accessing Transport Connectivity in London		
Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha (300.00 hr/ha)
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit (3.5 hr/unit)	40-65 u/ha	40-80 u/ha	55-115 u/ha (85.71 u/ha)
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha
Urban	150-250 hr/ha	200-450 hr/ha	200-700 hr/ha
3.8-4.6 hr/unit	35-65 u/ha	45-120 u/ha	45-185 u/ha
3.1-3.7 hr/unit	40-80 u/ha	55-145 u/ha	55-225 u/ha
2.7-3.0 hr/unit	50-95 u/ha	70-170 u/ha	70-260 u/ha

**PTAL required @ 300 hr/ha**

$$300 = \left( \frac{350 - 200}{6 - 4} \right) x - 100$$

$$x = PTAL \approx 5.33$$

**PTAL required @ 85.71 units/ha**

$$85.71 = \left( \frac{115 - 55}{6 - 4} \right) x - 65 :$$

$$x = PTAL \approx 5.02$$

**(PTAL 1b numerically  $\equiv \approx 1.33$ )**

**(For details of these calculations - See Appendix A below).**

## Design of balconies

### SP4.1

4.10 The requirements of this policy are satisfied for the following reasons:

- (i) The provision of the balconies would introduce visual variety to the local character; and
- (ii) The obscure glazed nature of the proposed balconies would have a neutral visual impact upon the locality.

## Parameters for this proposal

67 Orchard Avenue				Ref: 20/01997/FUL				Existing Dwellings		1			
SiteArea				0.07 ha				Existing Bedrooms		4			
	Floor	Bedrooms	Bed-Spaces	Habitable Rooms <sup>(3)</sup>	GIA Provided (m <sup>2</sup> )	Minimum GIA Table 3.1 New LP (m <sup>2</sup> )	Kitchen Dining Living (m <sup>2</sup> )	In-Built Storage Offered (m <sup>2</sup> )	Built-in Storage Required Table 3.1 New LP (m <sup>2</sup> )	Private Amenity Space Provided <sup>(1)</sup> (m <sup>2</sup> )	Private Amenity Space Required (m <sup>2</sup> )	GIA + Private Amenity Space <sup>(2)</sup> (m <sup>2</sup> )	
Flat 1	Basement	1	2	3	50.0	50	26.5	1.5	1.5	29.0	5.0	26.0	
Flat 2	Ground	1	2	3	50.0	50	24.6	1.9	1.5	0.0	5.0	55.0	
Flat 3	Ground	2	3	3	62.3	61	25.5	1.5	2.0	0.0	6.0	68.3	
Flat 4	First	2	3	4	68.4	61	29.4	nil	2.0	6.0	6.0	68.4	
Flat 5	First	1	2	3	50.0	50	23.7 <sup>(4)</sup>	1.6	1.5	5.0	5.0	50.0	
Flat 6	Second	3	4	5	80.0	74	27.0	2.5	2.5	7.0	7.0	80.0	
Totals		10	16	21	360.7	346	133.0	9	11.0	47.0	34.0	347.7	
Residential Density		300.00 hr/ha			PTAL Required at Residential Density of 300 hr/ha =						5.33		
Housing Density		85.71 u/ha			PTAL Required at Housing Density of 85.71 u/hr =						5.02		
Average hr/unit		3.50 hr/u			Lightwell Amenity Area <sup>(1)</sup>						29m <sup>2</sup> (overlooked)		
Residential Density		228.57 bed-spaces/ha			Private Amenity Space <sup>(2)</sup>				GIA + Private Amenity Space; Policy DM10 para 6.76				
<sup>(3)</sup> Kitchen/Dining/Living Open Plan configuration - considered as two habitable Rooms (Kitchen a non-habitable room)													
Infrastructure:					Car Parking Spaces				6				
PTAL	2011	1b			Parking per occupant				0.375		spaces/occupant		
PTAL	2031	1b			Parking per Dwelling				1		Per Dwelling		

**Flats 2 and 3** clearly have inadequate “**Private Open Space**” amenity as required of the policies even after consideration of **Policy Para 6.76** (see below), irrespective of the visual variety to the local character or visual impact upon the locality.

**Flats 3 and 4** have inadequate in-built storage space for occupants’ normal living clutter for the life of the development as required of the policies. (see London Plan policy 3.5 Table 3.1).

Table 3.1 Minimum internal space Standards for new dwellings <sup>25</sup>					
Minimum gross internal floor areas and storage (Square Metres)					
	Number of Bed spaces (persons (p))	1 Storey dwellings	2 Storey dwellings	3 Storey dwellings	Built-in storage
1b	1p	39 (37)*			1
	2p	50	58		1.5
2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3
	6p	99	106	112	

### Croydon Plan Policy DM10 para 6.76:

In “**exceptional circumstances**” where site constraints make it **‘impossible’** to provide **private outdoor space for all dwellings**, indoor private amenity space may help to meet policy requirements. The area provided should be **equivalent to the private outdoor amenity space requirement and this area added to the minimum Gross Internal Area**.

The applicant has **NOT** identified any “**exceptional circumstances**” of the proposed “**site constraints**”

which prevents the provision of the “**Minimum**” Private Outdoor Private Amenity Space as defined by the **London Plan** and the **Croydon Local Plan**. It should be noted that **Para 3.36** of London Plan Policy 3.5 states: “**These are minimum standards which developers are encouraged to exceed.**”

### DM10.1

4.11 The requirements of this policy are satisfied for the following reasons:

- (i) The proposed balconies would not disturb the pattern of development, layout or siting of the host building or surrounding built forms;
- (ii) The scale, height and massing of the balconies are inconsequential visually to the overall character and appearance of the host property or surroundings; and
- (iii) The location of the balconies to the rear of the dwelling, and obscured glazing to the proposed balconies, would have a neutral visual impact upon the locality.

**Policy DM10.1** Proposals should be of high quality and, whilst seeking to achieve a minimum height of 3 storeys, should respect:

- a. The development **pattern, layout and siting**;
- b. **The scale, height, massing, and density**;
- c. The appearance, existing materials and built and **natural features of the surrounding area**; the Place of Croydon in which it is located.

Where an extension or alteration is proposed, adherence to **Supplementary Planning Document 2 Residential Extensions and Alterations** or equivalent will be encouraged to aid compliance with the policies contained in the Local Plan.

Where a conversion or house in multiple occupation is proposed the Council will also consider the effects of **noise, refuse collection and additional car parking on the character of an area**. For this reason, the Council will seek proposals to incorporate parking within the rear, to the side or underneath building.

In the case of development in the grounds of an existing building which is retained, development shall be subservient to that building. The council will take into account cumulative impact.

- (i) **The surrounding properties do not have balconies so the proposed development with balconies would be out of character with the immediate locality.**
- (ii) **Same as (i) above;**
- (iii) **The rear of the dwelling is overlooked from Woodland Way so would not have a "neutral visual impact upon the locality".**

### DM10.7

4.12 The following factors ensure that the requirements of the policy are satisfied:

- (i) The provision of balconies would make a positive contribution to the overall appearance of the host property, and the wider area;
- (ii) The use of obscure material, together with the open nature of the balconies, would create benefits for future occupiers of the proposed accommodation, whilst preserving the overall quality and character of the host property.

**Policy DM10.7** To create a high-quality built environment, proposals should demonstrate that:

- a. The architectural detailing will result in a high-quality building and when working with existing buildings, original architectural features such as mouldings, architraves, chimneys or porches that contribute to the architectural character of a building should, where possible, be retained;
- b. High quality, durable and sustainable materials that respond to the local character in terms of quality, durability, attractiveness, sustainability, texture and colour are incorporated;
- c. Services, utilities and rainwater goods will be discreetly incorporated within the building envelope<sup>42</sup>; and
- d. To ensure the design of roof-form positively contributes to the character of the local and wider area; proposals should ensure the design is sympathetic with its local context.

- (i) Is a subjective assessment which cannot be quantified by the policy DM10.7;
- (ii) Same as (i) above.

### SPD

4.13 Chapter 4 of the guidance (page 127) is applicable. The advice reflects the aims and objectives of Local Plan policies. Therefore, to avoid a repetition of statement, reference is made to paragraphs 4.10 to 4.12 above.

However, The Croydon Plan 'Suburban Design Guide SPD2' Chapter 4 Page 136 States:

*"The introduction of **screening devices** to help prevent overlooking from terraces or balconies are generally not considered acceptable as these can be detrimental to suburban character."*

### Standard of accommodation

4.14 The specific concerns of the Council are as follows:

- (i) quality of outlook from amenity space from Flat 1; and
- (ii) private amenity space for Flat 2 and Flat 3.

4.15 Within this context, the merits of the appeal will be assessed.

These issues are dealt with at "DM10.1 Design of Balconies" above and an overview assessment.

### SP4

4.16 This policy concerns 'Urban Design and Local Character' with no specific reference to amenity space.

## Policy SP4: Urban Design and Local Character

**SP4.1** The Council will require development of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities. The Council will apply a presumption in favour of development provided it meets the requirements of Policy SP4 and other applicable policies of the development plan.



**SP4.2** The Council will require development to:

- a. Be informed by the distinctive qualities, identity, topography and opportunities of the relevant Places of Croydon;
- b. Protect Local Designated Views, Croydon Panoramas, the setting of Landmarks, other important vistas and skylines; and
- c. Enhance social cohesion and well-being.

**SP4.3** Planning applications in areas identified in SP4.5 as suitable for tall buildings must be supported by an elevation plan of the roof

**SP4.1 and SP4.2 are subjective “objectives”, NOT specific policies and therefore could not withstand a legal challenge as their interpretation is the personal view of the case officer who has interpreted the “objectives” of the proposal against Policies SP4.3. Thus, it is not possible to challenge his assessment. SP4.3 is not relevant.**

**DM10.4**

4.17 The requirements of this policy are satisfied for the following reasons:

- (i) The outlook from the amenity space of proposed Flat 1, does not represent the sole means of access to amenity space. The appeal proposal includes a communal area;
- (ii) The amenity space provision for Flats 2 and 3 are communal; primarily as the locality has high access to public open spaces; and
- (iii) The levels of private garden spaces advocated by the policy does not apply to proposals seeking changes of use or conversions into self-contained flats.

**DM10.4** All proposals for new residential development will need to provide private amenity space that.

- a. Is of high-quality design, and enhances and respects the local character;
- b. Provides functional space (the minimum width and depth of balconies should be 1.5m);
- c. Provides a **minimum amount of private amenity space of 5m<sup>2</sup> per 1-2-person unit and an extra 1m<sup>2</sup> per extra occupant thereafter;**
- d. All flatted development and developments of 10 or more houses must provide a minimum of **10m<sup>2</sup> per child of new play space**, calculated using the Mayor of London’s population yield calculator and as a set out in Table 6.2 below. The calculation will be based on all the equivalent of all units being for affordable or social rent unless as signed Section 106 Agreement states otherwise, or an agreement in principle has been reached by the point of determination of any planning application on the amount of affordable housing to be provided. When calculating the amount of private and communal open space to be provided, footpaths, driveways, front gardens, vehicle circulation areas, car and cycle parking areas and refuse areas should be excluded; and
- e. In the case of development in the grounds of an existing building which is retained, a minimum length of 10m and no less than half or 200m<sup>2</sup> (whichever is the smaller) of the existing garden area is retained for the host property, after the subdivision of the garden.

- (i) The outlook from the amenity space of proposed Flat 1, does not represent the sole means of access to amenity space. The appeal proposal includes a communal area;

The requirement for private amenity space is mutually exclusive from any provision of 'communal area' provided – DM10.4 does not infer that communal open space can compensate for lack of 'Private Open Space'; thus, item (i) is irrelevant.

- (ii) The amenity space provision for Flats 2 and 3 are communal; primarily as the locality has high access to public open spaces; and

The availability of 'local public open space' does NOT preclude a requirement for Private Amenity Open Space, as stated above – thus item (ii) assumption is incorrect.

- (iii) The levels of private garden spaces advocated by the policy does not apply to proposals seeking changes of use or conversions into self-contained flats.

This statement is not supported by the policies as far as we can determine. We have not found any statement to substantiate this understanding in the London Plan or the Croydon Local Plan (2018).

The only relevant Croydon Plan Policy reference at para 4.31 & para 6.77 on conversion states:

**4.31** This policy is also intended to ensure that the **conversion of single-family houses into flats does not further reduce provision of three-bedroom homes**. Any dwelling house with a gross internal floor area of **less than 130m<sup>2</sup> cannot be redeveloped, demolished or subdivided**, that would result in the loss of this type of property.

**6.77** The provision of **private and communal amenity space per unit**, including **child play space of 10m<sup>2</sup> per child**, based on the calculation of numbers of children yielded from the development as set out in the **Table 6.2** may be pooled to create a **communal amenity space for a flatted development** that meets all the requirements of this policy.

**It is not exactly clear what Policy 6.77 is alluding to!**

**Flats 2 and 3** clearly have inadequate "**Private Open Space**" amenity as required of the policies even after consideration of **policy para 6.76**, irrespective of the visual variety to the local character or visual impact upon the locality.

**Flats 3 and 4** have inadequate **in-built storage space** for occupants' normal living clutter for the life of the development as required of the policies. (see London Plan policy 3.5 Table 3.1).

#### **Play Space:**

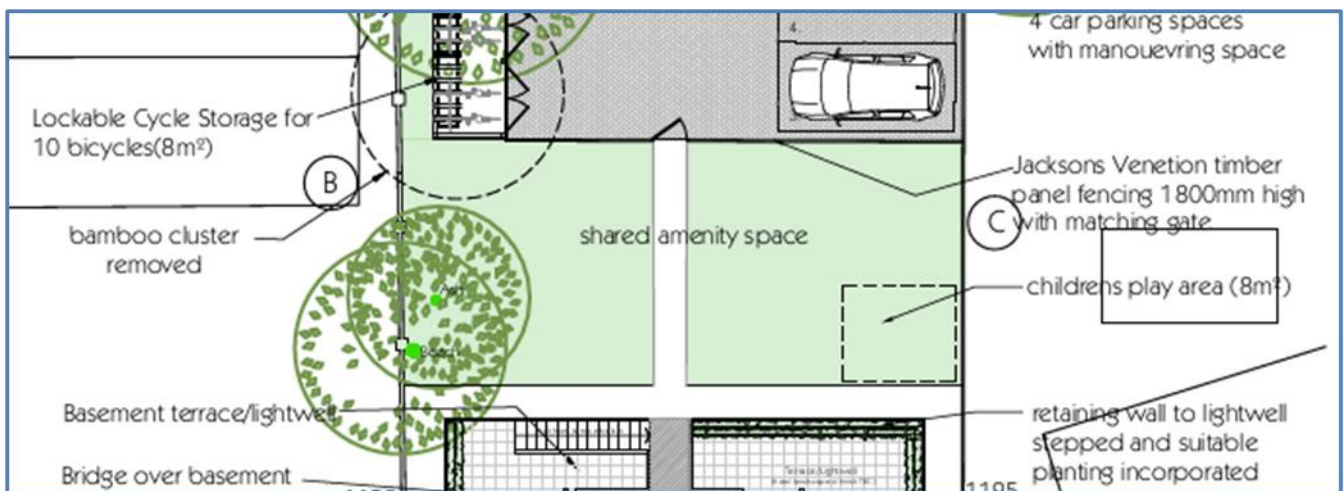
There is inadequate allocation of "**Play Space**" for the likely (possibly 4) children of the future occupants of the proposed development at only **8m<sup>2</sup>** which is less than the **10m<sup>2</sup> per child** for the likely number of children (≈4) as defined by the policies.

#### **DM10.5**

4.18 This policy is satisfied as the proposed communal outdoor amenity space is accessible and inclusive.

**DM10.5** In addition to the provision of private amenity space, proposals for new flatted development and major housing schemes will also need to incorporate high quality communal outdoor amenity space that is designed to be flexible, multifunctional, accessible and inclusive.

The Policy does NOT define an allocation of 'Communal Open Space' per occupant of a multi-occupation dwelling – *which is a deficiency of the policy definition*. However, the area of shared amenity space once the 8m<sup>2</sup> play space for children is deducted does NOT seem to be adequate for 12 (probable) adults. As the policy does not specify an allocation per resident, the assessment is a subjectively determined by the case officer. *It is difficult to challenge the provision if the policy is an undefined objective.*



## DM10.6

4.19 This policy concerns residential amenities such as privacy and the passage of natural light. These issues have not been raised by the Council.

**DM10.6** The Council will support proposals for development that ensure that;

- The amenity of the occupiers of adjoining buildings are protected; and that
- They do not result in direct overlooking at close range or habitable rooms in main rear or private elevations; and that
- They do not result in direct overlooking of private outdoor space (with the exception of communal open space) within 10m perpendicular to the rear elevation of a dwelling; and that
- Provide adequate sunlight and daylight to potential future occupants; and that
- They do not result in significant loss of existing sunlight or daylight levels of adjoining occupiers.

These policies have not been questioned by the case officer – so why does the appellant quote them in his “grounds of appeal”?

## Policy 3.5 London Plan and London Housing SPG

4.20 The appeal proposal meets the requirements as advocated by the London Plan and the Housing SPG.



**Not True: The proposal fails to meet the requirements of the current adopted London Plan Policy 3.4 – Optimising Housing Potential and policy 3.5 - Quality and design of Housing Developments - Minimum Accommodation Space Standards for New Dwellings.**

### **Policy 3.4 Optimising housing potential**

#### **Policy**

**Strategic, LDF preparation and planning decisions**

**A** Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location **within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted. (as shown above at page 2 of this submission).**

### **London Plan Policy 3.5 - Quality and design of housing developments**

**C** LDFs should incorporate requirements for **accessibility** and adaptability<sup>[41]</sup>, **minimum space standards**<sup>[42]</sup> including those set out in **Table 3.3**, and water efficiency<sup>[43]</sup>. The Mayor will, and boroughs should, **seek to ensure that new development reflects these standards**. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. New homes should have **adequately sized rooms** and convenient and efficient room layouts which are **functional and fit for purpose**, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process<sup>[44]</sup>.

**The proposal clearly fails to meet the minimum space standards Table 3.3 as required of the policy as detailed above and as at Policy 3.5 para 3.36 at which the policy states: "These are minimum standards which developers are encouraged to exceed."**

### **Highway and pedestrian safety**

4.21 The Council's concern relates to:

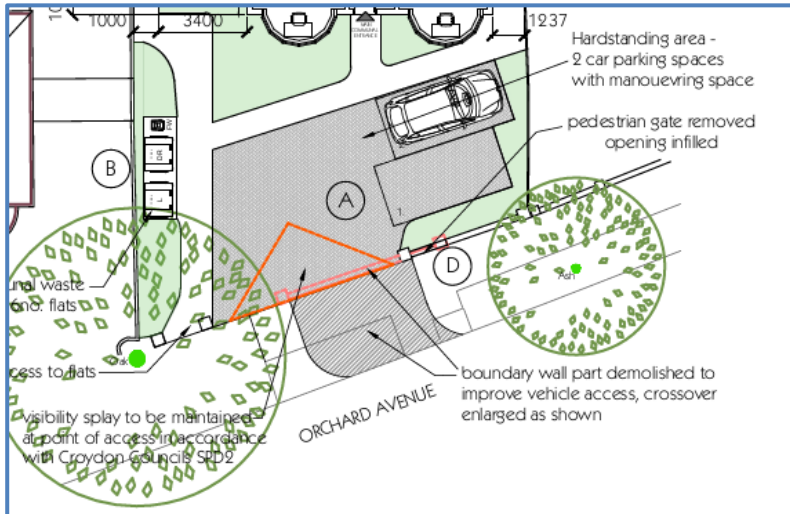
*".... the lack of information in regards to pedestrian and vehicle sightlines, and swept paths to demonstrate the impact is likely to result in a detrimental impact to the highway and pedestrian safety of the area."*

4.22 The appellant acknowledges the Local Plan policies and Suburban Design Guide provisions, which collectively stress the importance of highway and pedestrian safety.

4.23 The Council's concern relates to *a lack of information*. The vehicle sight lines have been incorporated into the design, and the appellant directs the Inspector to Appendix A on the matter of lack of information. However, within this context, the appellant is prepared to accept a condition requiring the submission of details. Such a condition is considered reasonable, necessary and enforceable, thereby ensuring highway and pedestrian safety.

**The Plans show Vehicular access from Orchard Avenue – which is a very busy feeder road between the A232 (Wickham Road) to the south and the A222 (Long Lane) to the North.**

The entrance to 67 Orchard Avenue shows a preferred entrance from the off-side of Orchard Avenue (from the North) which requires crossing the line of traffic from the South in order to enter the site.



The entrance from the nearside (travelling from the south to north) crossover configuration would require a significant left-hand lock of steering to negotiate the anti-curvature of the access across the footpath which would dissuade drivers from entering from this south to north direction. Entry is preferred from the north-to-south carriageway crossing the south-to-north traffic.

Once entered, it is unclear whether access to a vacant parking space

would be possible in a single manoeuvre. It would be helpful if the applicant had provided swept path diagrams to show ingress and egress from both parking bays if the other bay was occupied. It is doubtful whether it would be possible to exit in a forward gear once parked in a forward direction without extensive unacceptable backward and forward manoeuvres.

Also, when exiting, the 'Crossover' configuration guides the driver to join the north bound direction carriageway direction of travel, rather than allow, a difficult manoeuvre, to cross the nearside line of north bound traffic to travel south. This may be a design feature for safety but could be very inconvenient for the driver who may want to travel in the opposite direction to that being forced by the access drive configuration.

Access to and from parking spaces to the west of the development with access from/to Woodland Way are likely to be less difficult with the added advantage of a less busy suburban road with no through access resulting in much less traffic.

## 5. CONCLUSIONS

5.1 The appeal proposal represents an opportunity to make provision for additional much needed housing, as identified by current development plan provisions. In turn, the additional housing would generate considerable economic and social benefits, also identified by current development plan provisions.

5.2 The appeal proposal represents an opportunity to create employment opportunities both directly and indirectly via service and related businesses. The creation of employment at these exceptionally challenging times, would also result in economic and social benefits.

5.3 In these circumstances, the appellant respectfully requests that the Inspector upholds the appeal.

The Appellant's conclusions presume that policies can be secondary to meeting housing need which is a misrepresentation. The policies are defined to ensure new dwellings meet the minimum civilised accommodation standards and requirements for modern life, for the life of the development.

Development proposals are required to meet the policies and, if not, the reasons and full justification must be provided to substantiate reasons for not meeting the policy. The refusal of the application gives the applicant an opportunity to resubmit a more appropriate proposal which does meet the policies.

It is therefore appropriate that the inspector dismisses this appeal and supports the case officer in his recommendation of a refusal of this application by reason of failure to meet the agreed adopted planning policies such that the applicant can re-submit a modified proposal that does meet all appropriate Planning Policies.

*APPENDIX A — DESIGN RESPONSES TO PRIOR PLANNING REFUSAL. The original scheme, given the Planning reference 20/00092/FUL received a refusal on 20<sup>th</sup> March 2020. This scheme planning reference 20/01997/FUL which was refused 31<sup>st</sup> July 2020 includes design modifications made to address the reasons cited for refusal 20<sup>th</sup> March 2020. They are: -*

- 1. Private external amenity space has been increased to Flats 4 & 5 by enlarging balconies and an external balcony has been added to Flat 6.*
- 2. Redesign of the basement and ground floor plan layouts has been undertaken in order to provide access through the building at ground floor level to the rear external amenity space.*
- 3. An area of the external amenity space has been allocated for children's play.*
- 4. An additional parking space has been added.*

*In addition to the above, the appellant had taken note of a number of the planning case officer's comments from his report and further modified the design in line with these.*

*These are as follows: -*

- 1. Side privacy screening provided to all balconies to mitigate overlooking.*
- 2. Basement lightwell retaining walls have been stepped vertically and planting incorporated to improve outlook from the basement storey.*
- 3. Cycle storage has been increased to accommodate 10 cycles and shown as lockable.*
- 4. Drawings showing the boundary treatments to front and rear of the property have been incorporated.*
- 5. Flat 6, on the second floor has sufficient floor area and has therefore been reconfigured as a 384p apartment to ensure that there is no loss of family accommodation as defined in the London Plan.*

There are no amended drawings on the public access register for this application to support the Appendix A modifications. All documents available for assessment are dated 8<sup>th</sup> May 2020 so there is no record of any of these proposed changes as stated in the Appendix A, available for assessment prior to a determination or subsequently.

### Additional information:

#### Susceptibility to Flooding and provision of basement accommodation:

##### Croydon Local Plan:

	<b>Flood Zone 3a</b>	Highly vulnerable uses will not be permitted More vulnerable uses should set Finished Floor Levels a minimum of 300mm above the known or modelled 1% annual probability flood level (1 in 100 year) including climate change Basements dwellings will not be permitted	Required for all development unless allocated in the Croydon Local Plan 2018	Required for essential infrastructure and more vulnerable uses	All development
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#### London plan – HOUSING - SUPPLEMENTARY PLANNING GUIDANCE (MARCH 2016)

##### Basement extensions

**1.2.46 Paragraph 3.33** of the London Plan outlines the range of London Plan policies which should be taken into account when considering planning applications for **basement development**. Where subterranean extensions to existing dwellings pose planning policy (as opposed to enforcement/regulation) issues, boroughs are advised to consider the bearing of such development on London Plan policies addressing sustainable design and construction (5.3), retrofitting (5.4), overheating and cooling (5.9), flood risk (5.12), sustainable drainage (5.13), construction and demolition waste (5.18), water use and supplies (5.15), trees (7.12) and biodiversity (7.119). The Sustainable Design and Construction SPG outlines a range of issues and potential mitigation measures to consider in relation to basement development. This includes ground/surface water flooding, residential amenity, land stability, trees and archaeology which should be considered, together with the potential mitigation measures outlined<sup>64</sup>.

#### New Draft London Plan

#### consolidated changes version – Clean July 2019

##### Policy D9 Basement Development

- 3.9.4 The construction of **basements** can cause significant disturbance and disruption if not managed effectively, especially where there are cumulative impacts from a concentration of subterranean developments. **Large-scale basements** (i.e., those that are multi-storey and/or those that extend significantly beyond the existing building footprint) can cause particular issues, especially when located in residential or higher density mixed-use areas. Such basement development can impact on land and structural stability as well as causing localised flooding or drainage issues. The extent and duration of construction of large -scale basements can also lead to a large number of HGV trips, as well as noise and vibration issues, causing disturbance to local residents. Measures such as requiring Construction Method and Management Plans can help protect neighbours during construction. Other consents and regulatory regimes may also be involved, such as Environmental Health in regard to noise and contamination, and Highways in relation to licenses for skips and temporary structures.

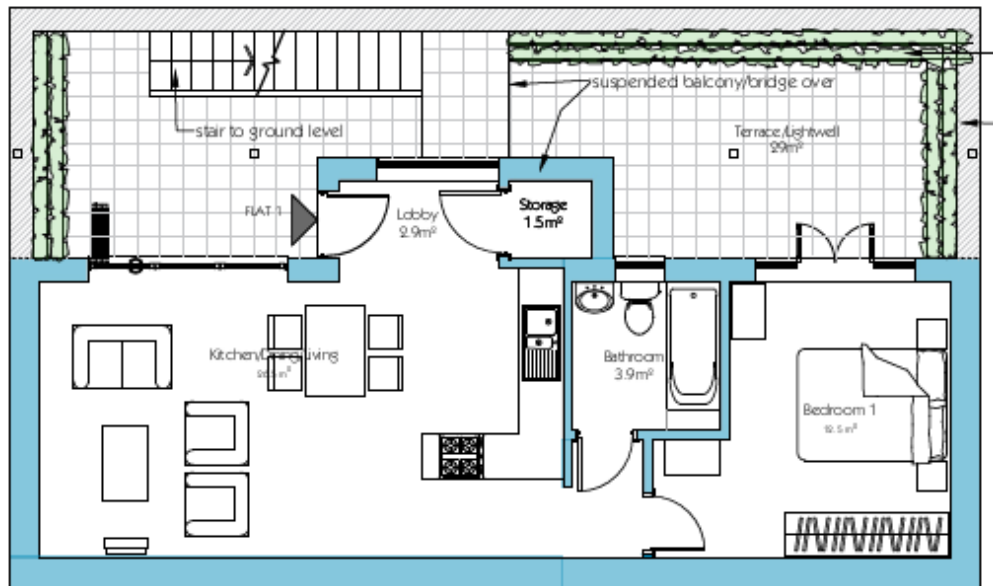


3.9.5 The Mayor supports boroughs in **restricting** large-scale **basement excavations** under existing properties where this type of development is likely to cause unacceptable harm. Local authorities are advised to consider the following issues, including any cumulative impacts, alongside other relevant local circumstances when developing their own policies for basement developments: local ground conditions; flood risk and drainage impacts; land and structural stability; protection of trees, landscape, and biodiversity; archaeology and heritage assets; neighbour amenity; air and light pollution; and the impacts of noise, vibration, dust and site waste. Where particular and cumulative flood risk issues exist, boroughs should consider restricting the use of basements for non-habitable uses. The Agent of Change Principle (Policy D12 Agent of Change) should be applied to basement development to limit the impact of ground-borne noise and vibration from existing uses and infrastructure. Further guidance will be provided in Supplementary Planning Guidance.

**Considering this proposed development will be available for accommodation well into the 21<sup>st</sup> century, with the threat of climate change and increases in precipitation and potential flooding, it would be inappropriate for approval of basement accommodation this close to an area of potential flooding, especially with sleeping quarters below ground level. A ‘flash flood’ during the night could have disastrous consequences.**







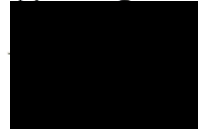
Basement Floor Plan

**Squeezing as much accommodation as possible into a site area, including an unnecessary basement accommodation, when such is not recommended so close to an area subject to flooding, should be challenged and probably refused on those grounds. Basement accommodation is unnecessary in these suburban localities and in such areas subject to underground streams such as 'The Chaffinch Brook'.**

Yours sincerely



Derek C. Ritson - I. Eng. M.I.E.T.  
Executive Committee - Planning.



Sony Nair – Chairman,  
Monks Orchard Residents' Association.

Cc:

Sarah Jones MP	Croydon Central
Cllr. Sue Bennett	Shirley North Ward
Cllr. Richard Chatterjee	Shirley North Ward
Cllr. Gareth Streeter	Shirley North Ward

Bcc:

MORA Executive Committee members  
Interested Parties & Local Residents

## APPENDIX A – RESIDENTIAL AND HOUSING DENSITIES RELATIONSHIP WITH PUBLIC TRANSPORT ACCESSIBILITY.

### Parameters:

Site Area	0.07	ha
Habitable Rooms	21	
Bed Spaces	16	
Dwellings	6	units
Average Density/Unit	3.5	hr/unit
Residential Density	300	hr/ha
Residential Density	228.57	bs/ha
Housing Density	85.71	u/ha
PTAL 2011	1b	1.33
PTAL 2031	1b	1.33

Table 3.2 Sustainable residential quality (SRQ) Density Matrix (habitable rooms and dwellings per hectare)			
TfL Webcat Accessing Transport Connectivity in London			
Setting	Public Transport Accessibility Level (PTAL)		
	0 to 1	2 to 3	4 to 6
Suburban	150-200 hr/ha	150-250 hr/ha	200-350 hr/ha (300.00 hr/ha)
3.8-4.6 hr/unit	35-55 u/ha	35-65 u/ha	45-90 u/ha
3.1-3.7 hr/unit (3.5 hr/unit)	40-65 u/ha	40-80 u/ha	55-115 u/ha (85.71 u/ha)
2.7-3.0 hr/unit	50-75 u/ha	50-95 u/ha	70-130 u/ha

The suburban setting extract of Table 3.2 (above right) provides ranges of densities (min-max range) appropriate for the suburban setting and available PTAL.

For analysis it can be assumed that the incremental ranges are 'linear' over the ranges for both Densities and PTAL.

Assuming a 'linear' incremental increase in Density and PTAL, the functions follow a straight-line graph of:  $y = mx + c$  where:

$y$  = density,  $m = \Delta y / \Delta x$  = slope,  $x$  = PTAL and  $c = y$  when  $x = 0$  ( $y$  intersect)

for Residential Density:

$$y = 300 = \left( \frac{350-200}{6-4} \right) x + c \quad \text{where } m = 150/2 = 75 = m$$

$c$  can be found from the max and min equations:

$$\begin{aligned}
 350 &= 75 * 6 + c \quad \text{and} \quad 350 = 450 + c \\
 200 &= 75 * 4 + c \quad \quad \quad 200 = 300 + c \\
 \text{Add} \quad 550 &= 750 + 2c \quad \quad 550 - 750 = 2c \quad c = -100
 \end{aligned}$$

Therefore, for Residential Density of 300hr/ha ( $y$ ) at a Suburban Setting would require a PTAL ( $x$ ):

$$y = 300 = 75x + (-100) :: 400 = 75x \quad \text{therefore } x = \text{PTAL} = 5.33$$

Similarly, for Housing Density:

$$y = 85.71 = \left( \frac{115-55}{6-4} \right) x + c \quad \text{where } m = 60/2 = 30 = m$$

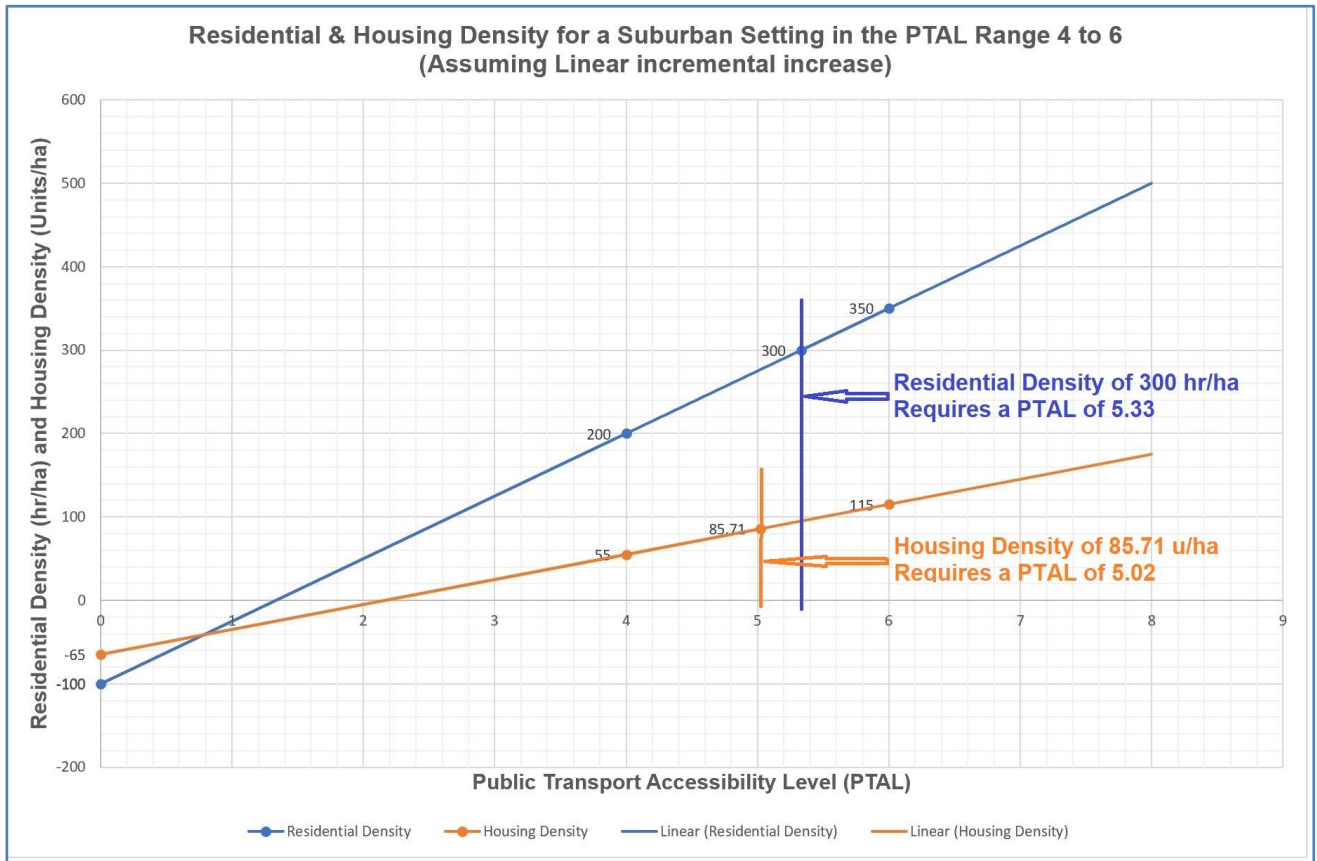
$c$  can be found from the max and min equations:

$$\begin{aligned}
 115 &= 30 * 6 + c \quad \text{and} \quad 115 = 180 + c \\
 55 &= 30 * 4 + c \quad \quad \quad 55 = 120 + c \\
 170 &= 300 + 2c \quad \quad 170 - 300 = 2c \quad c = -65
 \end{aligned}$$

Therefore, for Housing Density of 85.71u/ha ( $y$ ) at a Suburban Setting would require a PTAL ( $x$ ):

$$y = 85.71 = 30x + (-65) :: 150.71 = 30x \quad \text{therefore } x = \text{PTAL} = 5.02$$

The applicant has not provided any justification for not meeting the guidance of Table 3.2.



**Graphical Representation of the calculations above**

----- end -----