

Mr Christopher Grace - Case Officer
Development Management
6th Floor
Bernard Weatherill House
8 Mint Walk
Croydon
CR0 1EA

**Monks Orchard Residents'
Association - Planning**

16th June 2022

Emails: dmcomments@croydon.gov.uk
development.management@croydon.gov.uk
christopher.grace@croydon.gov.uk

Emails: planning@mo-ra.co
chairman@mo-ra.co
hello@mo-ra.co

Reference:	22/01806/FUL
Application Received:	Fri 29 Apr 2022
Application Validated:	Fri 29 Apr 2022
Address:	34 Woodmere Avenue Croydon CR0 7PB
Proposal:	Demolition of the existing property and the erection of two blocks of terraced houses, two storey buildings with accommodation in the roof space for three of the units, comprising of a total of four dwellings with six off street car, parking spaces.
Status:	Awaiting decision
Case Officer:	Christopher Grace
Consultation Date:	Fri 24 Jun 2022
Decision Deadline:	Fri 24 Jun 2022

Dear Mr Grace

Please accept this letter as a formal objection to Application Ref: 22/01806/FUL, for Demolition of the existing property and the erection of two blocks of terraced houses, two storey buildings with accommodation in the roof space for three of the units, comprising of a total of four dwellings with six off street, car parking spaces.

The Monks Orchard Residents' Association is registered with the Croydon LPA and represents approximately 3,800 households in the Shirley North Ward. We only object on grounds of 'non-compliance' to adopted or 'emerging' Planning Policies' or to clarify 'ambiguous or vaguely' worded policies that require interpretation appropriate for the individual proposal.



Proposed Development fronting Potters Close

1 Planning History:

This Application is a revised proposal subsequent to the **LPA refusal** of Ref: **21/02212/FUL** which is currently the subject of an Appeal to the **Planning Inspectorate Ref: PP/L5240/W/22/3293208**.

Ref: 21/02212/FUL | Demolition of the existing property and the erection of two storey terraced houses with accommodation in the roof space, comprising six dwellings with six off street car parking spaces. |

Permission Refused - Friday 21 Jan 2022

Appealed: Ref: APP/L5240/W/22/3293208 – Validated Start Date - 04 May 2022

Ref: 83/01672/P | Erection of seven, 4-bedroom houses with attached garages | Land R/O 34 & 36 Woodmere Avenue Shirley

Application Withdrawn - Tuesday 15 May 1984

Ref: 84/01378/P | Erection of a four-bedroom house and 5 bungalows with garages, formation of estate road | 36 & R/O 34 Woodmere Avenue Shirley

Permission Granted - Tuesday 05 Oct 1984

Ref: 85/00965/P | Erection of detached three-bedroom bungalow and detached double garage | R/O 34 Woodmere Avenue Shirley

Permission Granted - Friday 31 May 1985

2 Proposed Development Parameters:

34 Woodmere Avenue - Application Ref: 22/01806/FUL										hr/ha	Floor Area Ratio		0.55	
Dwellings	4 Units			Residential Density		224.72		hr/ha	bs/ha	Floor Area Ratio Req	<0.5			
Site Area	712 sq.m.			Residential Density		280.90		bs/ha	units/ha	PTAL (2011)	1a			
Site Area	0.0712 ha			Housing Density		56.18		unit/ha	hr/Unit	PTAL (2031)	1a			
Floor	Style (*)	Bedrooms	Bed Spaces	Habitable Rooms	GIA Offered	GIA Required	Built-In Storage offerd	built-in storage required	Private Open Space offered (Rear Garden)	Private Open Space offered (Front Garden)	Private Open Space (Required)	Car Parking Spaces	Probable Number of Adults	Probable Number of Children
Unit 1	Ground	Open Plan	0	0	2	86.6	70	1.5	2	67.5	93.5	6	2	1
	First	2b3p	2	3	2			0.6						
Unit 2	Ground	Open Plan	0	0	2	100.7	90	1.5	2.5	39	55.5	7	2	2
	First	3b4p	2	3	2			0.5						
	Second		1	1	1									
Unit 3	Ground	Open Plan	0	0	2	105.3	103	1.5	3	39	53.5	8	2	3
	First	4b5p	2	3	2			0.5						
	Second		2	2	2			1						
Unit 4	Ground	Open Plan	0	0	2	100.8	90	1.5	2.5	50	79.5	7	2	2
	First	3b4p	2	3	2			0.4						
	Second		1	1	1			Height?						
Totals			12	16	20	393	353	9	10	196	282	28	6	8
Note (*)		Open Plan Kitchen / Dining / Lounge = 2 Habitable Areas												

Tabulated parameters of the proposed Application

3 General Comments

3.1 Minimum Space Standards

3.1.1 The only non-compliance is Apartment 4 In-Built Storage capacity offered at 1.9sq.m. when the London Plan Policy D6 Table 3.1 requires 2.5 sq.m. for a **3b4p** Unit. The additional Storage on the second floor is not stated as it is understood has insufficient height to be considered.

3.1.2 All other Units meet the minimum Space Standards.

3.2 Gross Internal Area & Floor Area Ratio

3.2.1 The Floor Plans for **Apartment 1** indicate a **GIA** of **84.6m²** whereas the Design and Access Statement Document 4385027 indicates **Apartment 1 GIA** of **86.6m²**.

3.2.2 The Floor Area Ratio at 0.55 is slightly higher than the <0.5 required of the National Model Design Guide recommendation for Suburban Area Type Settings.

4 Parking

4.1 Car Parking:



Vehicle 2 Exit encroaches over end of public Road onto Private Driveway of #5 Pipers Gardens

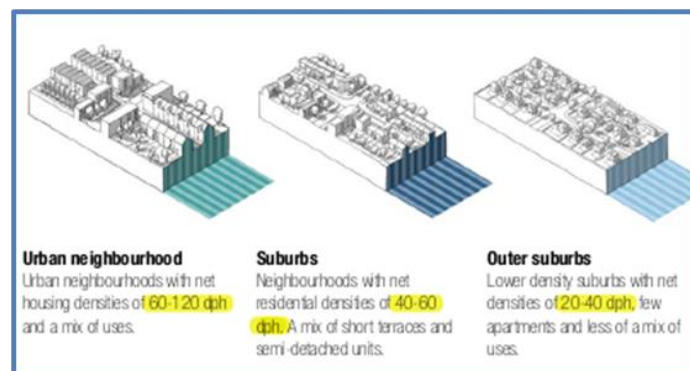


For Exiting vehicle #1, vehicle #3 must reverse onto the Private Driveway of #5 Pipers Gardens in order for Vehicle 1 to reverse out following the same path onto the private drive of #5 Pipers Gardens before exiting.

- 4.1.1 The total number of Parking spaces proposed are 6. However, Parking Space #1 could be blocked by a car parked in Bay #3 and a car parked in Bay #6 blocked by a vehicle parked in Bay #5. This configuration could result in very inconvenient situations requiring necessary double shunting to exit from these parking arrangements. This would be extremely inconvenient if the driver of the blocking vehicle were not available at the time required.
- 4.1.2 The swept path purports to show manoeuvres to enter and exit from bays #3 & #5 (#5 not shown in this illustration but provided). However, if the vehicle in Bay #1 needs to exit, it would be necessary for the vehicle in bay #3 to exit and make way for the vehicle in Bay #1 to exit. The Bay #3 vehicle would follow the swept path as shown and park in the front drive of #5 Pipers Gardens but would still block the path of vehicle #1 from following the same path to exit. Vehicle #3 would need to back up by a further vehicle length in the front private drive of #5 Pipers Gardens to allow vehicle #1 to fully exit from the new position in bay #3. It is extremely unlikely that the owner occupant of #5 Pipers Gardens would accept this arrangement. We are of the view that such an arrangement, for the life of the development, is unacceptable to the owner/occupier of #5 Pipers Gardens.
- 4.1.3 A similar situation applies to Bays #6 & #5 but there is greater distance for this manoeuvre to be undertaken without recourse to using the private driveway of #5 Pipers Gardens. However, this double shunting arrangement remains an inconvenience if the owner of the blocking vehicle is unavailable. There would be additional difficulties if any other vehicle were also parked outside Nos 1 to 3 Pipers Gardens.
- 4.1.4 We consider the parking arrangement to be inappropriate and unacceptable and could cause neighbour disputes.

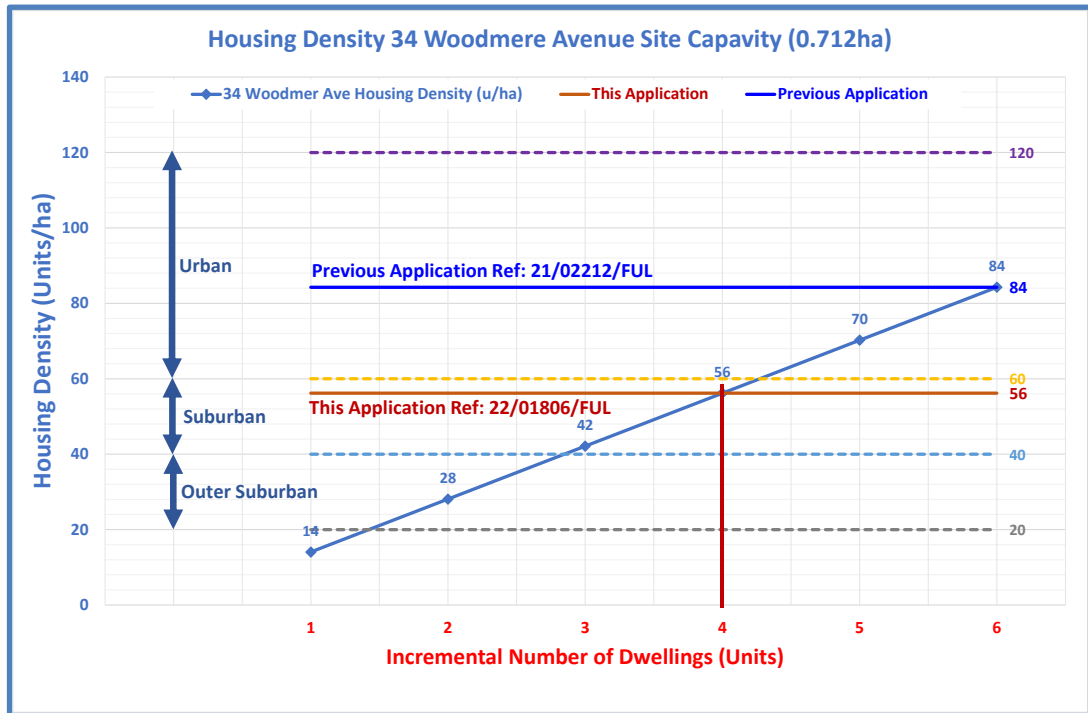
5 Site Capacity

- 5.1 The previous application failed to address the Site Capacity requirements as defined by the National Model Design Code & Guidance. However, this proposed revised Application does address those concerns and reduces the Housing Density from 6 units @ 84.77 U/ha to 4 Units @ 56.18U/ha and Residential Density of 397.21hr/ha or 421.35 bedspaces/ha to 224.72 hr/ha or 280.90 bedspaces/ha.
- 5.2 National Model Design Code & Guidance (NPPF para 128 &129)



**National Model Design Code & Guidance Referenced from
Paras 128 & 129 of the NPPF**

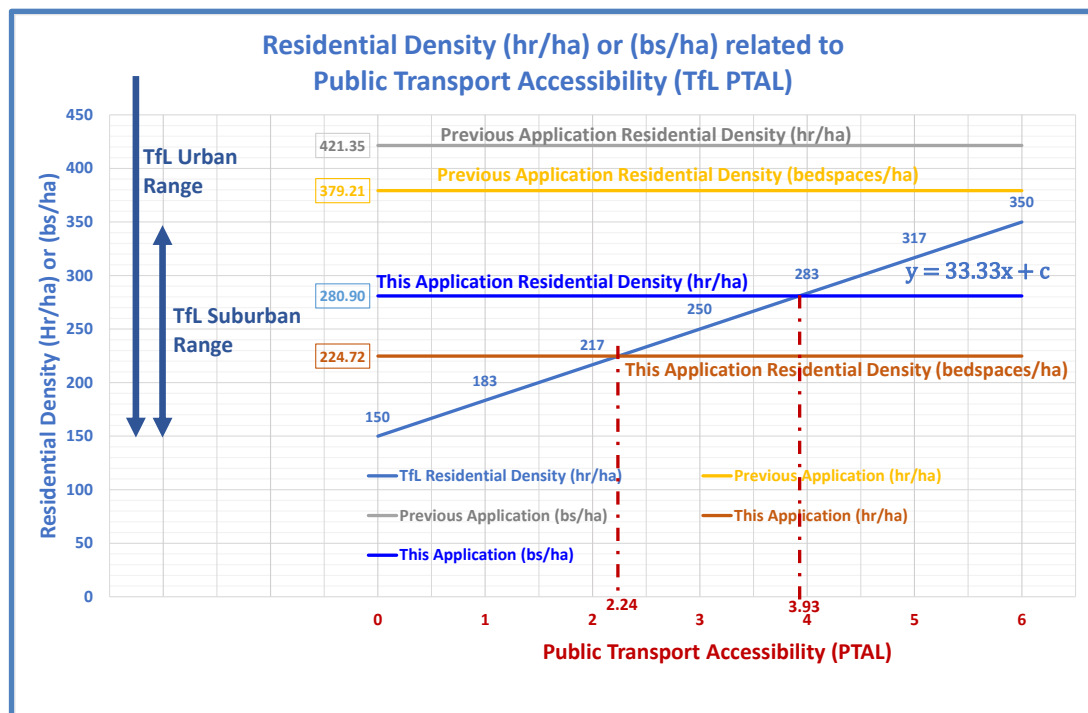
5.2.1 Design Code Housing Density



Comparison of previous and current proposal Housing Density (U/ha)

5.2.2 The current proposal is within the **Suburban Housing Density** as defined by the **National Model Design Code & Guidance** for the Area Type Setting “Suburban”.

5.2.3 Design Code Residential Density (hr/ha & bedspaces/ha)



Comparison previous and this proposals Residential Density in relation to PTAL

5.2.4 Assuming the TfL suburban density¹ range is linear, the above graphical illustration shows the required PTAL to support the proposed developments **Residential Density** in hr/ha or bedspaces/ha. Although the new proposal has a lower **Residential Density** than the previous refused application, it still requires a PTAL of **2.24** appropriate for a residential Density of 224.72 bedspaces/ha, or for a PTAL of **3.93** for a Residential Density of 280.90 hr/ha, when the available PTAL is only **1a** on a scale 0 to 6b.

6 Roof Form

6.1 All roof forms in Pipers Gardens are Side Gabled roofs with the Gable Ends facing North/South whereas those of the proposed development are Front Gabled with the Gable ends facing East/West. The roof forms would therefore seem unsuitable to at this location and would not respect the existing roof forms and character of the area.

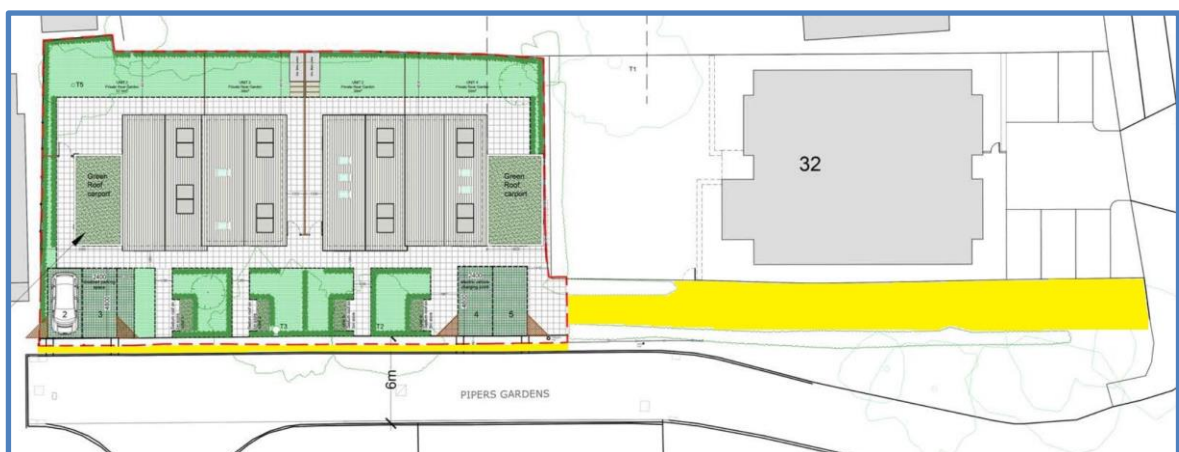
7 Access and Boundary

7.1 The plans indicate that pedestrian access is directly in front of the four Dwellings with absolutely **no privacy from the kitchen windows**. Passers-by could quite easily peer into the kitchen accommodation from the footpath. This is an unacceptable invasion of privacy.

7.2 It is understood that the width of a public footpath should be 1.2m metre which should be provided for a public pedestrian footpath to ensure safe passage for the disabled, wheelchair users accessibility and the visually impaired to have guided assistance. The footpath in front of the proposed development meets this requirement and is $\approx 1.5\text{m}$ for the majority of the length but is restricted to $\approx 1.2\text{m}$ fronting Unit 3.

8 Access & Ownership Issues

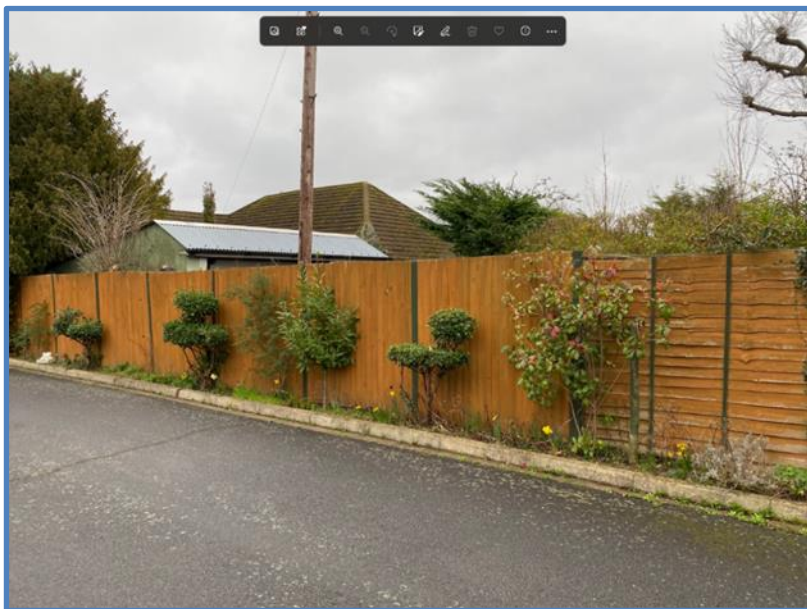
8.1 We are not fully aware of the complete history but presumably the reason this site is recognised as **34 Woodmere Avenue** is due to access since inception, via the single pathway from Woodmere Avenue and **NO access whatsoever from Pipers Gardens**. Otherwise, the Address for the Site would have been **6 Pipers Gardens** from the outset.



Site Layout Plan showing RED dotted line Site boundary and disputed ownership 'Ransom Strip' and Access Footpath entrance from Woodmere Avenue (highlighted)

¹ <https://content.tfl.gov.uk/connectivity-assessment-guide.pdf>

- 8.2 The developer has NOT claimed ownership of this pathway as it is **NOT** within the **RED** line boundary of the 'Development Site', but the developer is assuming pedestrian access will be retained to the site by this route (**Highlighted** in the above illustration). We challenge this issue as it is not identified as part of the development proposal on the certification of ownership² on the Planning Application form. The development Site is identified by the Red dotted Line Boundary on the "Layout Plan". We question this Pedestrian Access viability as it is NOT within the responsibility of the Development or new owners of the proposed development and therefore could become and an uncontrolled area not maintained by the Council.
- 8.3 34 Woodmere Ave. is part of the registered title SGL248535. In addition, the local residents are claiming the strip of land between the kerbstones of Pipers Gardens and the **RED** boundary line (**Highlighted**) by "**Adverse possession**" over many years by cultivation and tending the said Land. All owners of 1 to 3 Pipers Gardens, have without interruption maintained the shrubs and ground for the last **23 years**. The Access to the Development Site from Pipers Gardens relies on the acquisition and use of this small strip of land opposite 1, 2 and 3 Pipers Gardens, for access to the new houses and to create car parking spaces. Unless the developer can prove acquisition of this strip of land, there is **NO legal Access to the site from Pipers Gardens**. It is believed this strip of land contains two Lampposts, and therefore could actually be owned by the Council.



View of Boundary Fence enclosing 34 Woodmere Avenue and strip of land between the Boundary Fence and Pipers Gardens kerbstones.

- 8.4 The Application Form 'Certificate Of Ownership - Certificate B' does not clarify the ownership of the area of land between the Site Boundary and the kerbstones of Pipers Gardens to which access is required to the Site and dropped kerbs for parking. It also does not include the original pathway access to the original 34 Woodmere Avenue. These issues

² https://publicaccess3.croydon.gov.uk/online-applications/files/D51FA99DB9BCDFE252A16C2E56095ACF/pdf/22_01806_FUL-APPLICATION_FORM_-_WITHOUT_PERSONAL_DATA-3485014.pdf



may be “Civil” and not Planning matters but the access to the development site is a condition of feasibility of development.

- 8.5 The Design and Access Statement assumes the Front gardens contribute to the amenity space of the dwellings, but the configuration depicted on the Site Plans does not support that assumption.

9 Summary and Conclusions

9.1 Space Standards

- 9.1.1 The only non-compliance is Apartment 4 In-Built Storage capacity offered at 1.9sq.m. when the London Plan Policy D6 Table 3.1 requires 2.5 sq.m. for a **3b4p** Unit. The additional Storage on the second floor is not stated as it is understood has insufficient height to be considered. All other Units meet the minimum Space Standards.
- 9.1.2 The Floor Plans for **Apartment 1** indicate a **GIA** of **84.6m²** whereas the Design and Access Statement Document 4385027 indicates **Apartment 1 GIA** of **86.6m²**.
- 9.1.3 The Floor Area Ratio at **0.55** is slightly higher than the <0.5 required of the National Model Design Guide recommendation for Suburban Area Type Settings.

9.2 Parking

- 9.2.1 There is a significant issue regarding Parking relating to bays #1 and #6 being blocked by vehicles parked in Bays #3 and #5.
- 9.2.2 The requirement to enter and park on the private Driveway of #5 Pipers Gardens when exiting bays #1, #2 or #3 is totally unacceptable.
- 9.2.3 There would be additional difficulties, if any other vehicle were parked outside Nos 1 to 3 Pipers Gardens to exit from bay #5 or #6.

9.3 Design Guide Densities

- 9.3.1 The Design Guide Housing Density has been reduced from Urban to within the range for a Suburban Area Type Setting.
- 9.3.2 The Design Guide Residential Density has been reduced from Urban to within range of a Suburban Area Type Setting although would require a PTAL of **2.24** appropriate for a residential Density of 224.72 bedspaces/ha, or for a PTAL of **3.93** for a Residential Density of 280.90 hr/ha, when the available PTAL is only **1a**.

9.4 Access & Boundaries

- 9.4.1 The plans indicate that pedestrian access is directly in front of the four Dwellings with absolutely no privacy from the kitchen windows. Passers-by could quite easily peer into the kitchen accommodation from the footpath. This is an unacceptable invasion of privacy.
- 9.4.2 The pedestrian access from Woodmere Avenue is NOT within the scope of this proposal as it is outside the boundary of the proposal. However, there are reasonable questions on the viability of this access as the area has undefined responsibility. The previous owner of 34 Woodmere Avenue undertook responsibility for its upkeep as it was the only access to the dwelling and was the reason for its designation as 34 Woodmere Avenue and not no. 6 Pipers Gardens.



9.4.3 This pedestrian access could become a public footpath if the Council obtained ownership but the Land Registry needs to confirm whether the area is retained as 34 Woodmere Avenue or passed to the developer as part of the transaction to purchase the land from the previous owner of 34 Woodmere Avenue. This is not explained in the supplied documents of the Certification B on the Application Form.

9.4.4 There is a strip of land between the kerbstones on the East side of Pipers Gardens fronting the development Site but outside the Site Boundary. Ownership of this strip of land is of significance as if not part of the development area, and owned by a third party, the strip would preclude any access to the site from Pipers Gardens. These issues may be "Civil" and not Planning matters but the access to the development site is a condition of feasibility of development.

10 Conclusions

10.1 The foregoing representation provides substantial evidence to support a refusal of this proposal pending further consideration of access and boundary issues.

10.2 We urge the Case Officer to refuse this proposed development for the reasons stated above.

10.3 Please register this submission as Monks Orchard Residents' Association (Objects) to this proposed development.

Kind regards

Derek



Derek C. Ritson I. Eng. M.I.E.T.
MORA – Planning
Email: planning@mo-ra.co



Sony Nair
Chairman MORA
Monks Orchard Residents' Association.
Email: chairman@mo-ra.co

Cc:

Sarah Jones MP
Cllr. Sue Bennett
Cllr. Richard Chatterjee
Cllr. Mark Johnson

Croydon Central
Shirley North Ward
Shirley North Ward
Shirley North Ward

Bcc:

MORA Executive Committee, Local affected Residents & Interested Parties