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**26<sup>th</sup> June 2023**

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TOWN AND COUNTRY PLANNING ACT 1990

Appeal (W) under Section 78

Location: 211 Wickham Road, Croydon CR0 8TG

Appeal Ref: APP/L5240/W/23/3318858

LPA Application Ref: 23/00231/FUL

Proposal: Demolition of existing structures to the rear of 211 Wickham Road and erection of a two-storey building containing four dwellings (1 x 3 bed and 3 x 1 bed flats) with associated parking and refuse storage.

Consultation Close: 21 Jul 2023

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Dear Jessica Lumber- Case Officer

Please accept this representation from the **Monks Orchard Residents' Association (MORA)** as a request for this Appeal to be **Dismissed** on the grounds as stated in the following submission.

We fully support the Local Planning Authority (LPA) Case Officer's Report and provide the following analysis to support the Delegate Committee agreed report of 16th March 2023. We objected to the proposal in our submission to the LPA of which you should have received a copy, if not we could supply a copy on request.

We have concentrated our submission on known adopted or emerging policies from local to National Level none of which can be disputed or discounted. The reasons supporting our written representation therefore are of authoritative significance rather than any subjective interpretation or vague statements by the Appellant.

We have structured this representation on the grounds of the **LPA's Reasons for Refusals and the Appellant's responses as listed in the Appellant's "Statement of Case."**

**Our comments relate to compliance to adopted or emerging Planning Policies** as published in the **NPPF** (July 2021), the **National Model Design Codes and Guidance** (Jan & June 2021) by the **Department of Levelling Up, Communities & Housing (DLUCH)**, the **London Plan** (March 2021), the **Croydon Local Plan** (2018) and the **Revised Local Plan** (Dec 2021). Where appropriate we have referenced **Planning Guidance documents**.

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## 1 LPA Refusal

- 1.1 **Refusal 1:** The proposal would result in a poor design with the inclusion of recessed balconies which would fail to enhance and sensitively respond to the existing character and the appearance of properties along Ridgemount Avenue. The proposal is therefore contrary to policies D3 and D4 of the London Plan 2021 and Policy DM10 of the Croydon Local Plan 2018.
- 1.2 **Refusal 2:** The proposal would result in a poor standard of amenity with no communal amenity space and play-space, which is flexible, multifunctional, accessible. and inclusive. The proposal is contrary to Policies D3, D6 of the London Plan 2021 and Policy DM10 of The Croydon Local Plan 2018.
- 1.3 **Refusal 3:** The proposed refuse and cycle storage facilities, by reason of design, size and capacity would be contrary to Policies T4, T5 of the London Plan 2021 and Policies DM10 and DM13 of the Croydon Local Plan (2018).

## 2 Observations

- 2.1 It is our understanding that each Planning Application proposal presented to the LPA should be determined on the basis of its individual merits and assessed against the current adopted and emerging National, Regional and Local Planning Policies, and not on previously approved local decisions. To challenge a determination on grounds of other approvals setting a precedent, ignores the revisions and modifications to reflect evolutionary changes in Planning Policies over time in the determination of applications and the evolution of the Planning process.
- 2.2 If all decisions had to reflect earlier precedents, Planning Policy evolutionary changes would become virtually ineffectual, and the evolution of Planning Policies would not be possible.

## 3 Planning Policy Hierarchy

- 3.1 There is a hierarchical structure of Planning policies and guidance, covering national, sub-national, local and neighbourhood planning. These currently include:
- The National Planning Policy Framework (2021)
    - Regional Plans were abolished under the Localism Act of 2011 and replaced by a Duty to Co-operate among local authorities.
    - Planning Guidance, published by the Department for Levelling Up, Communities & Housing (DLUCH)
  - The London Plan (2021)
    - London Plan Supplementary Planning Guidance LPGs
  - Local Development Plans (2018)
    - Local Supplementary Planning Guidance
  - Neighbourhood Plans (none for this area: Shirley North Ward)

3.2 It is understood any Supplementary Planning Guidance is advisory and has weight below the relevant referenced Policy document level.

## 4 Assessment

### 4.1 LPA Refusal Reason 1.

4.1.1 **Reason 1:** The proposal would result in a poor design with the inclusion of recessed balconies which would fail to enhance and sensitively respond to the existing character and the appearance of properties along Ridgemount Avenue. The proposal is therefore contrary to policies D3 and D4 of the London Plan 2021 and Policy DM10 of the Croydon Local Plan 2018.

#### 4.1.2 **Appellant's Response:**

4.1.2.1 ***We disagree with the above reason for refusal, and they are follows.***

- a) *In terms of design elements, this proposal includes recessed balconies at first floor level as the previous Inspectors report considered projecting balconies with the 2m high glass screens to their outer edge as appearing visually prominent on the front elevation and accordingly disrupting the pleasant uniformity of the street scene, being at odds with the established character of Ridgemount Avenue.*
- b) *Based on recent approval granted for similar development with recessed balconies in the area at 158 Wickham Road, 104 Wickham Road and 141B Wickham Road CR0 8TE (Ref No: 19/04699/FUL) as stated above and below, recessing this element would not result in development which is at prevailing pattern of houses along Ridgemount Avenue. The openings would fit into the characteristic and would maintain the uniformity of the existing properties along Ridgemount Avenue. The inclusion of recessed balconies prevalent in recent development in the area would constitute a congruous feature within the streetscene. The proposal would therefore comply with London Plan (2021) Policy D3 and Croydon Local Plan policies SP4 and DM10.4a.*

#### 4.1.3 **MORA Response to Appellant's Reason 1.**

4.1.3.1 In response to **Item a)**: There are no balconies adjacent to the proposed development, or any local dwellings in Ridgemount Avenue. The proposal is **forward** of the existing **Building Line of Ridgemount Avenue** and the Balconies would present an imposing overlooking perception to passing pedestrians incongruent to the local character. The proposal would remain at odds with the established character of **Ridgemount Avenue**.

4.1.3.2 We have no further constructive comment relating to **Item b)** other than our comment at **para 2** above.

## 4.2 LPA Refusal Reason 2.

4.2.1 **REASON 2:** The proposal would result in a poor standard of amenity with no communal amenity space and playspace, which is flexible, multifunctional, accessible, and inclusive. The proposal is contrary to Policies D3, D6 of the London Plan 2021 and Policy DM10 of The Croydon Local Plan 2018

4.2.2 **Appellant's Response:**

4.2.2.1 We disagree with the above reason for refusal, and they are follows.

- c) *Private amenity spaces have been provided for the first-floor flats (flat 2 & 4) with direct access to the recessed private balconies. Flats 3 (1b1P) & 1 (3b4P) will have direct access to their private amenity space. Flat 2 has an amenity area of 5.3sqm, flat 4 has an amenity area of 5.3sqm, flat 1 has an amenity area of 37.2sqm and flat 3 has an area of 20.8sqm, respectively.*
- d) *Children play area has not been provided separately because only flat 1 which would have three bedroom and could provide family accommodation and enough amenity space of 37.2 sqm has been provided.*
- e) *In terms of providing children play area elements, the previous Inspectors report dismissed this as the inspector report stated that 'Flat 1, which would have three bedrooms and could provide family accommodation, would also have some private garden space provided to the rear. While this is likely to be heavily enclosed by the boundary treatments, it would nonetheless provide an area of outdoor space directly accessible from the flat and which is of ample size to accommodate paraphernalia as may be required by future occupants'.*
- f) *In light of the previous Inspector report, the non-inclusion of communal amenity or play space would not be contrary to policies DM10.4(d) and DM10.5 and London Plan policies D4 and D6 and Local Plan Policy DM10.5.*

4.2.3 **MORA Response to Appellant's Reason 2.**

4.2.3.1 In response to **Item c)**: After re-evaluation we have updated our parameter analysis to include the recent London Plan Supplementary Planning Guidance – Housing Design Standards to include the revised Minimum Space Standards at Table A1.1. This LPG was first published in February 2022 and the final version was published in June 2023. As This Application proposal was received by the LPA and Application Validated on Thu 19 Jan 2023, this Supplementary Planning Guidance was an emerging policy which gained weight the nearer to official publication. Therefore, the Best Practice Guidance should have been anticipated in early 2023 as an emerging Policy to be considered for proposals at the time of submission to the LPA.



4.2.3.2 The proposal does not meet the **Best Practice Guidance**.

Flat 1 GIA is **deficient** by **9.7 sq.m**

Flat 2 GIA is **deficient** by **2.8 sq.m.** and **deficient** by **0.5 sq.m** Built-In Storage.

Flat 3 GIA is **deficient** by **4.0 sq.m.**

Flat 4 GIA is **deficient** by **2.8 sq.m.** and **deficient** by **0.5 sq.m** Built-In Storage.

211 Wickham Road				Ref: 23/00231/FUL				Post Code CR0 8TG					
Units	4			Residential Density	216.05 bs/ha					Floor Area Ratio (FAR)	0.58		
Site Area	324 sq.m.			Residential Density	262.35 hr/ha					Plot Area Ratio	0.42		
Site Area	0.0324 ha			Housing Density	123.46 u/ha					PTAL	2 2011		
Building Footprint	135.10 sq.m.			Occupancy	1.75					PTAL	2 2031		
Unit	Floor	Bedrooms (b)	Bed Spaces (bs)	Habitable Rooms (hr)	GIA Provided (D&A)	GIA Required (Table 3.1)	GIA LPG Table A1.1 (Best Practice)	Built-In Storage Provided (**)	Built-In Storage Required (Table 3.1)	Built In Storage LPG Table A1.1 (Best Practice)	Private Amenity Space Provided	Private Amenity Space Required	Car Parking
Flat 1	Ground	3	4	4.0	74.3	74	84	3.4	2.5	3.0	37.3	7.0	3
Flat 2	First	1	1	1.5	38.2	37	41	1.0	1.0	1.5	15.4	5.3	
Flat 3	Ground	1	1	1.5	37.0	37	41	1.6	1.0	1.5	20.8	5.0	
Flat 4	First	1	1	1.5	38.2	37	41	1.0	1.0	1.5	15.4	5.3	
<b>Total</b>		<b>6</b>	<b>7</b>	<b>8.5</b>	<b>187.7</b>	<b>185.0</b>	<b>207.0</b>	<b>7.0</b>	<b>5.5</b>	<b>7.5</b>	<b>88.9</b>	<b>23</b>	<b>3</b>
(*)	Flats 1 & 3 Built-In Storage 1.6sq.m. Under Stairs would have height limitations.												
(**)	Flat 3 Built In Storage not fully defined (Space indicated but area not specified)												
Site Area	As stated on Proposed Block Plan Drawing No. 02/D												

4.2.3.3 In response to **Item d)**: Flat 1 (3b4p) would probably have two children which would require **20sq.m.** Therefore, the available Play Space of **37.3sq.m.** is acceptable. (The Appellant has reversed Flats 1 & 3 in the grounds of appeal to the designations in the proposal documentation).

4.2.3.4 We have no further constructive comments in relation to Items e) & f).

**4.3 LPA Refusal Reason 3.**

4.3.1 **REASON 3** The proposed refuse and cycle storage facilities, by reason of design, size and capacity would be contrary to Policies T4, T5 of the London Plan 2021 and Policies DM10 and DM13 of the Croydon Local Plan (2018).

4.3.2 **Appellant's Response:**

4.3.2.1 **We disagree with the above reason for refusal, and they are follows.**

- f) **Contrary to officer report details have been provided with regard to the existing commercial premises, as stated above, as a result of the proposed development, the existing commercial premises of operation would be changed. For example, the existing commercial premises would now be for use "by a desk – based built environment professional (such as an architect or a quantity surveyor practice or similar approved"**
- g) **The proposal has placed residential refuse storage (8 bins) with cycle storage (8 cycles) together within a single integrated enclosure. This level of cycle parking provision exceeds the standard set out within the London Plan. Contrary to officer report, the space provided can accommodate 4 x 180ltr landfill bins, 4 x 240ltr recycling comingled recycling bins, 4 x 240ltr paper & card recycling bins, 4 x external food caddies (in addition to 4 x internal food caddies) as well as the cycle parking.**



- h) In terms of the refuse and cycles elements, contrary to the appeal site case officer report, the previous report prepared by the same case officer Mr Christopher Grace showing the same refuse and cycles on proposed plan stated that 'The development would provide eight secure cycle parking spaces and a refuse area to the southern side of the building accessible via a gate. This level of cycle parking provision exceeds the standard set out within the London Plan, but it isn't clear how the spaces would be laid out to provide covered, secure, and easily accessible spaces. However, if otherwise acceptable details of the bin and cycle stores could have been secured by condition'.
- i) In the light of the above statement by the Local Authority, the previous Inspectors report did not classify this as a consideration in the appeal.
- j) As stated above and shown of revised proposed plan (not part of the submitted plans to the Council) can accommodate the required bins and cycle parking required and therefore, the proposed refuse and cycle storage facilities, by reason of design, size and capacity would not be contrary to Policies T4, T5 of the London Plan 2021 and Policies DM10 and DM13 of the Croydon Local Plan (2018).

#### 4.3.3 **MORA Response to Appellant's Reason 2.**

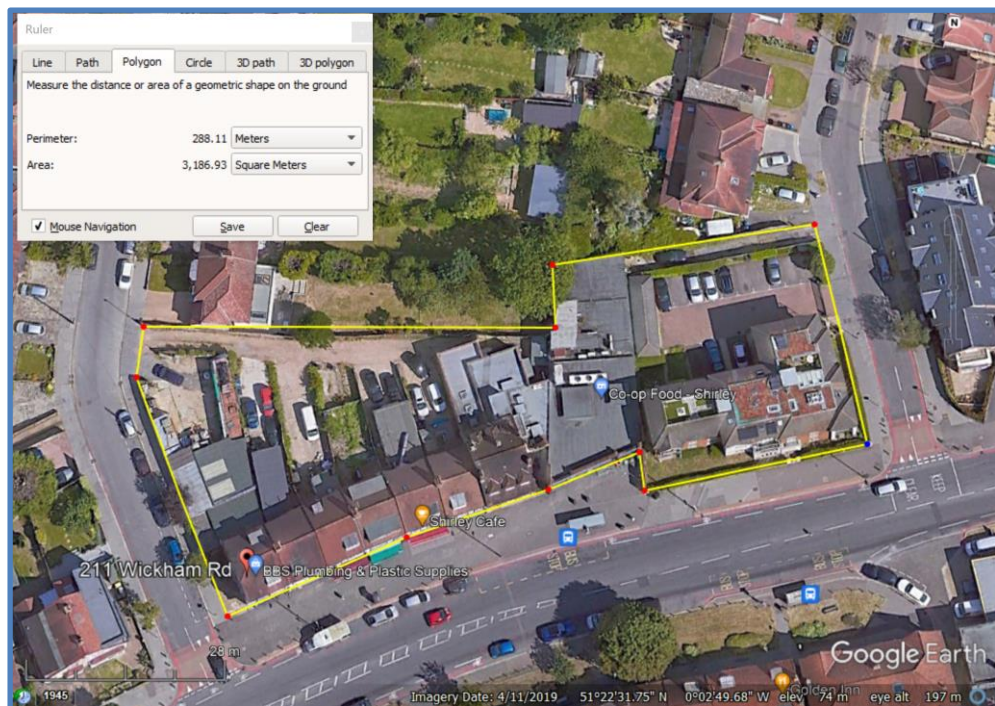
- 4.3.3.1 In response to **Item f)**: The Usage of the retained Host Dwelling was not explained in the original proposal and there were no suggestions for a Change of Use. However, this issue has highlighted the required Policies resultant on the partitioning of the existing Amenity Space. Croydon Plan Policy **DM10.4 e)** states: *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.* The retained amenity space for 211 Wickham Road is listed as **41.5sq.m.** which **clearly fails the Croydon Plan Policy DM10.4 e).**
- 4.3.3.2 In response to **Item g)**: The access to the Bin Store at only **1.25m** wide. On collection days operatives of the Refuse vehicle will need to remove all bins for emptying into the refuse vehicle and the limited access will result in some congestion of this activity.
- 4.3.3.3 In response to **Item h)**: After re-evaluation we have re-assessed the access to the proposed cycle store at **1.25m** width past the refuse bins. However, to access a cycle in the furthest bay with all other bays occupied would be virtually impossible as the existing stored cycles significantly reduce access to within **≈60 to 70cm** width. To extract the furthest stored cycle physically from its bay and carry or wheel it out of the stored space would be a major task without possible injury.
- 4.3.3.4 In response to **Item i)**: It is inappropriate to assume that as an inspector did not comment on an aspect of a previous refused application at appeal, assessed on policies relevant at the time of that application's submission, that it should influence this later proposal determination. This proposal should be assessed on the Policies relevant at the time of this proposal's submission.

4.3.3.5 In response to **Item j)**: see our responses to **f) to h)** above.

## 5 General Reasons for a Dismissal.

### 5.1 Local Area Design Code Assessment

5.1.1 The assessment of the local **Design Codes** against the local character requires the local **Area Type** to be defined in order to have some parameters to compare with the proposal. The most obvious parameter evaluation is to relate the Application proposal's parameters with those of the local **Post Code CR0 8TG**.



**Google Earth Image of Post Code CR0 8TG**

5.1.2 The local **Post Code CR0 8TG** has a population of **17<sup>1</sup>** in an Area of **≈3186.93sq.m.** **≈0.3187ha** and **8 dwellings** from **211a Wickham Road** to **223a Wickham Road.**<sup>2</sup> The Valuation Office Agency (VOA) has deleted the Flat over the Shop at 211 Wickham Road from the Last updated list on 14 June 2023.

5.1.3 These parameters are assessed to establish the **Local Post Code Area Design Codes** and using the interactive excel spreadsheet, the **Area Type** is shown to be **Outer Suburban** as defined by the **National Model Design Code** and **Guidance Area Type** Setting. (i.e., in the range 40 to 60 Units/ha).

<sup>1</sup> <https://www.postcodearea.co.uk/>

<sup>2</sup> <https://www.gov.uk/council-tax-bands>



5.1.4 **Post Code Design Code Assessment.**

National Model Design Code Parameters of Post Code CR0 8TG					
Area Design Code Parameter		Input Parameters		Constrains	
(These parameters auto calculated Design Code)					
Post Code	CR0 8TG			Ward	Shirley North
Area of Post Code (ha)	0.3187	hectares		Flood Risks	1000yr Flood Risk
Area of Post Code (Sq.m)	3186.93	sq.m.		Gas Pressure	Low Pressure
Number of Dwellings (Units) (*)	8	Units		Water Pressure	N/A
Number of Occupants (Persons)	17	Persons		HASL (m)	67m
Post Code Housing Density	25.10	Units/ha		Building Line Set-Back	=7m (Ridgmount Ave)
Post Code Average Occupancy	2.13	Persons/Unit			
Post Code Residential Density	53.34	Bedspaces/ha			
Post Code Area Type	Outer Suburban	Area Type Setting			
(*) Last updated on 19 February 2023					
National Model Design Code Parameters			Min	Max	Measure
Area Type (Outer Suburban, Suburban or Urban)	Outer Suburban		20	40	Units/ha Range
Equivalent Residential Density (Persons/ha)	Outer Suburban		47.2	94.4	Persons/ha Range
<a href="https://www.statista.com/statistics/295551/average-household-size-in-the-uk/">https://www.statista.com/statistics/295551/average-household-size-in-the-uk/</a>					
"Growth"		U/ha	bs/ha		
Gentle Intensification (33%)	(U/ha & bs/ha)	26.67	62.93	Limits Intensification	
Moderate Intensification (66%)	(U/ha & bs/ha)	33.33	78.67	Limits Intensification (Innapropriate)	
Focussed Intensification (100%)	(U/ha & bs/ha)	40.00	94.40	Limits Intensification (Innapropriate)	
PTAL (now)	2.00	53.33	125.87	Limits for PTAL	
PTAL (forecast 2031)	2.00	53.33	125.87	Limits for PTAL	
PTAL Required to Support Residential Density	0.16		53.34	Limits for Area Type	Outer Suburban

**Post Code Design Code Assessment**

5.1.5 **The Application Proposal Design Code Assessment.**

Application Design Code Parameters					
Application Details			Calculated Assessments:		
Appeal Application	Ref: 23/00231/FUL		Housing Density	123.46	Units/ha
Address:	211 Wickham Road		Residential Density	216.05	bs/ha
Appeal Reference:	APP/L5240/W/23/3318858		Residential Density	277.78	hr/ha
Post Code:	CR0 8TG		Floor Area Ratio	0.58	#
			Plot Area Ratio	0.42	#
			Occupancy	1.75	
Input Parameters			National Model Design Code:		
Site Area (sq.m.)	324.00	sq.m.	Area Type Setting (Units/ha)	Central	120.00 >120
Site Area (ha)	0.0324	hectares	Area Type Setting (Bedspaces/ha)	Urban	141.60 >23.20
Units (Dwellings)	4	Flats			
Bedrooms	6	br	Public Transort Accessibility:		
Bedspaces	7	bs	PTAL (Current)	2.00	>6 188.80
Habitable Rooms	9	hr	PTAL (Forecast)	2.00	>6 188.80
Number of Floors/Dwelling	1	#	PTAL To Support Residential Density	4.29	
Gross Internal Area (GIA) Offered	187.70	sq.m.			
Gross Internal Area (GIA) Required	185.00	sq.m.	Intensification:		
Building Line Set-Back	Challenged	metres	Gentle Intensification	33%	>120 188.80
Footprint Area	135.10	sq.m.	Moderate Intensification	66%	>120 236.00
			Focussed Intensification	100%	>120 283.20

**The assessment of the Proposed Applications Design Codes.**

5.1.6 Comparison between the **Local Post Design Codes** and the **Application Proposal Design Codes** for Assessment of comparable acceptability.

Difference between Post Code & Proposed Application (Design Codes)					
Post Code Housing Density	25.10	U/ha	Area Type Setting	Outer Suburban	
Application Housing Density	123.46	U/ha	Area Type Setting	Central	
Percentage (Increase)	391.87%				
Post Code Residential Density	53.34	bs/ha	Area Type Setting	Outer Suburban	
Application Residential Density	216.05	bs/ha	Area Type Setting	Urban	
Percentage (Increase)	305.04%				
Post Code Required PTAL	0.16				
Application Required PTAL	4.29				

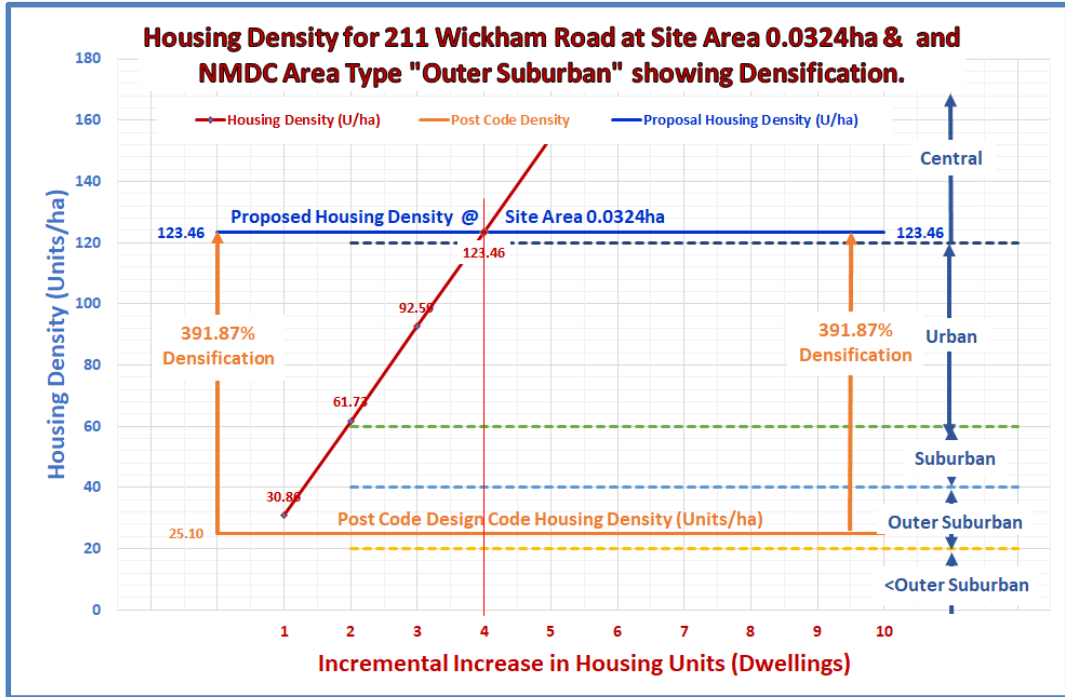
**Comparison between Post Code & Application proposal Design Codes.**



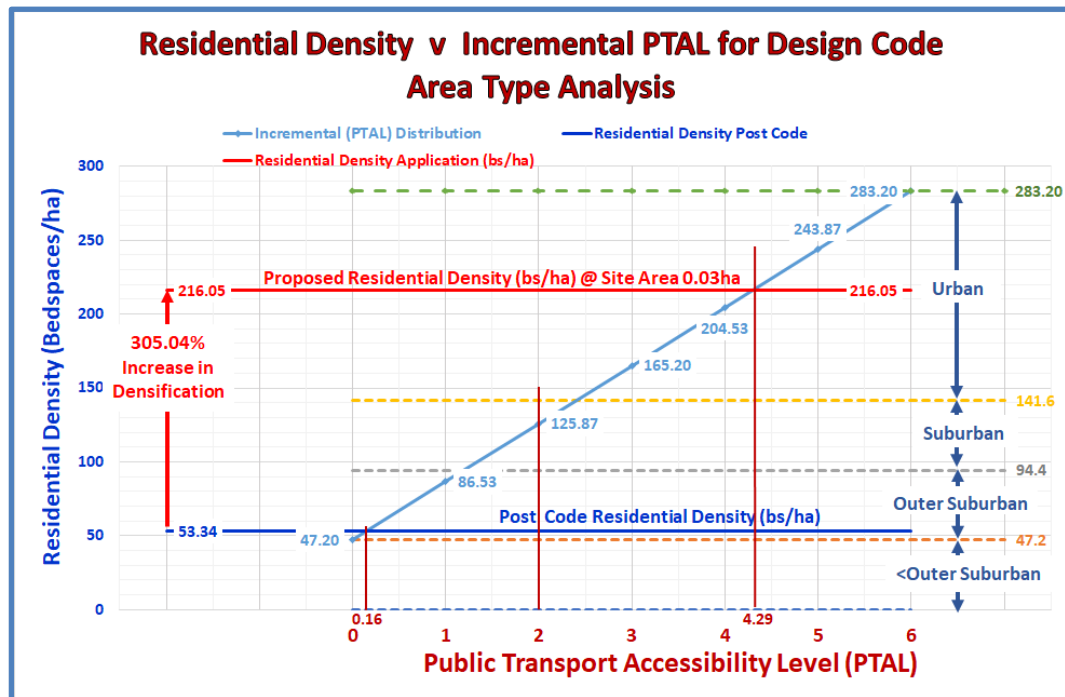


5.1.7

**Graphical illustration of Post Code & Application Housing Density (Units/ha) & Residential Density (bedspaces/ha) Design codes.**



**Graphical Illustration of comparison of Post Code Housing Density v Application Housing Density**



**Graphical illustration of comparison between Post Code & Application Residential Densities.**

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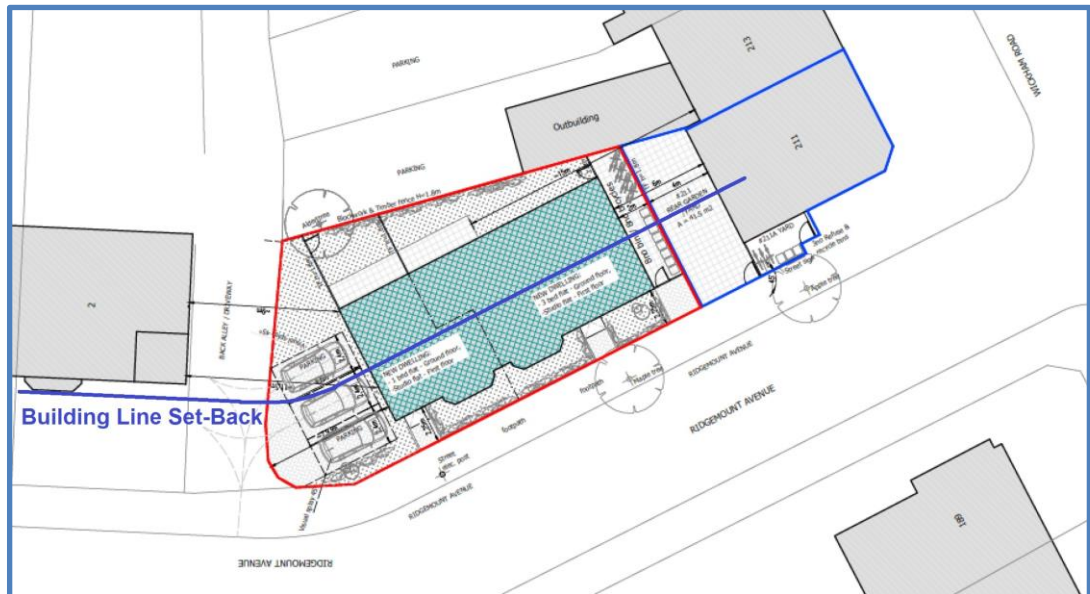
- 5.1.8 The conversion factor from **Housing Density** to **Residential Density** is calculated on the basis that the **Area Types** are **National Design Code** assessments of **Housing Density** and are therefore a Nationally accepted standard, and the equivalent **Residential Density** is based upon the **National Average** value of persons/Unit.<sup>3</sup> This is currently at 2021 census defined as **2.36 persons per Unit** for the **UK**.
- 5.1.9 The **Housing Density** for the locality at **25.10u/ha** places the **Post Code** in an **Outer Suburban Area Type** Setting whereas the Application at a **Housing Density** of the proposed application would have a **Housing Density** of **123.46/ha** which is an increase of **391.87%**. This increase in **Housing Density** cannot be considered as appropriate for an evolutionary increase for redevelopment within an existing **Outer Suburban Area Type** Setting as defined by the **National Model Design Code and Guidance**.
- 5.1.10 Equally, the **Residential Density** of the Post Code locality is **53.34bedspaces/ha** which again places the locality in an **Outer Suburban Area Type** Setting whereas the Application would have a **Residential Density** of **216.05bedspaces/ha** which is an increase of **305.04%**. This increase in **Residential Density** would require an appropriate commensurate increase in **supporting infrastructure** and a comparable increase in accessibility to **Public Transport**. The equivalent value for **PTAL** would be a **PTAL of 4.29** when the available **PTAL** for the locality is **PTAL 2**.
- 5.1.11 We therefore have conclusively demonstrated the overdevelopment of the proposal for the locality as defined by the **National Model Design Code & Guidance** when assessed against the **Local Post Code** parameter **Design Codes** as compared to the **proposal's Design Codes**.
- 5.1.12 The **National Model Design Code and Guidance** was published in 2021 and therefore in adequate time for the Applicant to be aware of its content. Para 129 of the **National Planning Policy Framework (NPPF)** categorically states: *"These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes"*.
- 5.1.13 The **London Plan Policy H2 – Small Sites** at para 4.2.4 indicates:
- "Incremental intensification of existing residential areas within **PTALs 3-6** or within **800m** distance of a **station or town centre boundary** is expected to play an important role in contributing towards the housing targets for small sites set out in Table 4.2. This can take a number of forms, such as: new build, infill development, residential conversions, redevelopment, or extension of existing buildings, including non-residential buildings and residential garages, where this results in net additional housing provision. These developments should generally be supported where they provide well-designed additional housing to meet London's needs."*

<sup>3</sup> <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

5.1.14 The locality of **211 Wickham Road** has a **PTAL 2** rating which is not planned to be increased prior to 2031. It is also greater than **>800m** from the nearest **Tram/Train Station** or a District Centre (Shirley Parade is defined in the Croydon Local Plan (2018) as a 'Local' Centre) and is therefore inappropriate for 'Incremental Intensification'.

## 5.2 Building Line Set-Back

5.2.1 The proposal does **NOT** follow the established **Building Line** or **Set-Back** of dwellings in **Ridgemount Avenue**.



**The proposal does NOT follow the Building Line Set-Back of Ridgemount Avenue**

### 5.2.2 National Model Design Code & Guidance Building Line & Set-Back

5.2.3 The existing Building line of **Ridgemount Avenue** averages **6.5metres** set-back from the footpath for the whole length and on both sides of the road. The proposed development should therefore follow this established building line set-back rather than the corner return from Wickham Road as the proposal is an extension to **Ridgemount Avenue**.

### 5.2.4 National Model Design Code Part 1 Built Form para 52 vii Building line States:

*The building line is created by the primary front face of buildings along a street and is a **key element of design codes**. **New development should follow the established building line where it exists**. Where there is no building line (for example on the periphery of a town centre or a development site), codes should set one. Coding for building lines can include:*

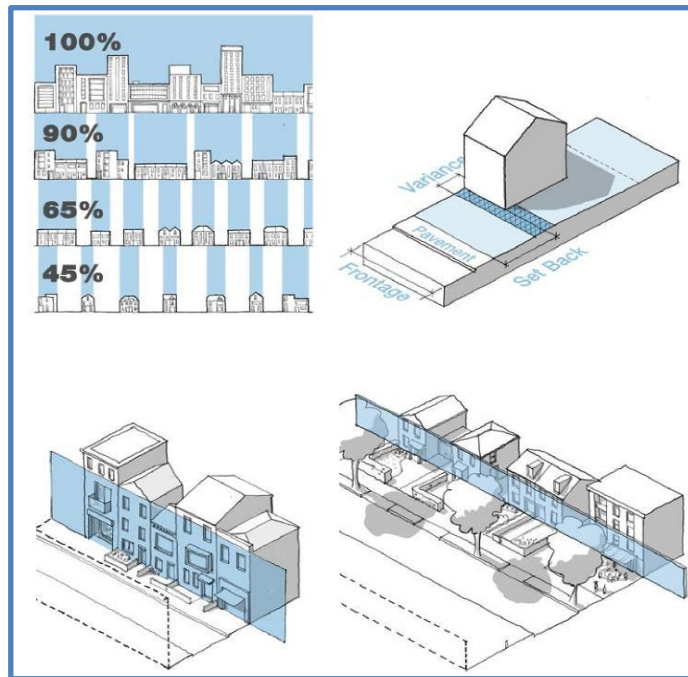
- Variation: The extent to which buildings can be set forward or back from the line.
- Projections: Allowance for elements such as balconies.



- Compliance: The percentage of the building line that should be occupied by development.
- Set-Back: The distance that buildings are set back from the pavement.
- Figure 20 shows how building line guidance might change by area type.
- See B.2.ii Building Line

5.2.5

**Figure 20. Building Line:** In urban areas, the building line should preferably be **continuous** and the set-back limited. In suburban and rural areas, the set-back may be greater and there will be much more variation.



5.2.6

### B.2.ii Building Line

108 Attractive streets and other Public places are generally defined by the frontages of buildings around their edges.

109 A building line represents the **alignment of the front face of the buildings** in relation to a street or other public space. The nature of this line and its position in relation to the street contribute to the character and identity of a place. It may be straight or irregular, continuous, or broken. A consistent approach to building line in an area type or street type helps to give it a coherent identity.

5.2.7

The proposal does NOT follow the established **Building Line Set-Back** along **Ridgemount Avenue** which contributes to the reasons for refusal and **Dismissal of this Appeal**.

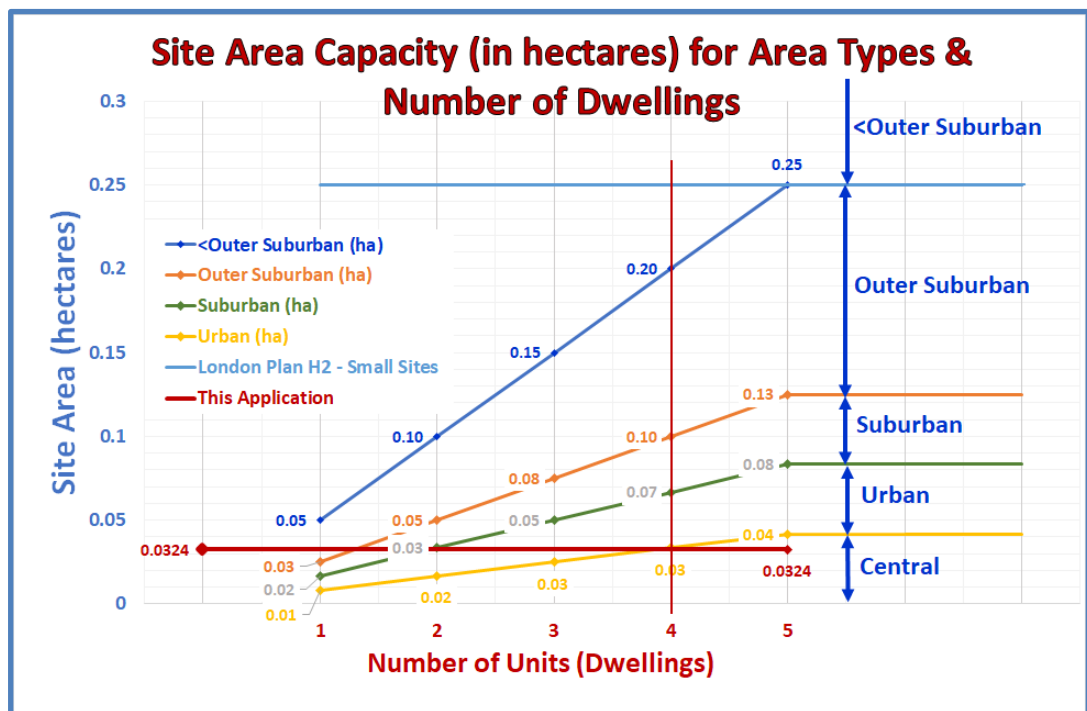
### 5.3 Site Capacity

#### 5.3.1 The London Plan Policy D3 Optimising site capacity through the design-led approach States:

*A All development must make the best use of land by following a design-led approach that **optimises the capacity of sites**, including site allocations. Optimising **site capacity** means ensuring that development is of the most **appropriate form and land use for the site**. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a **site's context and capacity for growth, and existing and planned supporting infrastructure capacity** (as set out in Policy D2 Infrastructure requirements for sustainable densities), and that best delivers the requirements set out in Part D.*

5.3.2 The **Site Capacity** for the proposal should be within the limits of the **Area Type Setting** as defined by the **National Model Design Code & Guidance** as there is no guidance in the Local Plan (See NPPF Para 129).

5.3.3 The evaluation of the **Local Area Type** has been determined by the local **Post Code CR0 8TG** parameters to be **Outer Suburban** which provides a **Housing Density** in the range **20 to 40 Units/ha**. Therefore for 4 Units the appropriate Site Capacity should be within the range  $4/20 = 0.2\text{ha}$  to  $4/40 = 0.1\text{ha}$  as shown on the graphical illustration below.



**Graphical illustration of Site Capacities for the Area Type Ranges.**

5.3.4 The available Site Area is **0.0324ha**. Therefore, it is clearly evident that the **Site Area** is inadequate for **4 Dwellings** in an **Outer Suburban Area Type Setting**. The



actual available **Site Area of 0.0324ha** and **4 dwellings** at **Housing Density of 123.46Units/ha** would be more appropriate in a town **Central Area Type Setting** as defined by the **National Model Design Code & Guidance** as there is NO guidance in the **Local Plan** (See NPPF para 129).

5.3.5 The **Site Capacity** required can also be evaluated by assessing the site optimisation requirements. The **London Plan Supplementary Planning Guidance LPG Optimising Site Capacity – A Design Led Approach**, includes an indicative Toolkit for assessment. However the interactive toolkit supplied is mainly targetted on major development projects and not Small developments as in this case. However, the LPG states that Local boroughs or stakeholders can use alternative methods based upon the LPG principles. We have assessed the proposal based on the fundamental requirements and best practice recommendations with the following results.

Indicative Small Site Capacity Calculator:														
Input Parameters														
Site Area (hectares)	Site Area (sq.m.)	GEA (Footprint)	Play Space per Child	Car Parking Standard (per space)	Parallel Parking (per space)	Car Park Standard with EVC (Per Space)	Car Parking (Disabled Bays) (Per Space)	Cycle Rack Storage (two bikes)	Refuse Eurobin (1280L) Storage (per Bin)	Refuse Eurobin (1100L) Storage (per Bin)	Refuse Eurobin (660L) Storage (per Bin)	Refuse Eurobin (360L) Storage (per Bin)	Refuse Eurobin (240L) Storage (per Bin)	Refuse Eurobin (180L) Storage (per Bin)
0.0324	324	135.10	10	12.5	12	14	18	1.71	1.25	1.23	0.90	0.53	0.53	0.43
Unit	Building Reg (M4[?])	Number of Storeys (#)	Bedrooms (b)	Bedspaces (bs)	GIA Required (Best Practice) (sq.m.)	In-built Storage (Best Practice) (sq.m.)	Private Amenity Space (Required) (sq.m.)	Probable Adults	Probable Children	Play Space Required (sq.m.)	Refuse Bin Storage	Cycle Storage	Car Parking (London Plan)	
1	M4(2)	1	3	4	84	3	7	2	2	20	1.49	3.42	18.75	
2	M4(2)	1	1	1	41	1.5	5.3	1	0	0	1.49	1.71	18.75	
3	M4(2)	1	1	1	41	1.5	5.3	1	0	0	1.49	1.71	18.75	
4	M4(2)	1	1	1	41	1.5	5.3	1	0	0	1.49	1.71	18.75	
<b>Totals</b>			<b>6</b>	<b>7</b>	<b>207</b>	<b>7.5</b>	<b>22.6</b>	<b>5</b>	<b>2</b>	<b>20</b>	<b>5.94</b>	<b>8.55</b>	<b>75.00</b>	
Proposal	Footprint or GEA	Play Space	Private Amenity Space (Required) (sq.m.)	Communal Amenity Space (Required)	Parking Spaces (sq.m.)	Cycling Storage (sq.m.)	Refuse Bin Storage	Proposal Area required (sq.m.)	Site Area (sq.m.)	Site Capacity Ratio (covered/Site Area)	Floor Area Ratio (GIA/Site Area)			
<b>Totals</b>	<b>135.10</b>	<b>20.00</b>	<b>22.60</b>	<b>0.00</b>	<b>75.00</b>	<b>8.55</b>	<b>5.94</b>	<b>132.09</b>	<b>324.00</b>	<b>0.41</b>	<b>0.64</b>			
Assessment	Assessed Plot Area Ratio (PAR) (Area Type)	Site Area available (sq.m.)	Area available	Proposal Area required (sq.m.)		± Site Capacity	% Site Capacity							
Urban	1	324.00	324	132.09		191.91	59.23%							
Suburban	0.5	324.00	162	132.09		29.91	9.23%							
Outer Suburban	0.375	324.00	121.5	132.09		-10.59	-3.27%							
<Outer Suburban	0.25	324.00	81	132.09		-51.09	-15.77%							

### Evaluation of Site Capacity Requirement for the proposal

5.3.6 Clearly, the assessment above shows that the proposal **exceeds** the available **site capacity** unless the proposal was located in an **Urban Area Type Setting**.

5.3.7 For the **Post Code** location of **CR0 8TG** in an **Outer Suburban Area Type Setting**, the proposal has a deficiency of **10.99sq.m.** Site Area capacity to meet the requirements of the proposal. This is further evidence to support a **dismissal** of this **Appeal against the LPA Refusal**.

## 5.4 Partition Site of Host Building

### 5.4.1 The Croydon Local Plan Policy DM10 Design & Character.

#### 5.4.1.1 Croydon Plan (2018) Policy DM10.1 states:

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

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, the development pattern, layout and siting;

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

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

- 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.**

5.4.1.2 The proposal does NOT include any changes to the structure of 211 Wickham, Road ground floor Shop or Flats above (211A etc.).

5.4.1.3 The partitioned Site retained Garden is approximately **3.75m** in length and of an Area as quoted on the Ground Floor Plans at **41.5 sq.m.** which fails to comply with **DM10.4 e)** policy for a retained minimum of **10m length or 200sq.m. Area** for the **Host Building**.

5.4.1.4 This is further evidence of an additional clear undeniable reason for the Refusal and for **Dismissal of this Appeal**.

## **5.5 Parking**

5.5.1 The Design & Access Statement indicates:

- *The proposal would benefit from three off-stree parking bays created to the side and rear of the development, utilising the existing road access. The bays will be available for **Blue Badge holders and/or electric /PHEV vehicles** as one of the spaces will be served by an **electric charging station**. The Site has a PTAL of 2. The proposal would have no impact on highway safety in comparison to the existing situation. Visibility splays and swept path have been provided on the drawings.*

5.5.2 The **Ground Floor Plan** Drawing 06/D Does **NOT** show a **Disabled Parking Bay** on the Plans or an **EVC Point**. All Bays shown are the same dimensions. A standard Parking bay is 2.5m x 5m = **12.5sq.m.**, a **Blue Badge** bay is 3.6m x 5m = **18 sq.m.** and an **EVC Bay** requires 2.8m x 5m = **14sq.m.**

5.5.3 The Swept Path illustrations are **NOT** the swept paths of the vehicles but the path of single point. There is absolutely no possibility that the diagrams show the path of a 4 wheeled vehicle and the trajectory of either the forward wheels (+ body work overhang) and/or the rear wheels (+body work overhang) in either a forward or reversing manouvre. The number of forward and reversing manouvres are not shown and is likely to be numerous to negotiate both ingress and egress to/from any of the illustrated parking bays.

## 5.6 Housing Need

5.6.1 The allocation of housing *“need,”* assessed for the *“Shirley Place”* [770ha] over the period **2019 to 2039** is **278** (See Croydon Revised Local Plan <sup>4</sup> 2021 **Table 3.1**). This equates to **≈14 dwellings per year over 20 yrs**. In relation to meeting housing *“need”* we raised a Freedom of Information (FOI) request **Ref: 4250621** on **31st January 2022**. The FOI Requested data on the *“Outturn”* of Developments since **2018** for the **Shirley “Place”** plus the **Area, Housing and Occupancy** of the **Shirley Place** for which the response is as follows:

5.6.2 The FOI response indicated, the *Shirley “Place”* as defined in the Local Plan has an area of **approximately ≈770 ha** (i.e., *The LPA has no idea of the actual Areas of the “Places” of Croydon*) and comprises **Shirley North and Shirley South Wards** and therefore the FOI response ‘suggests’ completions for *Shirley “Place”* can be calculated by **adding** the completion figures together for each *Shirley Ward”*.

***(The statement of equivalence of the Sum of the Wards equals the Area of the “Place” is ‘NOT True.’)***

The FOI Response indicates:

- *The Council does not hold the information we requested in a reportable format.*
- *The Council does not know the exact Area in hectares of any “Place.”*
- *The Council does not hold the Number of Dwellings per “Place.”*
- *The Council does not hold the Number of Persons per “Place.”*

5.6.3 Analysis of the recorded data shows that over the ‘three’ full years **2018** to end of **2020**, the **Net Increase in Dwellings for Shirley = Shirley North Ward + Shirley South Ward = 55 + 102 + 69 = 226 ≈ 75 per yr**. However, this is **NOT The Shirley “Place”** at **≈770ha** but the net increase for the **Shirley North [327.90ha] + Shirley South Wards [387.30ha]** total of **715.20ha**, a difference of **54.8ha**.

5.6.4 The **MORA Area of 178.20ha** (which we monitor) is only **24.92%** of **All Shirley (715.2ha)**, but at a rate of **36dpa** over the **20yr** period **≈720 dwellings**, would exceed the **Target for the Shirley “Place” of 278** by **442 Dwellings** i.e., **for the ‘Whole’ of the Shirley “Place”**.

5.6.5 The **Build Rate Delivery** of dwellings over **3 years** for all **Shirley** is averaging at **55 + 102 + 69 = 226 Ave ≈ 75.33/yr., dwellings per year**; so over **20** years the **Net Increase** will be **≈1507 dwellings**. (Exceeding the **278 Target** by **≈1,229**).

5.6.6 The Target for the Shirley *“Place”* at **Croydon Plan Table 3.1** of the Revised **Croydon Local Plan** indicates a Target of **278 dwellings over the period 2019 to**

<sup>4</sup> <https://www.croydon.gov.uk/sites/default/files/2022-01/croydon-local-plan-2018-revised-2021-part-1-start-to-section-11.pdf>

**2039.** Over the Full Four Years the estimate outturn is **1257 dwellings** (see completions analysis table below).

- 5.6.7 This is  $|278 - 1257.5|/278 = 979.5/278 = 3.5234 = \mathbf{352.34\%}$  Increase for the **Shirley “Place”** estimate when the **MORA Area** is only  $(770-178.2)/178.2 = \mathbf{23.15\%}$  of the area of the estimated Shirley ‘Place’ and  $(178.26-715.2/715.2) = \mathbf{24.92\%}$  of all Shirley. ***This is definitely NOT respecting the character of the locality when the locality of this proposal is “Inappropriate for Incremental Intensification” with a PTAL of 1a and there is no probability for increase in supporting infrastructure.*** This current rate (if retained) would exceed the Target over **20 yrs.** (of **278**) at **1257.5** by: **Percentage of Increase** of  $|128 - 1257.5|/128 = 1129.5/128 = 8.8242 = \mathbf{882.42\%}$ . or a **Percentage Difference** of 128 and 1257.5 =  $u|128 - 1257.5|/((128 + 1257.5)/2) = 1129.5/692.75 = 1.63 = \mathbf{163\%}$ .

Shirley North				
	2018	2019	2020	2021 (partial)
Gross units	48	94	73	16
Net units	45	87	69	12
Shirley South				
	2018	2019	2020	2021 (partial)
Gross units	12	17	3	5
Net units	10	15	0	5
Shirley Place				
	2018	2019	2020	2021 (partial)
Gross units	60	111	76	21
Net units	55	102	69	17

**Results of Freedom of Information (FOI) request Ref: 4250621**

- 5.6.8 From the **FOI Request**, the Area of the **Shirley “Place”** is  $\approx 770\text{ha}$ . The total Area of **Shirley North & South Wards** is **715.2ha** (GLA figures) therefore, there is  $\approx 54.8\text{ha}$  excess of land which is in other adjacent **Wards** which numerically means the **Target for Shirley Wards** of **278** should be reduced by  $7.12\% = \mathbf{258}$  (and the difference of **20** added to the **Targets** of the relevant **adjacent Wards**).
- 5.6.9 This rate (if retained) would result in the number of developments **significantly exceeding** the available **supporting infrastructure** provision which has been acknowledged as unlikely to be improved over the life of the Plan.
- 5.6.10 We are confident that **this analysis completely refutes** any suggestion that **“Housing Need”** is a reason for approval in this locality as the assessed **‘Housing Need’** for this area has already been satisfied.
- 5.6.11 It is therefore plainly obvious that the inability to contain or mitigate the **excessive outturns** above the stated **Targets** is a **significant failure** to meet the **legally required objectives of Sustainability** as defined in the **NPPF Chapter 2. Achieving sustainable development**<sup>5</sup> as Shirley has no prospect of infrastructure improvement over the life of the Plan. The **Sustainability of Developments** is a **legal requirement**<sup>6</sup> of development approvals.

<sup>5</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

<sup>6</sup> <https://www.legislation.gov.uk/ukpga/2004/5/section/39>

5.6.12 We challenge the use of “**Place**” Target if those **Targets** for each “**Place**” are **NOT monitored** or if deviating from the requirement, there is no mitigating action to manage those Targets to meet “**Sustainable Developments.**” It is our understanding that *Managing Developments* is the prime responsibility and the Job Description of the LPA “**Development Management.**”

5.6.13 **All Development proposals should be judged on compliance to adopted Planning Policies and NOT on the basis of meeting Targets to support a Housing “need” especially so if that “need” has already been met, and there are NO infrastructure improvements to support the surpassing of that “Need.”**

## **6 Summary and Conclusions**

6.1 Local Residents in **London Borough of Croydon Shirley North Ward** have lost confidence in the **Planning Process** with the significant number of local redevelopments which, in the majority of cases, disregard Planning Policies. Once that confidence is lost, it is extremely difficult to regain it.

6.2 Confidence and support of local residents is necessary to ensure the general requirement of housing need is satisfied with the provision of appropriate sustainable developments. This can only be achieved by ensuring developments of the ‘right type’ and at the ‘right place’ fully comply with the agreed **National and local planning policies and guidance.**

6.3 The **National Planning Policy Framework (NPPF)** is the highest in the **Planning Policy** hierarchy and the **National Model Design Code & Guidance** is referenced from the NPPF at **para 129** and is stated that **“These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes”.** It would therefore be reasonable to assume that the **National Model Design Code & Guidance** is of a **higher status** than the **London Plan** or the **Croydon Local Plan** is therefore of **significance**, especially as the adopted **Croydon Local Plan (2018)** is now over **5½ years** since **adoption** and due for revision.

6.4 Our comments on this **Appeal** are all supported by the **National, London Plan** or **Local Planning Policies** which have defined measurable methodology for assessment. We do **NOT** quote any **subjective or vaguely** described objectives as they can be misconstrued to one’s advantage or disadvantage but are not quantifiably conclusive. Therefore, our analysis is **definitive.**

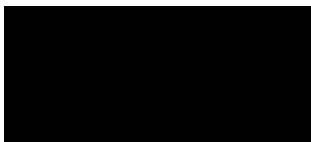
6.5 The Growth Policies as specified in both the adopted and draft **Revised Croydon Local Plan** are fundamentally flawed as they do **NOT** define the magnitude of **“Growth”** in their definitions. There is NO actual mechanistic difference between the different categories of **‘Intensification’** or **‘densification’.**



- 6.6 In addition, we have conclusively shown that the proposed development at **PTAL 2** and greater than **800m** from any **Train** or **Tram Station** or **District Centre** is **“inappropriate”** for **Incremental Intensification** as defined in the **London Plan**.
- 6.7 The proposed development is a significant overdevelopment for the available **Site Area** of **0.0324ha** at **PTAL 2** in this **“Outer Suburban” Area Type Setting** as assessed by the local **Post Code (CR0 8TG)** and as defined by the **National Model Design Code Guidance** that the proposed development would be more appropriate in an **“Central” Area Type Setting for Housing** than the actual **Outer Suburban Area Type Setting**.
- 6.8 This analysis therefore supports the **LPA’s Reasons** for refusal on grounds of **Scale, Massing and Bulk**.
- 6.9 The proposal fails to meet the **established Building Line Set Back** along **Ridgemount Avenue** as defined in the National Model Design Code & Guidance which requires respect of existing Building Line Set-backs.
- 6.10 The proposal exceeds the available **Site Capacity** required for **4 Units** in an **Outer Suburban Area Type setting** and fails to meet **London Plan Policy D3** – Policy D3 Optimising site capacity through the design-led approach, as conclusively shown in our submission.
- 6.11 The proposal requires partitioning of the **Host Building Site** (Shop at 211 Wickham Road), and the **Croydon Plan (2018) Policy** requires the **Host Building** to retain a specified Area of amenity space as defined in **Policy DM10.4**. **This proposal fails to comply with that Policy**.
- 6.12 We therefore urge the Inspector to **Dismiss** this appeal such that the Appellant can reapply with a more appropriate and compliant proposal.
- 6.13 *If this proposal is allowed, it would be absurd to believe that the Planning Policies have any meaningful weight and local residents would be quite correct in their current complete loss of confidence in the Planning Process.*

**Kind Regards**

**Derek**



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