

To: Jessica Werrett - Case Officer  
The Planning Inspectorate,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol,  
BS1 6PN

**Monks Orchard Residents' Association  
Planning Officer**

29<sup>th</sup> February 2024  
Emails: [planning@mo-ra.co](mailto:planning@mo-ra.co)  
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**Appeal Ref:** APP/L5240/W/23/3330711  
**LPA Reference:** 23/01204/FUL  
**Address:** Land Between 2-5 Round Grove Croydon CR0 7PP.  
**Proposal:** Demolition of detached building. Erection of 1 x two-storey two-bedroom detached dwellinghouse including new vehicular access and crossover, landscaping, boundary treatments, car parking, cycle parking and bin storage and all associated site works.  
**Case Officer:** Jessica Werrett  
**Consultation close:** 22nd March 2024

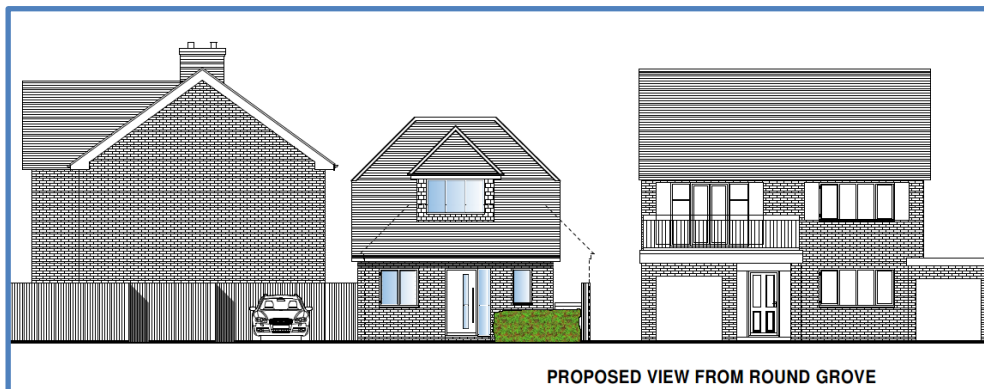
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Dear Jessica Werrett

Please accept this letter as a formal request for dismissal of the appeal against the Refusal of Croydon LPA Ref: **23/01204/FUL** on 6<sup>th</sup> July 2023. We have objected to this planning application to **Croydon LPA** and a copy of our submission should have been forwarded to you for your information. If you have not received a copy of our submission, please request a copy from [planning@mo-ra.co](mailto:planning@mo-ra.co) and we will forward a copy directly. We have structured our representation on the compliance to **National and London Plan Policies** which were relevant at the time of validation of the proposal by the LPA on 10<sup>th</sup> May 2023.

Only information pertinent to this “**Review**” of the proposal has been extracted from the Applicant’s submissions and if necessary, reproduced in this document for the purposes of “*Fair Dealing*” for analysis and assessment.<sup>1</sup>

**1 Proposal:**



**Street View facing Round Grove**

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[https://assets.publishing.service.gov.uk/media/5a80f292ed915d74e6231597/Exceptions\\_to\\_copyright\\_-\\_Guidance\\_for\\_consumers.pdf](https://assets.publishing.service.gov.uk/media/5a80f292ed915d74e6231597/Exceptions_to_copyright_-_Guidance_for_consumers.pdf)

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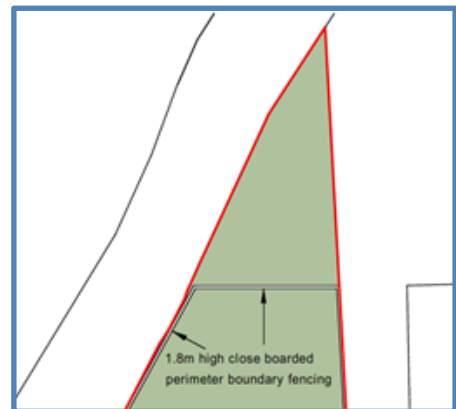
**Representing, supporting and working with the local residents  
for a better community**

Land R/O 2 & 5 Round Grove		Ref: 23/01204/FUL													
App Form	Units	1		Residential Density	147.42	hr/ha	Floor Area Ratio	0.359	PTAL	2021	1a	0.66			
Red Line	Site Area	203.50 sq.m.		Residential Density	147.42	bs/ha	Site Area Ratio	0.265	PTAL	2031	1a	0.66			
CR0 7PP	Site Area	0.02035 ha		Housing Density	49.14	unit/ha						Footprint (GEA)	54	sq.m.	
New Dwellings	Floor	Bedrooms	Bed-Spaces available (Persons)	Habitable Rooms (*)	GIA Offered	GIA Required	GIA Best Practice	Built-In Storage offered (Note1)	Built-In Storage Required	Built-In Storage Best Practice	Private Open Space offered (sq.m.)	Car Parking Space	Estimated Number of Adults	Estimated Number of Children	
		Ground	0	0	1	73	70	76	Not Stated	2.0	2.5	6.0	1	2	1
Unit 1	First	2	3	2											
Totals		2	3	3	73.0	70	76	0	2.0	2.5	6.0	1	2	1	
Note 1 : Built-In Storage under stairs Usable Area (Volume) Not Stated															
Land R/O 2 & 5 Round Grove		Ref: 23/01204/FUL													
Google Area	Units	1		Residential Density	152.36	hr/ha	Floor Area Ratio	0.371	PTAL	2021	1a	0.66			
Boundary	Site Area	196.87 sq.m.		Residential Density	152.36	bs/ha	Site Area Ratio	0.274	PTAL	2031	1a	0.66			
CR0 7PP	Site Area	0.01969 ha		Housing Density	50.79	unit/ha						Footprint (GEA)	54	sq.m.	
New Dwellings	Floor	Bedrooms	Bed-Spaces available (Persons)	Habitable Rooms (*)	GIA Offered	GIA Required	GIA Best Practice	Built-In Storage offered (Note1)	Built-In Storage Required	Built-In Storage Best Practice	Private Open Space offered (sq.m.)	Car Parking Space	Estimated Number of Adults	Estimated Number of Children	
		Ground	0	0	1	73	70	76	Not Stated	2.0	2.5	6.0	1	2	1
Unit 1	First	2	3	2											
Totals		2	3	3	73.0	70	76	0	2.0	2.5	6.0	1	2	1	
Note 1 : Built-In Storage under stairs Usable Area (Volume) Not Stated															

**Proposal parameters as calculated from Site Area**  
**(Site Area 1 as Stated on form | Site Area 2 as measured on Google Earth)**

**1.1 Revised Proposal parameters**

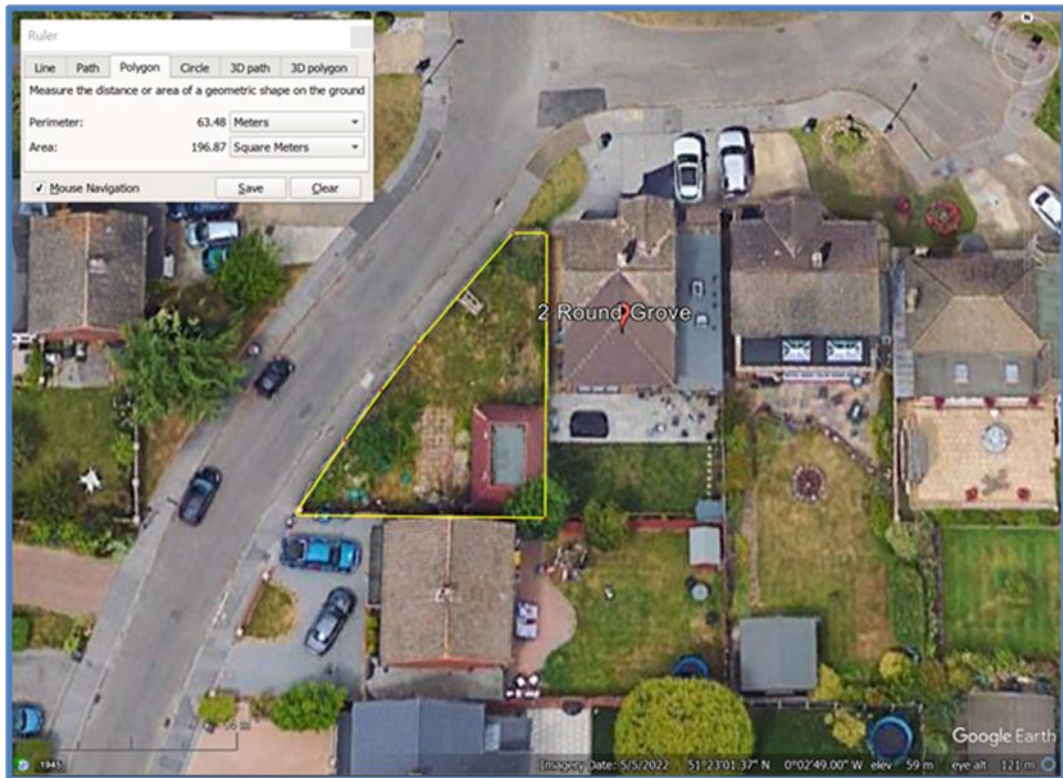
**1.1.1** The revised proposal parameters from our LPA Objection as a result of further assessment corrects earlier errors and compares the **Site Area** as stated on the Application form with an estimated measurement by use of Google Earth. The **Site Boundary (Red Line)** shown on supplied Block Plan drawing **4318/ PBP OS** includes a grass area beyond the **Boundary fence** which probably erroneously increases the **Site Area**.



The diagram identifies the perimeter **“Boundary”** Fence

Site Layout showing Site Boundary

**Google Earth Image of Site showing actual boundary.**



1.1.2 We are unaware when the original structure was built or for what purpose it was used. It is presumed that the structure existed prior to #2 & #5 Round Grove being built.

**2 LPA Reasons for Refusal**

2.1 **Reason 1:** The proposal is considered to have an adverse impact on neighbouring amenity, by reason of loss of privacy, loss of outlook and visual intrusion. As such, the proposal is contrary to Policies SP4.1, 4.2, DM10.6 of the Croydon Local Plan and Policies D3 and D6 of the London Plan.

2.2 **Reason 2:** The proposal would result in substandard living conditions for future occupants due to the insufficient width for the first floor east facing bedroom and a low ceiling height contrary to Policy SP2.8 and DM10 of the Croydon Local Plan, Policy D6 of the London Plan, and the Nationally Described Space Standard.

2.3 **Reason 3:** The proposed parking space by virtue of its location and orientation would be detrimental to the road safety, contrary to the Council's Vehicle Crossovers Guideline, Policies DM29 and DM30 of the Croydon Local Plan and Policy T4 of the London Plan.

### 3 Appellant's Grounds of Appeal

#### 3.1 Refusal Reason 1

3.1.1 *"The proposal is considered to have an adverse impact on neighbouring amenity, by reason of loss of privacy, loss of outlook and visual intrusion. As such, the proposal is contrary to Policies SP4.1, 4.2, DM10.6 of the Croydon Local Plan and Policies D3 and D6 of the London Plan."*

#### 3.1.2 Appellants Grounds

3.1.2.1 **Appellant's Para 1.8** *"The council's **first reason** for refusal alleges a harmful impact on neighbours by way of a loss of privacy and outlook and an overbearing impact. The officer's report explains that there is no likely harm to the neighbour at number 5, but that the house would be overbearing compared to number 2, harming the outlook. The council is also concerned that the proposed skylights to bedroom 2 in the new house would acceptably overlook the neighbour at number 2, harming privacy."*

3.1.2.2 **Appellant's Para 1.15** The appellant also notes that this is a built-up area where some mutual overlooking is to be expected. The garden at number 2 is already overlooked from upper floor windows in the neighbouring house at Roscroft, for example, as shown in the satellite image below.

3.1.3 We are not aware of any **'definitive' guidance** in the **Croydon Local Plan SP4.1, SP4.2 or DM 10.6** on loss of privacy, loss of outlook, overlooking and visual intrusion as written. We believe the **Croydon Plan Policies** are too **'vague'** and **'subjective'** and as such are open to personal interpretation.

#### 3.1.4 Croydon Local Plan (2018) Policy SP4: Urban Design and Local Character.

3.1.4.1 **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.

3.1.4.2 **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.

3.1.4.3 **Croydon Local Plan (2018) para 6.71** "The Council considers the health and wellbeing of those living and working within the borough to be of the utmost importance. New developments can impact upon the amenity of the occupants of neighbouring properties. Site layouts should be designed to protect or improve conditions for occupants of nearby properties and future occupants. In line with the Housing Supplementary Planning Guidance, when assessing site layouts, the Council will consider a development's impact on **visual amenity, overlooking, outlook, and sunlight and daylight.**"

### 3.1.5 **Croydon Local Plan (2018) DM10.6**

3.1.5.1 "The Council will support proposals for development that ensure that:

- a) The amenity of the occupiers of adjoining buildings are protected; and that,
- b) They do not result in direct overlooking at close range or habitable rooms in main rear or private elevations; and that,
- c) 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,
- d) Provide adequate sunlight and daylight to potential future occupants; and that,
- e) They do not result in significant loss of existing sunlight or daylight levels of adjoining occupiers.

3.1.6 **The Croydon Local Plan 2018 (Revised 2021) is not adopted and is therefore unenforceable and NOT authoritative Policy.**

3.1.6.1 The Croydon Plan Policies, or as amended in the **unadopted** Croydon Local Plan (**Revised 2021** version) – with **DM10.6 deleted** and replaced by **DM10.7)** have no '**quantifiable**' limits or '**tolerance**' ranges and are therefore again, extremely vague, and subjective.

3.1.6.2 Decisions require professional planning officers' assessment, judgment, and analysis, prior to a determination as there is no '**definitive**' '**quantifiable**' policy guidance on the minimum, or tolerance of loss of privacy, outlook or overlooking, whether acceptability or otherwise.

### 3.1.7 **London Plan Policy D3**

3.1.7.1 The **London Plan Policy D3** concept of a **Design-Led Approach** again gives no '**definitive**' guidance on privacy or overlooking tolerances or angular sight lines other than that provided in **Supplementary Guidance Small Site Design Codes LPG at Section 4.5 Building Line projection (45-Degree Rule) [see later]**. The proposal meets this rear building line 45° Rule guidance both vertically and horizontally.

3.1.8 **Policy D3** Form and layout item

3.1.8.1 7) deliver appropriate outlook, privacy, and amenity.

3.1.8.2 Layout, Orientation and Form. The site layout, orientation, and design of individual dwellings and, where applicable, common spaces should:

- provide privacy and adequate daylight for residents

3.1.8.3 Similarly, these Policies are not quantifiably definitive and are therefore vague and subjective. Decisions require professional planning officers' assessment, judgment, and analysis, prior to a determination as there is no '**definitive**' '**quantifiable**' policy guidance on the minimum, or tolerance of loss of privacy, outlook or overlooking, whether acceptability or otherwise.

3.1.8.4 **Due to the inadequacy of quantitative and qualitative policy definition in the adopted Policies, we cannot therefore endorse the LPA's reason 1 for refusal.**

## 3.2 Refusal Reason 2

3.2.1 *“The proposal would result in substandard living conditions for future occupants due to the insufficient width for the first floor east facing bedroom and a low ceiling height contrary to Policy SP2.8 and DM10 of the Croydon Local Plan, Policy D6 of the London Plan, and the Nationally Described Space Standard.”*

### 3.2.2 Appellants Grounds.

3.2.3.2 **Appellant’s para 1.16** The council’s second reason for refusal alleges that the dwelling overall will provide a poor quality of internal living accommodation because it does not achieve a minimum floor-to-ceiling height of at least 2.5m across 75% of its floor area, as required by policy D6 of the London Plan.

3.2.3.3 **Appellant’s para 1.17** It is not clear how the case officer has reached this conclusion. The submitted section shows that the main part of the first floor has a floor-to-ceiling height of 2.7m and the floor below scales to a ceiling height of 2.5m.

3.2.3.4 **Appellant’s para 1.18** The ground floor has a GIA of 46.28sqm. There is an additional area of 19.5sqm on the first floor with a ceiling height of 2.5m or above. The total floor area with a floor-to-ceiling height of at least 2.5m is therefore 65.78sqm or 90% of the total dwelling GIA of 73sqm. The area with a floor-to-ceiling height of at least 2.5m is shown on an amended drawing submitted with this appeal (reference: 4318/ PFPE RevA).

3.2.3.5 **Appellant’s para 1.19** The council also argues that the width of the second bedroom is insufficient. However, the room is almost 5.5m wide. The council also argues that the width of the second bedroom is insufficient. However, the room is almost 5.5m wide and is therefore more than double the minimum of 2.15m set out in policy D6 of the London Plan. It also has a floor area of 10sqm, fully one third greater than the 7.5sqm minimum under D6.

## 3.2.4 Croydon Local Plan (2018) Policies SP2.8 & DM10

### 3.2.4.1 Quality and Standards

3.2.4.2 **SP2.8** The Council will seek to ensure that new homes in Croydon meet the needs of residents over a lifetime and contribute to sustainable communities with the borough. This will be achieved by:

- a) Requiring that all new homes achieve the minimum standards set out in the Mayor of London’s Housing Supplementary Planning Guidance and National Technical Standards (2015) or equivalent; and
- b) Ensuring that all new homes designed for families meet minimum design and amenity standards set out in the Croydon Local Plan’s Detailed Policies and Proposals and other relevant London Plan and National Technical Standards (2015) or equivalent.

3.2.4.2 **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;

3.2.4.3 The only **Croydon Local Plan** (2018) definitive parameter Policy to meet is **DM10.4 c)**. The proposal has accommodation occupancy for 3 bedspaces and the required amenity space is 6 sq.m., which meets the DM10.4 c) requirement.

### 3.2.5 **London Plan Policy D6**

3.2.5.1 The **London Plan Policy D6 Housing quality and standards** at “D” requires development should provide ‘**sufficient daylight and sunlight**’ to new and surrounding housing... but does not provide a definition of “sufficient”. Again, the Policies are too **subjective** and open to personal interpretation. The interpretation of these Policies requires professional planning officers’ assessment, judgement, and analysis, prior to determination.

3.2.5.2 The **London Plan Housing Design Standards LPG** refers out to **BRE Standards for Daylight & Sunlight** for new developments, but the Applicant did **NOT** provide a report which provides or considers this requirement.

3.2.5.3 London Plan Policy D6 Private internal space Item 8) states:

8) The minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.

3.2.5.4 The council’s second reason for refusal alleges that the dwelling overall will provide a poor quality of internal living accommodation because it does not achieve a minimum floor-to-ceiling height of at least 2.5m across 75% of its floor area, as required by policy D6 of the London Plan.

3.2.5.5 London Plan Housing Design Standards LPG states: A minimum ceiling height of 2.5m is required for at least 75% of the gross internal area (GIA) of each dwelling to enhance the spatial quality; improve daylight penetration and ventilation; and assist with cooling. Any reduction (from 2.5m) in floor-to-ceiling heights should only be for essential equipment in the ceiling voids above kitchens and bathrooms. The GIA of the proposal is stated as the ground floor has a GIA of 46.28sqm with 19.5sqm on the first floor with a ceiling height of 2.5m = 65.78sq.m. total GIA within the 2.5 ceiling height. Then 75% of the dwelling GIA of 73sqm offered is 54.75sq.m. which provides an 11.02sq.m. within the required LPG policy requirement tolerance.

3.2.5.6 However, the Gross Internal Area (GIA) of the dwelling offered is 73sq.m. of which 75% is = 54.75sq.m. The ground floor has a GIA of 46.28sqm. and the area of 19.5sqm on the first floor with a ceiling height of 2.5m or above which totals 65.78sq.m. which is greater than the required 75% area at 54.75sq.m. or 90% of the available floor area as defined by Policy D6.

3.2.6 **Therefore, as a result of our assessment and analysis the proposal fully meets and exceeds the requirements of London Plan Policy D6.**

3.2.7 **We therefore cannot endorse the LPA’s reason 2 for refusal.**

### 3.3 Refusal Reason 3

3.3.1 The proposed parking space by virtue of its location and orientation would be detrimental to the road safety, contrary to the Council's Vehicle Crossovers Guideline, Policies DM29 and DM30 of the Croydon Local Plan and Policy T4 of the London Plan.

#### 3.3.2 Appellants Grounds

3.3.2.1 **Appellants Statement para 1.21** In its final reason for refusal, the council argues that the proposed car parking space, because it would be set at an angle, would be detrimental to highway safety. The officer's report does not fully explain why harm might arise in this case. The angle of the space is a simple product of the curved boundary with the highway. There are otherwise very clear vision splays in each direction. The space sits parallel to the off-street parking spaces of the houses alongside. In addition, this is a cul-de-sac with relatively low vehicle movements and a likelihood that cars will be travelling slowly.

#### 3.3.2.2 **The appellant has provided additional swept path illustrations (Car Tracking Plots) at drawing 23.82 – 001 dated 11<sup>th</sup> Sept 2023.**

3.3.3 The swept path illustrations provided are for a small family car with an overall length of 4.8m and width 2m with a wheelbase of 2.9m width for front body overhang 0.9m and rear overhang of 1m.

3.3.3.1 There are three separate maneuvers depicted for entry and exit to the provided parking bay from Round Grove.

3.3.3.2 In the first illustration, the exit from a parked position in a forward gear shows the vehicle trajectory turning left out of the parking position with the forward steering wheels from 2m to approximately 2.5m then suddenly becoming 2m separation which is a physical trajectory whereby the tracking width between nearside and offside front wheels suddenly become much wider and then narrower – which is physically not feasible. There is an identical trajectory in the third illustration which is again an impossible path.

3.3.3.3 These impossible trajectories swept paths are evidence that the illustrations are not exact professional tracking software for swept path trajectories which gives suspicion on their validity.

3.3.3.4 We would therefore suggest that the entry into the Parking Bay from either direction from Round Grove would need to be by reversing from either the North or South into the Parking Bay such that the Position of the parked vehicle is facing the Round Grove for a forward Exit across the footpath for the safety of pedestrians.

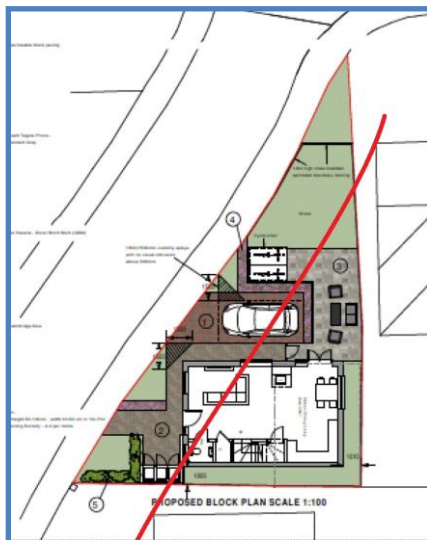
3.3.3.5 It is probable that these maneuvers could not be achieved in a single direction but would require a reverse and forward maneuver of opposite lock to negotiate the entry or exit.

3.3.3.6 **We therefore support the LPA Reason 3 for Refusal.**

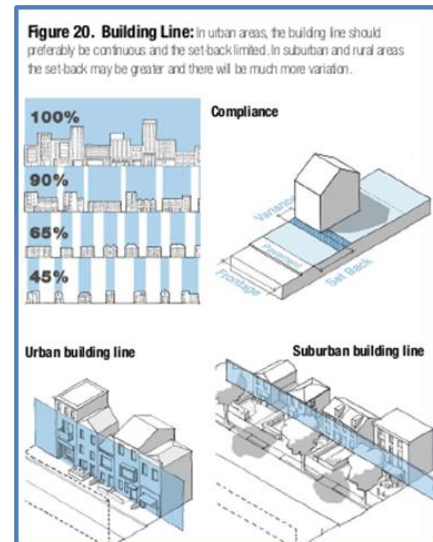


## 4 General Assessment:

4.1 The proposed development does NOT observe or follow the established Building Line of Round Grove thus failing the National Model Design Code & Guidance. The Site Layout shows that the proposed development is forward of the existing building line as projected along Round Grove as illustrated by the RED line.



**Site Layout proposed showing existing Building Line Set-Back**



**NMDC Figure 20 showing Building Line Set Back**

4.1.1 National Model Design Code & Guidance Part 1 – The Coding Process for Area Types – Built Form vii “Building Line” page 21 provides guidance in relation to Area Type Settings and the appropriate Building Line Set-Back at various Area Types and settings.

**vii Building line:** “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.

4.2 Attractive streets and other public spaces are generally defined by the **frontages of buildings** around their edges. 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**. A consistent approach to **building line** in an **Area Type** or street type helps to give it a **coherent identity**.

### 4.3 Design Codes and Area Type Assessment

4.2.1 The **London Plan (2021)** omitted the “**Density Matrix**” which resulted in loss of the defined relationship between **Housing Density, Residential Density, Area Types and Public Transport Accessibility Levels (PTAL)**.

4.2.2 The **NPPF (2021)** at para 129 and **NPPF (2023)** para 134 references the **National Model Design Code & Guidance (2021)** which provides the government jurisdiction and authority to direct LPAs and should be used in the absence of local guidance on Design Codes which provides assessment of Area Types which in part replaces the Density Matrix.

4.2.3 It is understood that the Revised and general policy objective **NPPF Para 8 a)** is to ensure proposals are “**Of the Right Type and in the Right Place**”. In order to meet that objective, it is necessary to assess the proposal’s acceptability within the locality as defined by the **Local Area Type** and local **Design Codes**.

4.2.4 The **Application Form** indicates the **Site Area** is 203.50sq.m. = 0.02035ha and this is the **Area within the Site Boundary (Red Line)** shown on supplied **Block Plan drawing 4318/ PBP OS**. As indicated in **Paragraph 1** above, this drawing includes a **grassed area** beyond the marked ‘**Boundary**’ fence, which if this fence marks the **actual site boundary** the applicant is possibly erroneously increasing the **Site Area**.

4.2.5 The drawing clearly indicates that the **northern boundary** is squared off by an **existing boundary fence** and therefore the **Red Line** at the northern end of the **Plot** is probably **incorrect** and the site boundary should follow the boundary fencing. This can only be ascertained from **Title Deeds** of both **no. 2 & no. 5 Round Grove** to establish their **Registered boundaries**.

4.2.6 Nevertheless, we question the validity of the **Site Area** as quoted on the **Application Form** as the site area has implications on the **Housing and Residential Densities** and the **local Area Type setting**.

4.2.7 A **Google Earth Polygon** measuring tool allows an approximate measurement of the **Site Area** to the **northern Boundary Fence** to be ≈196.87sq.m. = 0.019687ha. (See **Google Earth Image** above).

4.2.8 This anomaly has implications on the **Design Codes** and **Site Capacity** assessment by the **National Model Design Code & Guidance** and required by **London Plan Policy D3 Optimising site capacity through the design-led approach**.

### 4.3 Area Type Assessment

4.3.1 Part 1 of the **NMDC&G** at **Section 2.B** page 14 defines **Area Types** as:

<b>Outer Suburban</b> Area Type :-	20 Units/ha to 40 Units/ha
<b>Suburban</b> Area Type :-	40 Units/ha to 60 Units/ha
<b>Urban</b> Area Type :-	60 Units/ha to 120 Units/ha
<b>Central/Town</b> Area Type :-	≥120 Units/ha and above

4.3.2 The **National Model Design Code & Guidance** provides the methodology to assess the local **Area Type** and **character of the locality** of a proposal. The most obvious assessment for this local **Area Type** assessment is by comparison of the local **Post Code Design Code** parameters of the proposal's locality with that of the proposal, as we have no alternative defined area with the required associated data.



**Google Image of Post Code CR0 7PP Area**

Parameters of Post Code 'CR0 7PP' Design Code			
Area Design Code Parameter	Input Parameters		
(These parameters auto calc Design Code)			
<b>Post Code</b>	<b>CR0 7PP</b>		
Area of Post Code (ha)	2.0358	hectares	
Area of Post Code (Sq.m)	20357.63	sq.m.	
Number of Dwellings (Units) VOA (*)	32	Units	
Number of Occupants (Persons) (*)	68	Persons	
Occupancy	2.13	Person/dwelling	
Post Code Housing Density	15.72	Units/ha	
Post Code Residential Density	33.40	Bedspaces/ha	
Area Type (National Model Design Code)	<Outer Suburban	Setting	
(*) 2 - 32 Round Grove: updated on 21 February 2024			
<b>Design Code Parameters</b>		<b>Min</b>	<b>Max</b>
Area Type Setting (NMDC)	<Outer Suburban	0	20
Equivalent Residential Density <sup>1</sup> (Persons/ha)	<Outer Suburban	0.00	47.20
<sup>1</sup> Based upon National Occupancy Rates 2.36 p/unit			
		<Outer Suburban U/ha	<Outer Suburban bs/ha
PTAL (now)	0.66	31.00	73.16
PTAL (forecast 2031)	0.66	31.00	73.16
PTAL required for Post Code Area (CR0 7PP)	-0.35		33.40

**Design Code parameters for Post Code CR0 7PP.**



4.3.3 The number of Dwellings within the Post Code CR0 7PP <sup>2</sup> is **32** with **68** Occupants <sup>3</sup> which indicates a Housing Density of **15.72 units/ha** and a residential density of **33.40person/ha**. These figures place the Post Code Area Type at less than **Outer Suburban** i.e., **<Outer Suburban**. [**<20Units/ha & <47.2 Persons/ha**]

Application Details			
Application Ref:	Ref: 23/01204/FUL		
Address:	Land Between 2-5 Round Grove		
PostCode:	CR0 7PP		
Application Parameters			
	Application	Revised Area	
Site Area (ha)	0.0204	0.0197	ha
Site Area (sq.m.)	203.50	196.87	sq.m.
Units (Dwellings)	1.00	1.00	Units
Bedrooms	2.00	2.00	Bedrooms
Bedspaces	3.00	3.00	Persons
Housing Density	49.02	50.76	Units/ha
Residential Density	147.06	152.28	bs/ha
Occupancy	3.00	3.00	bs/unit
Gross Internal Area (GIA) offered	73.00	73.00	sq.m.
Floor Area Ratio	0.36	0.37	#
Area Type Setting (Units/ha)	Suburban	Suburban	
Area Type Setting (Bedspaces/ha)	Urban	Urban	
	PTAL	U/ha	bs/ha
PTAL (Current)	0.66	31.00	73.16
PTAL (Forecast)	0.66	31.00	73.16
PTAL Required for proposal	2.54		147.06
PTAL for Revised Area	2.67		152.28

**Application Details and Design Codes**

Difference Between Post Code (CR0 7PP) Design Code & Application Proposal (Both Area Boundary of Proposal & Measured to Boundary Fence)			
	Application	Revised Area	
Post Code Housing Density (Units/ha)	15.72	15.72	Units/ha
Application Housing Density (Units/ha)	49.02	50.76	Units/ha
Difference	33.30	35.04	
Percentage Difference (%)	102.87%	105.42%	%
Percentage Increase (%)	211.83%	222.90%	%
Post Code Residential Density (bs/ha)	33.40	33.40	bs/ha
Application Residential Density (bs/ha)	147.06	152.28	bs/ha
Difference	113.66	118.88	
Percentage Difference (%)	125.97%	128.05%	%
Percentage Increase (%)	340.30%	355.93%	%
PTAL available	0.66	0.66	
PTAL Required (for proposal Residential Density)	2.54	2.67	

**Difference between Post Code and Application proposal Design Codes**

<sup>2</sup> Search results for CR0 7PP - Check and challenge your Council Tax band - GOV.UK

<sup>3</sup> <https://www.postcodearea.co.uk/postaltowns/croydon/cr07pp/>

4.3.4 These figures need to be compared with those of the proposed development, against both the Applicant's proposal **Site Area** and the challenged proposal (revised) **Site Area**. As the comparisons are Ratios of parameters, they are directly comparable as we are comparing similar Ratios or proportions.

4.3.5 This analysis clearly shows that the proposal would exceed the **Local Area Type Design Code** parameters as:

- a) For the **Applicant's** quoted **Site Area** of **0.0294ha**, the **Housing Density** of the Proposal at **49.02units/ha** exceeds the **Post Code Housing Density** of **15.72units/ha** by **33.3unit/ha**, a **211.83% increase**, which raises the **Area Type** from **<Outer Suburban**, (<20U/ha) through the **Outer Suburban Area Type Range** (20U/ha to 40U/ha) and into the **Suburban Area Type Range** (40U/ha to 60U/ha) setting.
- b) For the **revised Site Area** of **0.0197ha**, the **Housing Density** of the Proposal at **50.76units/ha** exceeds the **Post Code Housing Density** of **15.72units/ha** by **35.04unit/ha**, a **222.90% increase**, which again, raises the **Area Type** from **<Outer Suburban**, (<20U/ha) through the **Outer Suburban Area Type Range** (20U/ha to 40U/ha) and into the **Suburban Area Type Range** (40U/ha to 60U/ha) setting.

4.3.6 These increases are **NOT** supported by any increase in infrastructure to support the changed **Area Type** as there is no proposed increase in infrastructure delivery over the Life of the Plan.<sup>4</sup> Therefore, the proposal fails to meet the **London Plan Policy D2 - Infrastructure requirements for sustainable densities**.

#### 4.4 London Plan Policy D3 - Site Capacity

4.4.1 The assessment of **Site Capacity** can be ascertained by two distinct methods. One by assessment of the **Area Type capacity** ranges appropriate for the locality, for the number of dwellings which can be accommodated on the available **Site Area** and remain respectful of the locality **Area Type** setting.

##### 4.4.2 Site Capacity #1

4.4.2.1 For the proposal to be appropriate for the locality **Area Type**, the proposal must be within the **Housing Density** appropriate for the **Area Type** setting. The **Post Code (CR0 7PP)** defines the **Local Area Type** to be **<Outer Suburban** i.e., Zero to **<20 Units/ha** range.

4.4.2.2 The Applicant's **Site Area** is stated as **0.0204ha**. The **Site Area** required for a single dwelling in the local **Area Type** of **<Outer Suburban** Setting is **≥0.05ha** and with a **Site Area** available of **0.0204ha** is **deficient** by **0.0296ha** or a **difference** of:  $(|0.05 - 0.0204| / (0.05 + 0.0204)) / 2 = 0.8409 = 84.09%$  or a **deficiency** of:  $|0.05 - 0.0204| / 0.05 = 0.592 = 59.2%$ .

<sup>4</sup> <https://www.croydon.gov.uk/sites/default/files/2023-08/Infrastructure-Delivery-Plan-2022.pdf>



4.4.2.3 The alternative **Site Area** as measured by **Google Earth** at **0.0197ha** is deficient by **0.0303ha** or a **difference** of  $((0.05 - 0.0197)/(0.05 + 0.0197))/2 = 0.86944$  or **86.944%** or a **deficiency** of:  $0.05 - 0.0197/0.05 = 0.606$  or **60.6%**.

4.4.2.4 Therefore, the proposal fails to meet the **London Plan Policy D3 Optimising site capacity through the design-led approach**, as the initial design principle is to establish whether the **Site Area** is adequate for the proposal within the proposed local **Area Type**. Thus, it has failed this basic initial design led requirement.

### 4.4.3 Site Capacity #2

4.4.3.1 The second assessment of **Site Capacity** is to establish whether **all** the Policy requirements of the proposal can be accommodated within the available **Site Area**. We have developed the following interactive spreadsheet which allows collation of all the policy requirements and their areas for summation and to establish whether the total is possible within the **Site Area** at the **Area Type** setting of the proposal.

Indicative London Plan Policy D3 - Optimising Site Capacity & H2 - Small Site Capacity Calculator:															
Input Parameters															
Site Area	Site Area (hectares)	Site Area (sq.m.)	Proposal GEA (Footprint) (Scaled-off Plans)	Play Space per Child (sq.m.)	Car Parking Standard (per space) (sq.m.)	Parallel Parking (per space) (sq.m.)	Car Park Standard with EVC (Per Space) (sq.m.)	Car Parking (Disabled Bays) (Per Space) (sq.m.)	Cycle Rack Storage (two bikes) (sq.m.)	Landfill Refuse Dry Recycling (1280L) (per Bin) (sq.m.)	Landfill Refuse Dry Recycling (360L) (per Bin) (sq.m.)	Refuse Eurobin (360L) Storage (per Bin) (sq.m.)	Refuse Eurobin (240L) Storage (per Bin) (sq.m.)	Refuse Eurobin (180L) Storage (per Bin) (sq.m.)	Refuse Eurobin (140L) Storage (per Bin) (sq.m.)
App Form	0.0204	203.50	54.00	10	12.5	12	14	18	1.71	1.235	0.528	0.528	0.429	0.351	0.259
Google	0.0197	196.87	54.00	10	12.5	12	14	18	1.71	1.235	0.528	0.528	0.429	0.351	0.259

Site Area	Site Area (sq.m.)	Footprint or GEA (includes GIA & Built-In Storage)	Number of Dwellings	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 (Note 2)	Cycle Storage	Car Parking (London Plan)
App Form	0.0204	54.00	1	2	3	76	2.5	6	2	1	10	3.74	2.57	21.00
Google	0.0197	54.00	1	2	3	76	2.5	6	2	1	10	3.74	2.57	21.00

Proposal	GIA Required (Best Practice) (sq.m.)	Footprint or GEA (includes GIA & Built-In Storage)	Play Space (included in Garden Area)	Private Amenity Space (Required) (sq.m.)	Communal Space (Required)	Parking Spaces (sq.m.)	Cycling, Storage (sq.m.)	Refuse Bin Storage (Note 2)	Required Area (sq.m.) (including GEA)	Available Site Area (sq.m.)	Plot Area Ratio = GEA/Site Area	Floor Area Ratio (GIA/Site Area) Best Practice
App Form	76.00	54.00	10	6	-	21.00	2.57	1.72	95.29	203.50	54.00	76.00
Google	76.00	54.00	10	6	-	21.00	2.57	1.72	95.29	196.87	54.00	76.00

Assessment (Application Form Site Area)	Floor Area Ratio = (GIA/Site Area)	Plot Area Ratio = (GEA/Site Area)	Percentage of Site for Garden Area (Area Type)	Site Area available (sq.m.)	Garden Area (UGF) (sq.m.) (Note 1)	Required Area (sq.m.) (including GEA)	± Site Capacity (sq.m.)	% Site Capacity (100% is nominal)	
<Outer Suburban	0.25	0.875	87.5%	203.50	178.06	95.29	-69.85	134.32%	Note 1: Private Amenity Space and Play Space required is included in the overall requirement but deducted from the Garden Area (UGF) (if the Area Type has no Garden Area, this Private Amenity and Play Space should be included in the total GEA or the GIA of the individual Units).
Outer Suburban	0.375	0.75	75.0%	203.50	152.63	95.29	-44.42	121.83%	Note 2: Refuse Bins capacities based upon Croydon Refuse Guidance. Capacities required for the Type(s) of Dwellings with equivalent Dimensions for the minimum capacity of the total unit(s) required.
Suburban	0.5	0.5	50.0%	203.50	101.75	95.29	6.46	96.83%	UGF = Urban Greening Factor.
Urban	1	0.25	25.0%	203.50	50.88	95.29	57.33	71.83%	
Central	2	0	12.5%	203.50	25.44	95.29	82.77	59.33%	

Assessment (Google measured Site Area)	Floor Area Ratio = (GIA/Site Area)	Plot Area Ratio = (GEA/Site Area)	Percentage of Site for Garden Area (Area Type)	Site Area available (sq.m.)	Garden Area (UGF) (sq.m.) (Note 1)	Required Area (sq.m.) (including GEA)	± Site Capacity (sq.m.)	% Site Capacity (100% is nominal)	
<Outer Suburban	0.25	0.875	87.5%	196.87	172.26	95.29	-70.68	135.90%	Note 1: Private Amenity Space and Play Space required is included in the overall requirement but deducted from the Garden Area (UGF) (if the Area Type has no Garden Area, this Private Amenity and Play Space should be included in the total GEA or the GIA of the individual Units).
Outer Suburban	0.375	0.75	75.0%	196.87	147.65	95.29	-46.07	123.40%	Note 2: Refuse Bins capacities based upon Croydon Refuse Guidance. Capacities required for the Type(s) of Dwellings with equivalent Dimensions for the minimum capacity of the total unit(s) required.
Suburban	0.5	0.5	50.0%	196.87	98.44	95.29	3.14	98.41%	UGF = Urban Greening Factor.
Urban	1	0.25	25.0%	196.87	49.22	95.29	52.36	73.40%	
Central	2	0	12.5%	196.87	24.61	95.29	76.97	60.90%	

4.4.3.2 It can be seen that both the Applicant's Site Area and the Measured Site Area fails the Site Capacity #2 Test, as they have insufficient area to accommodate all the requirements. The Site Area is inadequate for all requirements in an **<Outer Suburban** and **Outer Suburban** setting and only has capacity for **Suburban Area Type** setting.

#### 4.4.4 Residential Densities

4.4.4.1 From the perspective of Residential occupation. The **National Model Design Code & Guidance** gives no indication of **Residential Densities**. However, as that guidance is related to the **National statistical relationship of Units/ha**, it is appropriate to use the **National occupancy** of dwellings to give a measure of national **Residential Density**.

4.4.4.2 The statistical unit occupancy for the UK <sup>5</sup> is **2.36 persons/Unit** which allows conversion of **National Housing Density** to **National Residential Density** by a factor of **2.36** thus:

Area Type	Housing Density	=	Residential Density
<b>Outer Suburban:</b>	20u/ha to 40u/ha	=	47.2p/ha to 94.4p/ha
<b>Suburban:</b>	40u/ha to 60u/ha	=	94.4p/ha to 141.6p/ha
<b>Urban:</b>	60u/ha to 120u/ha	=	141.6p/ha to 283.2p/ha
<b>Central:</b>	≥120u/ha	=	≥283.2p/ha

4.4.4.3 This conversion allows us to analyse the effects of any increase in **Residential Density** as compared to the **Area Type** as defined by the **Post Code** in relation to supporting Infrastructure as required by **London Plan Policy D2 Infrastructure requirements for sustainable densities**.

4.4.4.4 Using this conversion factor gives a clear relationship between the **Local Post Code** actual **Resident Density** (persons/ha) to that of the actual **proposal's Residential Density**, based upon the **National** assessment as:

- a) For the **Applicant's** quoted **Site Area** of **0.0294ha**, the **Residential Density** of the Proposal at **147.06persons/ha** exceeds the **Post Code Residential Density** of **33.40persons/ha** by **118.88persons/ha**, a **355.93% increase**, which raises the **Area Type** from **<Outer Suburban**, (<47.2person/ha) through the **Outer Suburban Area Type Range** (47.2persons/ha to 94.4persons/ha) and through the **Suburban Area Type Range** (94.4persons/ha to 141.6persons/ha) into the **Urban** (141.6persons/ha to 283.2persons/ha) setting.
- b) For the **revised Site Area** of **0.0197ha**, the **Residential Density** of the Proposal at **152.286persons/ha** exceeds the **Post Code Residential Density** of **33.40persons/ha** by **113.66persons/ha**, a **340.30% increase**, which raises the **Area Type** from **<Outer Suburban**, (<47.2person/ha) through the **Outer Suburban Area Type Range** (47.2persons/ha to 94.4persons/ha) and through the **Suburban Area Type Range** (94.4persons/ha to 141.6persons/ha) into the **Urban** (141.6persons/ha to 283.2persons/ha) setting.

<sup>5</sup> <https://www.statista.com/statistics/295551/average-household-size-in-the-uk/>

## 4.5 Supporting Infrastructure

4.5.1 The **London Plan (2021)** omitted the **Density Matrix** which removed any guidance for the relationship between **Residential Density, Area Types** and **Public Transport Accessibility Levels (PTAL)**. However, the **London Plan Policy D2 Infrastructure requirements for sustainable densities** states: .

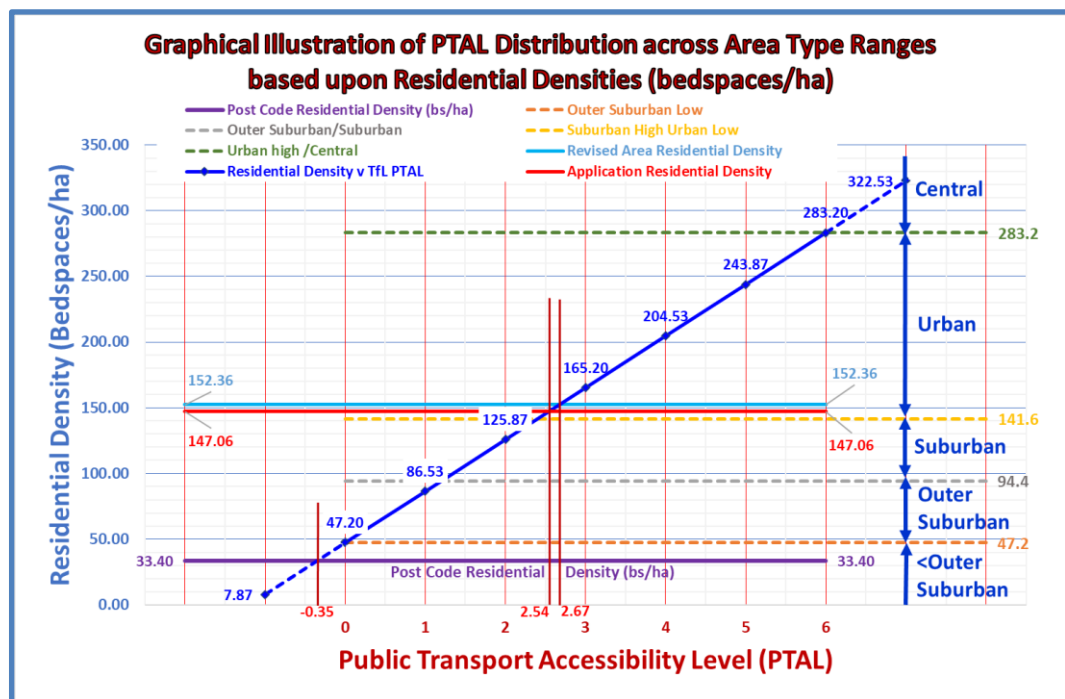
A The density of development proposals should:

- 1) consider, and be linked to, the provision of **future planned levels of infrastructure** rather than existing levels;
- 2) be proportionate to the site's connectivity and accessibility by walking, cycling, and public transport to jobs and services (**including both PTAL and access to local services**)<sup>26</sup>.

4.5.2 We therefore require guidance on the relationship between the Local Residential Density (community) requirement for Public Transport Accessibility and in the **absence** of any **Policy** by the **LPA** or the **Planning fraternity** we must make assumptions. The Range of PTAL as defined by TfL is from Zero (0) to 6+ (6a & 6b). It is presumed that the values of 1a & 1b and 6a & 6b were afterthoughts.

4.5.3 However, we can assume this **Range of PTAL** accessibility is a **linear** incremental increase over the full range of **Area Types** from **Outer Suburban** through to **Central** then the PTAL distribution across Area Types would follow the function:  $y = mx + c$  where;

$$y = \text{Density}; \quad m = \frac{\delta y}{\delta x}; \quad x = \text{PTAL} \quad \text{and} \quad c = y \text{ when } x = 0$$



**Illustration of PTAL linear incremental increase across Area Types**



4.5.4 The **Local Post Code** (CR0 7PP) and the proposed site at **Round Grove** as defined by the **TfL WebCAT**, has an existing **PTAL** of:

**PTAL output for 2031 (Forecast) 1a CR0 7PP**  
Round Grove, Croydon CR0 7PP, UK  
Easting: **535985**, Northing: **166801**

Assuming **PTAL 1a & 1b** are numerically equally displaced between Zero and 2. We can assume **1a**  $\equiv$  numerically **0.66** and **1b**  $\equiv$  numerically **1.33**.

$\therefore$  the Residential Density appropriate for PTAL 1a is:

$$y = \left( \frac{283.2 - 47.2}{6} \right) * 0.66 + 47.2$$

$$y = 39.33 * 0.66 + 47.2$$

$$\therefore y = 73.16 \text{ persons/ha}$$

4.5.5 Thus, the **optimum Residential Density** at **PTAL 0.66** is **73.16persons/ha**. in an **Outer Suburban Area Type** setting. As the **Post Code** has a Residential Density of **33.40persons/ha** i.e., **below the 73.16persons/ha for PTAL 1a**, the locality has adequate **PTAL** to support the population of that **Post Code**.

4.5.6 **PTAL required for proposal.**

**For the Applicant's stated Site Area:**

$$\text{Residential Density } y = 147.06 = \left( \frac{283.2-47.2}{6} \right) * x + 47.2$$

$$\therefore \text{ Required PTAL } = x = \frac{147.06-47.2}{39.33} = 2.539$$

$$\therefore \text{ Required PTAL } \approx 2.54$$

**For the Applicant's stated Site Area:**

$$\text{Residential Density } y = 152.28 = \left( \frac{283.2-47.2}{6} \right) * x + 47.2$$

$$\therefore \text{ Required PTAL } = x = \frac{152.28-47.2}{39.33} = 2.6717$$

$$\therefore \text{ Required PTAL } \approx 2.67$$

**When the current Local PTAL is 1a  $\equiv$  0.66**

4.5.7 Based upon the logical assumption that a **Local Area PTAL** requirement increases in proportion with the increase in **Residential Density** of the locality, it is clear that the proposal would require an improvement in **PTAL** from **PTAL1a** to  $\approx$ **PTAL 3** to satisfy proposal's **Residential Density**.

4.5.8 However, this incremental increase of proposal's **Residential Density** within the **Post Code Area** would only Increase the **PTAL** required slightly from the current required **PTAL** of **-0.35** to  $\approx$ **PTAL** of **-0.31**.and therefore could be accepted as tolerable as it is well within the currently available **PTAL** of **+0.66**.

#### 4.6 Incremental Intensification

4.6.1 The London Plan para 4.2.4 provides guidance for “**Incremental intensification**” of existing residential areas within **PTALs 3-6** or within **800m** distance of a **station** or **town centre boundary** and 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.

4.6.2 It is therefore concluded that Areas below (<) **PTAL 3** and greater than (>) **800m** from a Tram/Train Station or District Centre would be **inappropriate** for “**Incremental Intensification**”. However, there is no definition of what “**Incremental Intensification**” actually means in terms of quantifiable or % **incremental** increase in **Density**.

4.6.3 We conclude therefore that Round Grove is inappropriate for “**Incremental Intensification**” however defined, as it is <**PTAL 3** and >**800m** from a train/tram station or **District Centre**.

#### 5 Housing Need – The Shirley “Place”

5.1 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>6</sup> 2021 **Table 3.1**). This equates to **≈14 dwellings per year over 20 yrs**.

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

**Freedom of Information (FOI) request Ref: 4250621 31st Jan 2022.**

5.2 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 shown in the table above.

5.3 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**

<sup>6</sup> <https://www.croydon.gov.uk/sites/default/files/2022-01/croydon-local-plan-2018-revised-2021-part-1-start-to-section-11.pdf>

**Wards** and therefore the **FOI** response ‘suggests’ completions for **Shirley “Place”** can be calculated by **adding** the completion figures together for each **Shirley Ward”**.

- 5.4 Analysis of this limited information (**FOI response**) supports our assumption that completions are recorded but **NOT** against the **“Places”** of Croydon and **no action** is taken by the **LPA** as a result of those completions. In addition, the **“Shirley Place” Area does NOT equate to the sum of the Shirley North & South Ward Areas.** (Although assumed as such in the FOI response. There is no defined boundary to a “Place” nor any defined number of Dwellings, a “Place” does not equal a Ward, and therefore it is not possible to monitor accurately the supply of new homes to a specific “Place”).
- 5.5 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 From the **FOI Request**, the Area of the **Shirley “Place”** is **≈770ha**. The total Area of **Shirley North & South Wards** is **715.2ha** (GLA figures) therefore, there is **≈54.8ha** 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%** **≈258** (and the difference of **20** added to the **Targets** of the relevant adjacent **Wards**).
- 5.7 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.
- 5.8 We are confident therefore, 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.**
- 5.9 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>7</sup> as Shirley has no prospect of infrastructure improvement over the life of the Plan. The **Sustainability of Developments** is a **legal** <sup>8</sup> **requirement** of development approvals.
- 5.10 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

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<sup>7</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>8</sup> <https://www.legislation.gov.uk/ukpga/2004/5/section/39>

understanding the **Managing of Developments** is the prime responsibility and the Job Description of the LPA “Development Management” Team.

5.11 **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 is NO infrastructure improvements to support the surpassing of that “Need.”**

5.12 We have conclusively shown that the Housing Targets defined in the **London Plan Policy H1 - Increasing housing supply**, has been significantly exceeded in the **Shirley North Ward** which indicates **Housing need** in this location has already been **met**. This reduces the pressure on the local area for increased Housing, as without significant improvement in **supporting infrastructure** any **future developments would be unsustainable**.

5.13 **The remainder of the Appellant’s Grounds of Appeal are related to subjective interpretation of Policy, and we have no further comments to contribute.**

## **6 Summary & Conclusions**

6.1 **Refusal Reason 1:** We have assessed the proposal against the Policies given by the case officer for Refusal 1 and believe the Policies for privacy and overlooking are inadequately defined and unquantifiable to sustain a refusal of the proposal. The Policies are extremely subjective and open to prejudicial interpretation which illustrates unprofessional drafting of the Policies and their interpretation. We therefore cannot support the LPA Refusal Reason 1 or the reason 1 evidence for a dismissal of this appeal.

6.2 **Refusal Reason 2** We believe the LPA Reason 2 refusal reason is completely flawed both in interpretation and factual as the proposal fully meets the requirement for GIA percentage of full ceiling height as defined in the London Plan Policy D6. We therefore believe that the case officer made an unprofessional determination for recommending a refusal for this policy and as such we cannot support the LPA Refusal Reason 2 or the reason 2 evidence for a dismissal of this appeal.

6.3 **Refusal Reason 3:** The analysis of the provided swept path egress and ingress suggest that the entry into the Parking Bay from either direction from Round Grove would need to be by reversing from either the North or South into the Parking Bay such that the Position of the parked vehicle is facing the Round Grove for a forward Exit across the footpath for the safety of pedestrians.

6.3.1 The swept paths are not physically possible as illustrated as the trajectories show wheelbase separation varies which is not physically possible as depicted in the swept path illustrations provided.

6.3.2 It is considered that these maneuvers could not be achieved in a single mode of direction but would require a reverse and forward maneuver of opposite lock to negotiate the entry or exit and as such would present hazards to other road

users and pedestrians, especially those motorists exiting the roundabout within Round Grove from the north.

- 6.3.3 We therefore Support the LPA Refusal 3 and recommend this as a reason for Dismissal of this Appeal.
- 6.4 Although we can only support the LPA Reason 3 Refusal, we are minded that the National and London Plan Policies provide further reasons for dismissal of this Appeal.
- 6.5 The National Model Design Code & Guidance provides comprehensive guidance on building Line set-backs to ensure contiguous set-backs along the street or road. New developments should follow the established building line where it exists. The proposal clearly fails to meet this required guidance which provides Reason for dismissal of this appeal.
- 6.6 The Locality is inappropriate for '**Incremental Intensification**' as defined by the **London Plan** para 4.2.4 as it has **PTAL <3** and is **>800m** from any **Tram/Train Station** or **District Centre**. (Shirley is a Local Centre).
- 6.7 We question the validity of the **Site Area** as quoted on the Application Form as the site area has implications on the Housing and Residential Densities and the local Area Type setting.
- 6.8 The drawing clearly indicates that the **northern boundary** is squared off by an **existing boundary fence** and therefore the **Red Line** at the northern end of the **Plot** is probably **incorrect** and the site boundary should follow the boundary fencing. This can only be ascertained from **Title Deeds** of both **no. 2 & no. 5 Round Grove** to establish their **Registered boundaries**.
- 6.9 Our analysis and assessment of the **Local Design Codes** as defined by the **National Model Design Code & Guidance**, whether the **stated** or **measured Site Area**, based upon comparison of **Housing Density ratios** would indicate the Proposal would **NOT** respect the existing **Area Type at <Outer Suburban** or the existing **character** of the locality into which it is proposed. The proposal would have a **Suburban Area Type Range** (40U/ha to 60U/ha) setting in an **<Outer Suburban Area Type** location.
- 6.10 However, the overall effect on the locality would be minimal but the proposal would fail the policy objectives of being the "**Right Type**" in the "**Right Place.**" It could be considered the "**Right Type**" but in the "**Wrong Place**", **NPPF Para 8 a**).
- 6.11 The proposal theoretical fails the **London Plan Policy D2** - Infrastructure requirements for sustainable densities from the relationship with PTAL.
- 6.12 We have concluded that the housing need has been satisfied in the **Shirley North Ward** and the **Shirley 'Place.'**
- 6.13 We have Assessed the proposal on the compliance to **National and London Plan Policies** and conclude that it fails to meet the requirements of those defined Policy requirements for the proposal to provide the "**Right Type**" in the "**Right Place.**"

6.14 However, the proposal would provide a valuable starter home for a first-time purchase or a suitable home for downsizing if in a different location. If the Applicant wishes to propose a development within an **Area Type** which does not respect that **Area Type** setting, the applicant should set out the specific reasons for the deviation to support the proposal for assessment by Officers.

**Kind Regards**

**Derek**



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