



Appeal Decisions

Site visit made on 15 September 2009

by **Anthony Lyman BSc(Hons) DipTP**
MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
7 October 2009

Appeal A: APP/L5240/E/09/2097582

Gayfere, 2-4 Grange Hill, London, SE25 6SX

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
- The appeal is made by Mr D. Cunningham against the decision of the Council of the London Borough of Croydon.
- The application Ref 08/04091/CA, dated 10 December 2008, was refused by notice dated 9 February 2009.
- The demolition proposed is two existing houses.

Appeal B: APP/L5240/A/09/2097250

Gayfere, 2-4 Grange Hill, London, SE25 6SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D. Cunningham against the decision of the Council of the London Borough of Croydon.
- The application Ref 08/01654/P, dated 6 May 2008, was refused by notice dated 9 February 2009.
- The development proposed is the demolition of two existing houses and erection of 13 new family homes with associated off road car parking.

Decision

1. I dismiss both appeals.

Main issues

2. The main issue with regard to Appeal A is whether the demolition of the appeal property would preserve or enhance the character or appearance of the Church Road Conservation Area.
3. The main issues relating to Appeal B are, i) whether the proposed development would preserve or enhance the character or appearance of the Conservation Area, ii) the effect of the proposal on the living conditions of the occupants of neighbouring properties.

Reasons Appeal A

4. Gayfere is a single building, incorporating two dwellings, set in approximately 0.3 hectares of mature, landscaped gardens within the Church Road Conservation Area. The central part of the property dates from the early 19th century, with later wings added in the 1850s and 1870s. There are smaller,
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possibly 20th century extensions to the rear of the building. The property was listed Grade II in 1973, although it was de-listed in 2005 as English Heritage considered that the original 1800 building had been too altered to justify its listing. It was also considered by English Heritage that the mid 19th century additions were not of special architectural interest. The Council subsequently added Gayfere to its list of locally listed buildings on the basis of its architectural significance, authenticity and historical significance.

5. A similar application to demolish the buildings and erect 13 houses on the site was dismissed on appeal in 2008. At that time the site was not within the Conservation Area which was extended later that year to include Gayfere and other properties on Grange Hill and Teesdale Gardens. Therefore, although I will have regard to the previous Inspector's views, I am required to consider the proposed demolition against the more stringent tests set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In particular, I will consider the effect of the demolition of the building on the character or appearance of the whole of the Conservation Area, and not just the area immediately surrounding the appeal site, which was the context for the previous Inspector's decision. I will also have regard to an extant permission to extend and convert the building into nine flats and to build four houses near to the site frontage.
6. The appeal property and its gardens are within a residential area of varying architectural styles, scale and density. On the opposite side of Grange Hill, there are substantial Victorian villas and elsewhere there are developments built in different decades of the 20th century. Amidst this medley of residential property, the appeal site appears as an oasis of green landscaped space with the Gayfere building at its centre.
7. According to submitted evidence, Gayfere retains the largest area of open space in the vicinity of Grange Hill and is one of the last remaining buildings in extensive grounds from the 19th century. The gardens around many of the larger houses in this area have been subject to various phases of infill development. The appeal property is said to be one of the earliest examples of its type and is of local historical relevance to the early development of this part of Croydon.
8. Although only glimpses of the white rendered building can be seen from the road, these views create considerable interest in the street scene. Similarly, from the surrounding houses and flats, Gayfere can be seen, to varying degrees and has significant presence in the area.
9. The Conservation Area was first designated in 1974 because of the area's considerable architectural interest and its strong associations with the past development of this part of Croydon. In my opinion, the appeal property reflects both of these attributes and makes a substantial, positive contribution to the character or appearance of the Conservation Area.

Reasons Appeal B

10. Planning Policy Guidance 15 – Planning and the Historic Environment (PPG15) states that there should be a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of a conservation area. Furthermore, proposals to demolish such buildings

should be assessed against the same broad criteria as advocated for applications to demolish listed buildings. I shall, therefore, consider the proposal to demolish Gayfere and to erect 13 dwellings against these broad criteria as set out in paragraph 3.19 of PPG15.

Condition of the building

11. Following the dismissal of the previous appeal in February 2008, the appellant obtained permission from the Council to convert and extend the existing house into nine flats and for the erection of four semi-detached houses near to the street frontage. Under that scheme the frontage of the building would remain largely unchanged and the gap between the two pairs of semis would open up views of the main facade from Grange Hill. However, shortly after that approval, the current application was submitted to demolish Gayfere and to erect thirteen dwellings.
12. In September 2008, during the Council's consideration of this application, the Conservation Area was extended to incorporate, amongst other things, the appeal site. On 15 September 2008, consultants acting on behalf of the appellants undertook *a brief superficial visual inspection* of the building which resulted in a short letter, dated 26 September 2008, outlining structural problems with the building. In particular, the letter suggested that the entire structure needed to be underpinned at an estimated cost in excess of £100,000. The appellant argued that the project, for which permission had been obtained only a few months earlier, was no longer economically viable.
13. On my site visit, the appellant's agents were unable to permit me access to the house to see for myself the reported subsidence, sloping floors, structural cracks, foundation movement and the alleged wet or dry rot mentioned in the surveyor's letter. My observations were therefore, limited to viewing the property externally and I was surprised how little subsidence was evident from my inspection. The roof also appeared to be in sound condition, with the exception of a few loose slates. Therefore, I am unable to verify the findings of the letter which the author admits was limited and *does not constitute a full structural survey report*. Considering that the house was lived in until a few years ago, I am not persuaded about the extent of the dilapidation suggested by the appellant or by his statement that *the building is fundamentally beyond economic repair*.

Efforts to retain the building

14. PPG15 advocates that consent for demolition should not be granted unless there is evidence that *real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition*.
15. No such evidence has been presented and I have seen no economic or marketing assessment to demonstrate that the approved scheme, (or any other scheme which would satisfy the compatible alternative use criterion), is not viable. A detailed Sustainable Construction Assessment was submitted which shows that over a 60 year period, the total carbon dioxide emissions associated with the proposal would be less than with the approved scheme,

although for the first 23 years the reverse would be true. Nevertheless, I consider that, on the evidence before me, insufficient efforts have been made to retain this building, contrary to the provisions of PPG15 and Policy UC2 of the Croydon Replacement Unitary Development Plan (UDP).

The Merits of Alternative Proposals

16. The application for thirteen houses on the site is a slight variation of the one considered by the previous Inspector. I note that he found that the design of the dwellings would introduce an acceptable variation in the mix of buildings in the area, would sit comfortably on the site and would not adversely affect the character or appearance of the area. Nevertheless, I must consider the proposal in the context of the wider Conservation Area and its more stringent requirements.
17. Notwithstanding the Inspector's views, I am particularly concerned about the design of some of the dwellings which, with their sharp rectangular form and mono-pitched roofs, remind me of some municipal housing schemes of the seventies. Although these inner houses would not be particularly visible from Grange Hill, they would be seen from the surrounding houses and from within the complex itself. Whilst there is no bar to new and modern designs in a conservation area, nevertheless I consider that the design does not meet the high quality advocated in Planning Policy Statement 3 –Housing (PPS3), which states that design which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. I note that the Council's Urban Design Officer referred to the proposed buildings as – "*Poor Design – cramped form of development; non-descript design replacing characterful building*".
18. I consider that in the context of the Church Road Conservation Area, the proposal, by way of its design, and the extensive use of uncharacteristic wood cladding, fails to improve sufficiently the character or quality of the area, contrary to the provisions of PPS3 and Policy UC2 of the UDP.

Living Conditions of the occupants of neighbouring houses

19. In the previous dismissed scheme, the Inspector concluded that the terrace of houses on the western boundary would have an unacceptable impact on the living conditions of occupiers of some nearby houses on Grange Road which are at a considerably lower level than Gayfere's gardens. In particular, the Inspector found that the proposed terrace would have an oppressive and overbearing presence when seen from the rear of Nos. 270-274 Grange Road and their gardens.
20. In response to that Decision, these units have been moved slightly further into the site to achieve a 20m separation from the adjacent properties. In addition, the first floor rear windows have been removed to limit any possibility of overlooking or perception of loss of privacy.
21. However, the occupants on Grange Road, some of whose gardens I visited on my site visit, would now see a blank elevation of a substantial building of varying heights, across the rear of their gardens, which would be even more apparent from their first floor windows. The blank rear walls, as shown on the appellant's Image Comparison Sheet, would appear somewhat austere and

forbidding. This would be an unsatisfactory outlook for the local residents and increases my concerns about the quality of the design. Although this terrace would not have an adverse impact on the amount of daylight or sunlight reaching the Grange Road houses, the proposal would be oppressive and overbearing contrary to Policy UD8 of the UDP and would fail to take the opportunity to improve the quality of the environment, contrary to PPS3. By failing to respect the character of the residential area, the proposal would also conflict with H2 of the UDP.

22. The appellant has submitted a Unilateral Undertaking (UU), whereby the owners of the property undertake to make contributions towards sustainable transport initiatives, open space, health and library provision in the area. Although this adds weight in favour of the proposal, nevertheless it does not overcome the harm that I have identified.

Conclusion Appeal A

23. The proposal would result in the loss of a substantial building which makes a positive contribution to the Church Road Conservation Area. The demolition would fail to preserve or enhance the character or appearance of the Conservation Area and, therefore, the application for Conservation Area Consent must fail.

Conclusion Appeal B

24. Notwithstanding the contributions arising from the UU and the fact that the development would make much more efficient use of the site in a sustainable location, I conclude that the proposed demolition and the construction of thirteen houses would not satisfy the provisions of PPG15 and would fail to preserve or enhance the character or appearance of the Conservation Area. On the second issue I identified, I conclude that the proposal would also have an adverse effect on the living conditions of some residents on Grange Road.

Decision

25. For the reasons given, and having had regard to all other matters raised, I dismiss both appeals.

Anthony Lyman

INSPECTOR