

Agenda Item: **6.4**

**This is a Major Application for which the 13 week period expires on 10/11/2006.**

06/03080/P

11/08/2006

Purley

Application for full planning permission

Agent:  
Design Venture  
111 East Lane  
West Horsley  
Surrey  
KT24 6LJ

Applicant:  
Mr Mohajerani  
109 Greencroft Gardens  
London  
NW6 3PE

Location: 24-26 Foxley Lane, Purley, CR8 3ED

Description: Demolition of existing building; erection of 1 three storey building comprising 4 one bedroom and 1 two bedroom flats and 1 four storey building comprising 7 two bedroom flats; formation of vehicular access and provision of basement parking area

Drawing No(s): Site Surveys A-02 and 10376-104, 10376-100, 101, 102, 103, 110, 111, 112, 115, 116, TSP/LSP/P1335/02 and LMSL/11/FL/2A.

Recommendation: **Refuse Permission**

Reason(s) for refusal :-

1. The development would be out of keeping with the character of the locality and detrimental to the visual amenity of the street scene by reason of its scale, design and prominent siting and would thereby conflict with Policies UD2, UD3 and H2 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
2. The design of the proposed vehicular access, including visibility splays and sightlines, and its form and intensity of use, would be prejudicial to pedestrian and vehicular safety and would thereby conflict with Policies UD12, UD13 and T11 of the Croydon Replacement Unitary Development Plan (The Croydon Plan).
3. The development would result in the loss of or the putting at risk trees which have amenity value and would thereby conflict with Policies UD2, UD14 and NC4 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)
4. The development would be detrimental to the residential amenities of the occupiers of the adjoining property by reason of an overbearing impact, visual intrusion and loss of outlook and would thereby conflict with Policies UD2 and UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan)

**06/3080/P – 24-26 FOXLEY LANE, PURLEY**

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**1. SUMMARY**

- 1.1 This report concerns an application for full planning permission for the demolition of the two existing dwellings and the erection of one three storey building (plus basement) and 1 four storey building (plus basement) comprising a total of 8 two bed flats and 4 one bed flats, together with the formation of a vehicular access to a basement car park area with 14 parking spaces.

**2. RECOMMENDATION**

- 2.1 That planning permission is refused for the reasons set out in the agenda.
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**3. BACKGROUND**

a. Site Description

- 3.1 The application site is located on the north-eastern side of Foxley Lane, to the south-east of its junction with Plough Lane.
- 3.2 The site is occupied by two substantial, two storey dwellinghouses, both set in an elevated position above Foxley Lane. The site is obliquely rectangular in shape with a frontage of 44m, an overall depth of approximately 65m and a site area of approximately 0.276 hectare.
- 3.3 The Foxley Lane frontage to no.24 is enclosed by a brick wall that partly retains the higher land levels behind it, with the house itself being set approximately 4.4m higher than Foxley Lane. There is a large Beech tree situated in the south-eastern corner of no.24 that is protected by Tree Preservation Order 14, 1995.
- 3.4 Similarly no.26 is set at a higher level than the road, with a detached garage at street level providing off street parking facilities. The front of this property is screened by a number of mature trees.
- 3.5 The rear gardens rise significantly to the rear with a number of mature trees on and close to the site boundaries. The rearmost (northern) parts of the gardens are approximately 14m above the level of Foxley Lane.
- 3.6 The surrounding area is primarily residential in character with large detached houses on relatively large plots.
- 3.7 There has recently been some redevelopment in the surrounding area of

dwellings into flats, most notably 10 two bed flats at 4 Plough Lane (03/1782/P). A resolution has also been made to grant planning permission for 12 two bed flats at 6 Plough Lane (04/2112/P).

3.8 Foxley Lane is a London Distributor Road and Plough Lane a Local Distributor Road.

b. Relevant Planning History

3.9 There has been no significant history in respect of no.26. However, in respect of no.24 the following is of relevance:-

3.10 01/0468/P – In December 2001 planning permission was granted for the erection of two storey side extensions, alterations to land levels, erection of side retaining wall and detached double garage at front, rebuilding of the front boundary wall and formation of a vehicular access. This has not been implemented.

3.11 04/2626/P – In December 2004 outline planning permission was refused for the demolition of the existing building and the erection of a building comprising 12 flats.

3.12 05/2235/P – In September 2005 planning permission was refused for the demolition of the existing building and the erection of a three/four/five storey building comprising 11 two bedroom flats and basement parking area.

c. Proposal

3.13 The application is a full application for the demolition of the existing buildings and the erection of two new buildings to provide 8 two bedroom flats, 4 one bed flats and a basement parking area to provide 14 parking spaces.

3.14 The smaller 3 storey building (plus basement) housing 4 one bed flats and 1 two bed flat would be located adjacent to no.22. This building would be set back by between 10.5m and 13.5m from the frontage of the site. It would be 13.5m in width and just under 17m deep. The basement/entrance level would be 2.6m above the adjacent street level with three floors of residential above, with the building having a total height of 12.05m (14.65m above street level). The plans indicate that the excavations required to accommodate the building would be down to street level.

3.15 The larger 4 storey building (plus basement with car park) would be located to the west of the smaller building, with a gap of 4.8m between. It would house 7 two bed flats over four floors, together with a 14 space basement car park. This building would be set back by between 8.5m and 12.5m from the frontage of the site, with a width of 21m and depth of 17m. The pedestrian entrance would be set at the same level as the smaller block. A vehicular access would also be provided in this block, leading to a 14 space basement car park, set at street level that would serve both blocks. This building would have an overall height of 14.98m from pedestrian entrance to roof, and would thus be some 3m higher than the smaller block.

- 3.16 Refuse and cycle stores would be sited within the basement area of the buildings. The basement car park would extend some 12.5m beyond the rear elevation of the buildings, but would be covered by a landscaped deck above.
- 3.17 The proposed building would be a “Huf Haus” design with elevations of white render, glazing and timber, and a shallow pitched, green roof. The “Huf Haus” is generally recognised as being of an innovative design with significant ecological benefits and low maintenance costs. The houses are usually pre-manufactured, thereby simplifying and speeding up the construction process on site.
- 3.18 As part of the proposals the applicants have considered some highway alterations that may be appropriate if planning permission were to be granted. This includes some kerb buildouts at the Foxley Lane/Plough Lane junction and the provision of a pedestrian refuge opposite 22 Foxley Lane. Such proposals would however require further design and safety audit works.

#### **4. PLANNING POLICIES**

- 4.1 The relevant policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan) are UD1, UD2, UD3, UD6, UD7, UD8, UD9, UD12, UD13, UD14, UD15, RO12, NC4, EP2-EP4, EP16, T4, T8, T11, H2, H5, H9 and H14.

#### **5. CONSULTATIONS**

- 5.1 The proposal has been advertised on site and in the press as a major application. In addition 27 individual letters of notification have been sent to the occupiers of neighbouring and nearby properties. At the time of writing this report 3 letters of representation have been received.
- 5.2 The main objections can be summarised as follows:-
- (a) The access will be dangerous, impacting on the Plough Lane junction,
  - (b) The proposed traffic island will cause further congestion, and hinder access to the driveways of nearby residents,
  - (c) The proposal will result in the loss of trees, to the detriment of the character of the area,
  - (d) The appearance of the buildings are wholly out-of-keeping with the character of the area,
  - (e) The parking will not be able to accommodate visitor parking, adding further to congestion in Foxley Lane,
  - (f) There is no demand for flats in this area, given the vacancy rates of many of the surrounding recently completed developments, and,
  - (g) Noise and disturbance from construction works.

#### **6. CONSIDERATIONS**

- 6.1 The principal issues to be considered are:

(1) The acceptability of a residential development on this site,

(2) The effect of the proposal on:

- (a) The streetscene and the character of the area,
- (b) The amenity and privacy of the adjoining occupiers,
- (c) Parking, traffic and highway conditions in the locality,
- (d) Trees and vegetation.

(3) The amenities of the future residential occupiers.

#### Principle of Residential Development

- 6.2 Policy H2 of the Croydon Plan permits housing development within built up areas provided that the development does not conflict with the aims of protecting the character of residential areas and there is no loss of other protected uses. New residential development should only be permitted where it maintains the character of the area and protects the amenity of adjoining residential properties.
- 6.3 With a Net Residential Area of 3024m<sup>2</sup> and 40 habitable rooms the density of the development would be 132 habitable rooms per hectare (hrh). This is below the range recommended in Policy H9 of the Croydon Plan that suggests a density range of 160 to 300 habitable rooms per hectare for mixed housing schemes.
- 6.4 Policy H9 is nevertheless subject to the overriding requirement that new development should respect its surroundings particularly in relation to the impact on the streetscene, the character of the area and the amenities of adjoining occupiers, and these issues are addressed below.

#### Impact on the Streetscene and the Character of the Area

- 6.5 There are significant changes in land levels between the front and rear of the site, and considerable excavation works will be required to accommodate the new building, as indicated on the submitted plans.
- 6.6 The proposed buildings with a modern contemporary design are significantly at odds with the general character of this part of Foxley Lane which comprise of more traditional forms of buildings with brick and render elevations and tiled roofs. Whilst a contemporary building can often sit comfortably in a more traditional environment and perhaps complement other building styles, it is considered that this proposed development does not, and consequently it will be harmful to the streetscene and the general character of the area.
- 6.7 The buildings would be in close proximity to the site boundaries (2m to the boundary with 22 and 1.8m to the boundary with 28), and both would be sited slightly further forward than the existing buildings on the site. Combined with the overall height, massing and form of the buildings they would be very dominant compared with the remainder of the buildings in this part of Foxley Lane.
- 6.8 Attempts have been made to assist in integrating the buildings into the area through an indication of the retention of the majority of the existing trees to the

front of the site, thereby hiding the buildings from view. However, it is considered that the extensive excavation works that will be required for the buildings would inevitably result in damage to or the loss of some of these trees, which would affect the character of the area and result in the buildings being even more dominant in the streetscene. It is considered that insufficient information has been provided to demonstrate that these trees can be retained, especially given the need to maintain adequate sight lines and visibility splays from the new access. Moreover, it is likely that the trees would also be subject to pressure for pruning from potential residents who would want to maintain reasonable levels of light and outlook to/from their flats.

- 6.9 The dominance of the buildings would be emphasised by the removal of the landscape around it, resulting in a three and four storey buildings (with basements) in an area that is characterised by two/three storey buildings.
- 6.10 Whilst there have been recent developments of flats in the surrounding area, these are generally on plots of land that are significantly larger than the current application site, where the buildings retain their landscaped setting, or where there is not such a close relationship with neighbouring properties. This part of Foxley Lane is very different in character from the recent developments at the lower end of Foxley Lane opposite the library, which are immediately on the edges of Purley Town Centre and adjacent to the strategic road network.

#### Impact on Amenities of Adjoining Occupiers

- 6.11 The eastern flank wall of the smaller of the building (adjacent no.22) would extend just over 10m beyond the rear elevation of that property. Whilst there are no windows proposed in this flank, it is considered that the building would be overbearing and visually obtrusive to that property.
- 6.12 No 28 to the north-west of the site would be less affected by the proposals given the relationship of the house to the proposed flats. The western flank of the larger block would however be prominent and close to the boundary with no.28's parking area that lies to the front of the plot.

#### Parking and Highway Implications

- 6.13 The development would result in a significant intensification of use of the vehicular access which is located to within about 50m of the junction of Foxley Lane and Plough Lane. The acute angle of this junction causes difficulty for drivers and this is reflected in the 7 personal injury accidents at this junction in the last 3 years.
- 6.14 It is considered that the provision of the access associated with this proposed development so close to the junction would increase the risk of road traffic accidents and therefore be detrimental to road safety.
- 6.15 The proposed crossover is 4.8m in width which is sufficient for two cars to pass each other, although no information has been given on maintaining visibility splays and sightlines (which may impact on the trees to be retained). The access road is not perpendicular to the highway, which will make it difficult for vehicles turning left into the site and create a large swept path creating a conflict between vehicles entering and leaving the site. This could result in

vehicles reversing back out onto Foxley Lane which would not be acceptable.

- 6.16 The access ramp to the basement is 15%, where it should normally be no greater than 10%. The access to the refuse store to the larger block off this access ramp could also result in some conflict between pedestrians and vehicles.
- 6.17 14 parking spaces are proposed for the 12 flats, and this is considered acceptable for this location which has a Public Transport Accessibility Level (PTAL) of 3. Two parking spaces are designed as disabled spaces, and adequate bicycle storage is allowed for in the basement areas.
- 6.18 Should planning permission be granted the applicant would be expected to enter into a legal agreement to ensure the implementation at the developers expense of an appropriate highway improvement scheme similar to that suggested (but yet to be audited and proven satisfactory) as well as a contribution of £8400 towards sustainable transport measures.

#### Trees and Vegetation

- 6.19 Existing vegetation in and around the buildings would be removed as part of the excavation works required to accommodate the buildings. This would include 8 trees. The Beech tree to the front of no 24, protected by Tree Preservation Order 14, 1995 is indicated as being retained. The remainder of the trees in themselves are not of significant value to warrant formal protection by means of a Tree Preservation Order, but for the reasons stated in the paragraphs above relating to impact on the character of the area and the need for trees to provide a buffer with the new buildings, their retention is desirable, if not necessary.
- 6.20 An indicative landscape scheme has been submitted with the application, which indicates that the existing trees to the front could be retained. However, as stated above in practical terms it is unlikely that these trees could be retained in a form that would maintain the character of the area and provide a suitable screening of the new buildings. In addition, the nearness of the buildings to the side boundaries and the extent of the basement car park limit the opportunities for any significant new planting. Trees and vegetation at the top end of the site would nevertheless be retained.

#### Proposed Type and Standard of Accommodation

- 6.21 The flats would vary in size from around 68m<sup>2</sup> (one bed) and 117m<sup>2</sup> (two bed) to the 207m<sup>2</sup> penthouse flat. Outlook would be to the front and rear elevations only, although all flats would have access to a private balcony and communal amenity space of significant note. A satisfactory standard of accommodation for residents can therefore be maintained.
- 6.22 Policy RO12 of the Croydon Plan requires a contribution towards the enhancement of recreational open space should planning permission be granted. £16,517 would normally be sought for this type of development in this location and the applicant has indicated their intention to provide this.
- 6.23 With only 12 flats proposed there would not be a requirement for affordable

housing. However Policy H13 does state that where sites are "capable" of accommodating 15 or more then an element of affordable housing should be sought. In this case some of the flats are of significant size and the buildings as proposed could accommodate 15 or more units. However, any appropriate development would have to overcome the current recommended reasons for refusal, all of which indicate an overdevelopment of the site. A smaller, more appropriate scheme may not be capable of accommodating 15 or more units and it is not therefore recommended that a refusal on lack of affordable housing would be appropriate in this instance.

## **7. ENVIRONMENTAL CONSIDERATIONS**

- 7.1 The proposal would result in the redevelopment of an existing developed site to the detriment of the local environment.
- 7.2 The "Huf Haus" building that is proposed is generally considered to be a highly sustainable form of development with significant ecological benefits.

## **8. EQUALITIES CONSIDERATIONS**

- 8.1 Level and lift access would be provided within both buildings. Two disabled parking spaces are proposed.

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Case Officer: W Pierson.  
Background Documents: Previous Case Files  
Application details and illustrative material.  
3 Letters of objection  
Contact Officer: Philip Mills, Tel: 0208 760 5419.