
Appeal Decision

Site visit made on 15 November 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 6 December 2016

Appeal Ref: APP/L5240/W/16/3155976
4-5 Old Palace Road, Croydon CR0 1AX

- 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 SD Shah, Remys Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/05599/P, dated 14 December 2015, was refused by notice dated 9 February 2016.
 - The development proposed is a Roof extension to create an additional one-bed flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and of the Croydon Minster Conservation Area (CMCA).

Reasons

3. As required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CMCA, in which the appeal site is situated. Paragraph 132 of the National Planning Policy Framework (the 'Framework') requires that when considering the impact of a proposed development on a designated heritage asset (such as a Conservation Area), great weight should be given to the asset's conservation. The relevant development plan policies follow a similar approach.
4. The CMCA covers a key part of the historic core of Croydon. It includes the impressive Minster Church of St John the Baptist and Old Palace School complex, which has been recognised as including 'one of the best survivals in England of a medieval bishop's palace'¹. The scale of buildings in the CMCA ranges from the grandeur of the Church and original Old Palace School buildings to the small Victorian terraces which exist around its southern and eastern fringes. The buildings also have a wide range of uses and design detailing, reflecting the long and varied history of the area.

¹ Pevsner and Cherry, as quoted in the Croydon Minster Conservation Area Appraisal and Management Plan Supplementary Planning Document, Croydon Council 2014 (CMCAAMP), paragraph 1.6.1

5. The appeal building is identified as originally being a pair of late-Georgian houses². It has a formally arranged front elevation in which the vertically proportioned sliding sash windows are positioned in line with each other, both laterally and vertically. It also has a strongly defined roof parapet with pitched hipped roofs behind and its brick chimney stack, whilst of modest size, adds to the interest of the building.
6. Whilst the appeal building is set further back from the highway than adjacent buildings and is attached to a much larger building at 3 Old Palace Road (identified as a former warehouse³) it is nevertheless prominent within the street scene. Its 3 storey form also helps to address the transition in scale between number 3 and a row of smaller, terraced houses further south on Old Palace Road.
7. The appeal building appears to have been altered, for example through the rendering of part of its side elevation and front corner, the addition of upper floors over the side entrance, and of boundary walling and ironwork at the front. The building is also not statutorily listed. Nevertheless, I consider that it contributes positively and substantially to the character and appearance of the CMCA.
8. The proposed development would replace the existing roof with a higher flat topped roof bounded on three sides by slopes, faced in natural slate and set at an angle of about 45 degrees, with dormer style extensions projecting to front, side and rear. Despite the fairly gentle angle of repose of the proposed roof slopes, and their position behind the parapet, the upper parts of the dormer extensions would be seen from immediately across Old Palace Road and the alterations would be prominent in views from further south on this road.
9. Whilst it would be smaller than proposals subject to an earlier appeal, the proposed development would nevertheless add to the height and bulk of the roof. The dormer windows would not reflect the proportions of or align with the existing windows and would therefore impinge on the classical regularity of the design of the existing frontage. The proportions of the window panes would also not reflect those of the existing, and the submitted scheme would result in the existing chimney being lost. The proposal would also not create a more positive roof scape alongside 3 Old Palace Road, particularly as the similarity of form between the hipped elements of the roof and similar features on number 3, visible from further along Old Palace Road to the south, would be lost.
10. Although the development would result in the scale of the appeal building being closer to that of 3 Old Palace Road, it would also result in it having a greater contrast with that of the small terraced houses to the south.
11. The Appellant has suggested that conditions could be used to ensure that the chimney is rebuilt and to lower the angle of the proposed pitched roofs. However, these changes would not address all the shortcomings of the scheme and under the advice in the Planning Practice Guidance⁴ would be sufficiently substantial as to require a new planning application.
12. Having regard to all these points I consider that the proposal would harm the architectural character of the building and also cause harm, albeit less than

² CMCAAMP, section 3.1

³ CMCAAMP, section 3.1

⁴ Paragraph: 012 Reference ID: 21a-012-20140306

substantial, to the character and appearance of the CMCA. Under paragraph 134 of the Framework, where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against its public benefits.

13. The proposal would, by enabling one additional single bedroom flat to be created, contribute to the Government's aim of boosting significantly the supply of housing. It would also do so in a town centre location with good transport links and in a manner which would not occupy any additional land or harm biodiversity, and which could be thermally efficient. However, I do not consider that these benefits, whilst important, would collectively outweigh the harm that would be caused to the CMCA.
14. As a result, the proposal conflicts with the approach to design and heritage conservation in the Framework and in: Saved Policies UD3, UC3, and UC9 of the Croydon Replacement Unitary Development Plan (CRUDP) 2006; Policies SP4.1 and SP4.13 of the Croydon Local Plan: Strategic Policies (CLPSP) 2013; and Policies 7.4, 7.6 and 7.8 of the London Plan. For similar reasons it conflicts with the Council's Conservation Area General Guidance Supplementary Planning Document (SPD) 2013 and the Croydon Minster Conservation Area Appraisal and Management Plan SPD 2014.
15. The proposed development would not cause harm to the setting of the Grade I listed buildings at Old Palace School which would be clearly separate from the harm to the CMCA. However, this point and the presence of tall and prominent modern buildings nearby do not justify allowing the development.
16. By causing unjustified harm to a designated heritage asset the proposed development would conflict with the environmental role of sustainable development defined in paragraph 7 of the Framework, and would not contribute jointly and simultaneously to the three arms of sustainable development. As a result the presumption in favour of sustainable development does not apply in this case.
17. I have noted that dormer extensions which have a higher angle to their tops were allowed on appeal at the Gun Tavern. However, only limited details for example of any relevant planning history of that scheme have been provided and the design of that building, and its relationship to nearby buildings, is not identical to that of the appeal building. Although some other Georgian or Victorian buildings may have dormer windows which are not aligned with windows below them this does not mean that the current appeal proposal would not cause harm to the specific building affected. I have in any event considered the appeal as I must on its own merits, having regard to the specific circumstances relating to it.

Conclusion

18. I have found that the proposed development would cause harm to the character and appearance of the host property and of the CMCA which would not be outweighed by its benefits. I therefore dismiss the appeal.

Jonathan Clarke

INSPECTOR