
Appeal Decision

Site visit made on 19 January, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 16th February, 2017

Appeal Ref: APP/L5240/W/16/3152818

169 Woodside Green, South Norwood, London, SE25 5HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Paul Simon, of Simon Oliver Homes Ltd. against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/00383/P dated 25 January, 2016 was refused by notice dated 31 March, 2016.
 - The development proposed is construction of 3 new houses within the setting of Woodside Cottage, 169 Woodside Green.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development on the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not been changed, but, nevertheless a different wording was used by the Council in its decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original description.

Main Issues

3. The main issues are the effect on the setting of the listed building and the effect on the character and appearance of the area.

Reasons

Effect on the setting of the listed building

4. No 169 Woodside Green is listed Grade II and sits within a predominantly residential area. It comprises a modest, seventeenth century timber framed, vernacular house of two storeys, clad with weatherboarding to the front and with a small, early two storey extension to its north. It also has a later two storey extension to the south, with a large square bay.
 5. The listed building is fronted by a large open garden space, containing a number of small trees and mature shrubs. This open area allows views of the listed building, the upper floors, roofs and chimneys of which can be glimpsed over the vegetation and high timber fence fronting the site, while the frontage
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can be seen along the broad driveway into the site from the southern end of its street frontage.

6. The list entry for No 169 refers to it as Woodside Cottage, and its design and construction suggest its origins in a rural setting, since subsumed by development in the nineteenth and twentieth centuries. The open space to the front of the building means that it stands out from the suburban townscape of the adjoining area where terraces and groups of dwellings line the roads, fronted only by relatively small gardens. The appellant suggests that this space is no longer part of the curtilage of the listed building, but nonetheless it is likely to be a relict of the building's more open original setting, and serves as a reminder of its rural origins. It also allows views of and appreciation of the listed building from Woodside Green.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses. The National Planning Policy Framework (the Framework) at Paragraph 132 reflects this in advising that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The appeal proposal is for the erection of three houses within the open front area and at a slightly lower level than No 169. Although sitting under a continuous roof structure, there would be gaps between the individual houses at ground level, which, the appellant suggests, would allow views through to the frontage of the listed building to the rear. There would also be large areas of glazing at first floor level which would open onto internal spaces running the full depth of the building to glazing on the rear elevation, again creating the possibility of views through the building.
9. The design of the appeal proposal is claimed to create the potential for visual permeability to allow the setting of the listed building still to be seen and appreciated. However, although views of a heritage asset will play an important part in its setting, setting may also entail other factors, including the historic relationship between places, in this case, between the listed building, its open frontage and the street beyond. As the appeal proposal would insert new built forms into this previously open space, it would therefore have an urbanising effect on the setting of the listed building, turning it into backland development, which it is unlikely previously to have been. This would therefore harm the significance of this designated heritage asset not simply by obscuring views of the building, but by obscuring the remaining evidence of its original open, rural setting.
10. The large areas of glazing on the first floor would open onto habitable rooms, including a bedroom and kitchen diner, and it is very unlikely that future occupiers of these dwellings would retain a view through the building without any form of screening to protect their privacy. The gaps between built forms on the ground floor would be fronted by parking spaces, and so would be likely to be partially obscured for some of the time by parked cars. They would also give onto the rear gardens, where views through would also be likely to be

- interfered with by fencing between the individual houses, and where occupiers would be likely to introduce some form of screening to protect their privacy.
11. In reality therefore, views through the appeal dwellings from Woodside Green to the listed building beyond would be likely to be extremely limited, and the appearance of a vernacular building in its surviving generous open setting to the front would be lost. This would exacerbate the loss of significance created by the reduction of this setting through the introduction of new built forms.
 12. I note the appellant's quote from Gordon Cullen which highlights the possibility of deriving surprise and perhaps delight from unexpectedly and momentarily revealed elements of the townscape, but consider that were the appeal proposal to be built, given that it would be unlikely to be seen at all, the possibility of being surprised by the unexpected revealing of the listed building would be highly unlikely.
 13. With the exception of one large willow, the small trees and shrubs in the front garden area are not likely to be particularly long-lived, and indeed I noted while on site that one had been blown down. In any case, while not in full leaf they permit views of the front of the listed building. No compelling evidence has been put before me to substantiate the appellant's view that more sympathetic boundary treatment or landscaping of this area is not possible or likely.
 14. I note the appellant's contention that an application was made in 1999 for a dwelling in front of No 169 that was initially viewed favourably by the Council. It was however refused, and, in any event, long pre-dated the Framework which sets the current national policy framework for considering proposals which affect the setting of listed buildings. It does not therefore cause me to alter my conclusions on this case.
 15. The appellant quotes from the Historic England Good Practice Advice Note GPA3, which states that setting is not a heritage asset, nor a heritage designation. This is not disputed. However, in the same quoted passage it is also stated that the importance of setting lies in what it contributes to the significance of the heritage asset, which depends, inter alia on perceptual and associational attributes pertaining to the asset's surroundings. In this case, the setting of the listed building contributes to its significance by virtue of its undeveloped nature, which allows a retained understanding of the building's original setting in the countryside.
 16. In any case, the glossary of the Framework makes it clear that the setting of a heritage asset, the surroundings in which a heritage asset is experienced, may make a positive or negative contribution to the significance of an asset. It is also clear in Paragraph 132 that the significance of a heritage asset can be harmed through development in its setting.
 17. For the reasons given above, therefore, I conclude that the appeal proposal would harm the setting of the listed building and would have a harmful effect on its significance. As this harm would not affect the fabric of the listed building, but would involve a significant intrusion into its setting, I conclude also that the harm, while not substantial, would be more than moderate. However, for the purposes of the Framework, this harm would amount to harm which would be less than substantial.

18. Paragraph 134 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
19. The appeal proposal would provide three new dwellings within reasonable walking distance of good public transport links and a range of local facilities and services. This would be a benefit, albeit a small one in relation to the identified need for 27, 000 new homes in Croydon by 2031.
20. The appeal proposal would entail the removal of the unattractive, high timber fence to the front of the site, which currently partially obscures views of the listed building. While this would create a small improvement in the street scene, this would be negated by its harmful effect in concealing the listed building. The benefit would therefore be minor.
21. I have therefore considered the public benefits offered by the scheme, and conclude that they are not sufficiently great to outweigh the harm I have identified above, to which I must attach considerable importance and weight.
22. The appeal proposal would therefore harm the setting, and thereby the significance, of the listed building, and would conflict with the requirements of the Framework. It would also conflict with Policy SP1.2 of the Croydon Local Plan: Strategic Policies 2013 (the CLP), which requires that development proposals should respond to and enhance heritage assets; Policy SP4.12 of the CLP which makes it clear that the Council will respect and optimise opportunities to enhance Croydon's heritage assets, their setting and the historic landscape including through high quality new development that respects the local character; and Policy SP4.13 of the CLP which states that the Council will strengthen the protection of and promote improvements to statutory listed buildings.
23. Policy SP4.14 relates to maintaining a regularly updated schedule of Croydon's designated heritage assets, and on the face of it is not directly relevant to this appeal.

Effect on the character and appearance of the area

24. The proposed dwellings while unashamedly modern in design would be modest in height, and would be set behind a small open area to the front. They would not therefore compete with adjoining buildings or groups of buildings on the frontage of Woodside Green in terms of height, bulk or layout within their sites.
25. The character of the area is mixed, with mainly nineteenth and early twentieth century dwellings occasionally punctuated by later twentieth century blocks. While not replicating typical designs seen in the vicinity, the proposed dwellings would have some interest and rhythm in their front elevations created by the interplay of solid and glazed elements. Although the group would be partially visible in views north-west along Woodside Green it would not be sited in a particularly prominent location. The appeal buildings would not therefore, harm the appearance of the wider area.
26. However, notwithstanding their relationship to the appearance of the wider area, the appeal dwellings in their immediate setting, in close proximity to the listed building, would have a harmful effect, as set out above, by virtue of diminishing the open setting of the listed building and obscuring views of it.

27. While therefore I do not find that the proposed development would be harmful to the character and appearance of the street scene by virtue of its scale, design and prominent siting, it would be harmful by virtue of removing the open setting of the listed building and largely obscuring views of it, which would conceal an aspect of the area of interest and character. It would, therefore, conflict with Policy UD2 of the Croydon Replacement Unitary Development Plan 2006 (The CP) which requires development to respect existing development patterns, and with H2 of the CP, which says that the Council will allow new housing development in residential areas provided it does not conflict with the aim of respecting their character. It would not however, conflict with Policy UD3 of the CP which requires development to respect the height and proportions of surrounding buildings,
28. The appeal proposal would conflict with Policy SP4.1 of the Croydon Local Plan: Strategic Policies (2013) which requires development which respects and enhances Croydon's varied local character. It would also conflict with Policy 7.1 of the London Plan 2015 which states that the design of new buildings and the spaces they create should help reinforce or enhance the character and legibility of a neighbourhood, and Policy 7.4 which seeks development which has regard to the form, function, and structure of an area, place or street. It would not however conflict with Policy 7.6 of the London Plan which seeks architecture which makes a positive contribution to a coherent public realm and streetscape.

Conclusion

29. For the reasons given above, therefore, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR