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## Appeal Decision

Site visit made on 17 July 2017

**by Jonathan Tudor BA (Hons), Solicitor (non-practising)**

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

**Decision date: 03 August 2017**

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**Appeal Ref: APP/L5240/W/17/3174145**

**2 Beech House Road, Croydon CR0 1JP**

- 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 S.D. Shah (Remy's Limited) against the decision of the Council of the London Borough of Croydon.
  - The application Ref 16/03371/P, dated 1 July 2016, was refused by notice dated 2 November 2016.
  - The development proposed is erection of a single storey wheelchair accessible dwelling with associated refuse and cycle/mobility scooter storage and new boundary treatments.
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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 adjacent residential property and the Chatsworth Road Conservation Area (CA).

### Reasons

3. The appeal site is located to the rear of a two storey detached house, divided into flats, at 2 Beech House Road. The rear area is hardstanding and part of it is occupied by a single storey extension of the main house. There is also a block of five garages which extends into the adjoining open area to the rear of 4-6 Beech Drive. It is accessed via a narrow shared driveway which runs between Nos 2 and 4. The site lies within the Chatsworth Road Conservation Area, which is characterised by late Victorian and Edwardian houses, many of which are of a high architectural quality.
4. According to the Chatsworth Road Conservation Area Appraisal and Management Plan Supplementary Planning Document (CAAMP)<sup>1</sup>, Beech House Road exhibits a variety of architectural styles and details ranging from groups of redbrick and rendered elevations, with Tudor style timber framed details to Gothic recessed entrances and Queen Anne inspired dwellings. Although No 2 is not typical of many of other houses, being detached and smaller than its most immediate neighbours, it is identified in the CAAMP as making a positive contribution to the character of the CA. It is also described in a recent appeal

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<sup>1</sup> Adopted 11 February 2013

decision<sup>2</sup> as '*attractive and well proportioned*' and as making '*a positive contribution to the street scene.*' I agree with those assessments.

5. The National Planning Policy Framework (the Framework)<sup>3</sup> includes a presumption in favour of sustainable development. However, paragraph 53 advises that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
6. The proposed single storey, one bedroom house to the rear of No 2 would immediately abut the garage block to the east, part of which would be demolished to accommodate it. It would also be just a few metres from the most recent single storey extension to No 2 and its small fenced yard. Saved policy H5 of the Croydon Replacement Unitary Development Plan (UDP)<sup>4</sup> advises that the form, layout, siting and site area of residential development on back garden and backland sites should respect the existing character and maintain adequate separation between existing and new development. I consider that the proposal would result in a cramped form of backland development as it would abut or be too close to other existing built forms, creating a poor spatial relationship. It would, therefore, have a detrimental effect on the adjacent building at No 2.
7. Moreover, policy H5 indicates that the cumulative impact of different schemes should not harm the visual amenity and residential character of the area. The appellant says that the proposal was prepared in response to the previous appeal decisions. However, a single storey extension has already been added at the rear of No 2 since those decisions. In that context, an additional building of the proposed scale and mass would mean that much of the backland area would be built over, notwithstanding that part of the garage block would be demolished. Many other houses in the area have long gardens and limited development to the rear. Although the hardstanding area is of utilitarian rather than garden-like appearance, that aspect is within the control of the appellant. Therefore, the cumulative impact of the proposal, when considered with the other schemes, already implemented in this case, would have an adverse effect on the prevailing character of the area.
8. It is acknowledged that there are some other buildings in or adjacent to the site. They include the block of 5 garages and a single storey flat roof extension to the rear of 79 Park Lane. The appellant suggests that those buildings are characteristic of the area immediately surrounding the appeal site. A comparison of plot coverage between the appeal site, Nos 4-6 Beech House Road and 79 Park Lane has been presented which indicates a much lower percentage footprint at the appeal site.
9. However, I note that the previous Inspector, in the appeals already cited, indicated that the extension at No 79 was not a desirable precedent and did not justify further similar development. I also understand that it was constructed before the CA was designated. It is suggested that the proposed single storey dwelling abutting the garage block would be a logical, sensible and sensitive continuation of the built form. However, I consider that the immediate

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<sup>2</sup> APP/L5240/W/15/3106016 and APP/L5240/15/3127963 (linked appeals)

<sup>3</sup> Published March 2012

<sup>4</sup> Adopted 13 July 2006

juxtaposition of the garages and the residential dwelling would appear awkward and inappropriate.

10. Furthermore, beyond the narrow confines of the appeal site, the adjacent areas along Beech House Road, Park Lane and Woodstock Road are characterised by large detached or semi-detached two storey houses on spacious plots with long rear gardens and generally limited backland development. Although some, along Park Lane for example, are now in commercial use, the area is still predominantly residential. Therefore, I do not agree with the appellant's view that the site is representative of '*an established pattern for deep plan and behind frontage buildings.*' Rather, the proposed dwelling, on a backland site, would notably contrast with the predominant established pattern of development which contributes to the character and appearance of the wider area.
11. The supporting text of UDP policy H5 specifically advises that whilst backland development can, in certain circumstances, be satisfactorily accommodated, the Council considers that the application of the policy will prevent new housing development located immediately behind existing houses and sharing the same access ('tandem development'). Although supporting text is not policy, it can assist in its interpretation. To that extent the proposal does not appear to be in accord with the Council's intention. In any event, policies H5 and H2 of the UDP, whilst permitting housing development in built up locations, both indicate that it should not conflict with the aim of respecting the character of residential areas.
12. The development would be visible from some public vantage points along Beech House Road. However, because of its backland position and single storey design, views from the public realm would be limited. Nevertheless, as advised in the previous dismissed appeals, views from surrounding buildings, which it would be seen from, should also be considered. Despite its green roof, the dwelling would visually extend garage block eastwards towards the extension at No 79. That, combined with its proximity to the recent rear extension to No 2, would result in an unacceptable massing of built form in a backland area that would appear incongruous.
13. I turn now more specifically to the effect on the character and appearance of the CA. In terms of the adjacent building at No 2, that building has already been identified as making a positive contribution to the CA. As the proposed dwelling would be very close to its rear extension, although subordinate, it would dominate and further occupy the limited remaining outdoor space to the rear. In my judgment, that further development and proximity would have a detrimental effect on the adjacent house at No 2 and, consequently, on the CA.
14. The siting of a dwelling in a backland position would also be discordant with the general character, form, design and layout of CA which, according to the CAAMP, is largely unchanged. Part of that character and layout, which also contributes to its significance, are its long gardens, largely free from development. Although not specifically identified in the CAAMP, which understandably concentrates on the more publicly viewable front gardens, that document makes clear that its assessments are non-exhaustive. Therefore, I find that I concur with the Council's view that the houses on spacious plots with long gardens contribute positively to the significance of the CA.

15. Although I have identified harm to the character and appearance of the CA, as the appeal site is in a backland location with more limited public views, the harm would be less than substantial. Paragraph 132 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a CA, great weight should be given to the asset's conservation. However, paragraph 134 recognises that where there would be less than substantial harm, that harm should be weighed against the public benefits of the proposal.
16. The appellant refers to a significant benefit in terms of the delivery of housing. Whilst there would be some public benefit, which is a positive factor, as it would be a single dwelling with one bedroom, albeit wheelchair accessible, its contribution to the supply of housing would be modest. I note that a similar conclusion was reached on that aspect in the previous appeals, which concerned a 2 bed flat. Similarly, I find that the limited public benefit would not outweigh the identified harm to the CA.
17. It is submitted by the appellant that the Council's reference to 'amenity' in their decision notice is misplaced, as the Council Officer's Report, concludes that there would be no adverse loss of light or outlook affecting adjacent properties. However, the decision notice refers to '*the character and visual amenity of the site and the Chatsworth Road Conservation Area*'. In that context, it relates to the character and appearance of the site and the area which is relevant and has been discussed in some detail above.
18. The Council refers to a panoply of policies in support of its decision including policies 3.5, 7.4, 7.6 and 7.8 of The London Plan<sup>5</sup>, policies SP4.1, SP4.2, SP4.12, SP4.13 and SP4.14 of the Croydon Local Plan Strategic Policies (CLPSP)<sup>6</sup> and saved policies UD2, UD3, UC3, H2 and H5 of the UDP. They seek, amongst other things, to ensure that development is of high quality design which respects the character of an area and the significance of heritage assets, such as CAs. I do not consider that policy UD13 of the UDP, which concerns parking design and layout, is directly relevant to the main issue. The landscaping matters referred to in UDP policy UD14 could be dealt with by condition.
19. A consideration of the above factors leads me to conclude that the proposal would harm the character and appearance of the adjacent residential property and the Chatsworth Road CA. As it would harm the CA, by definition, it would fail to preserve its character or appearance. It follows that it would be contrary to the previously mentioned development plan policies and the relevant sections of the Framework.

## **Other Matters**

20. The appellant refers to preliminary discussions with the Council's Case Officer and a draft Officer's Report recommending approval. The Council is under no obligation to follow officer recommendations in reaching its final decision. Therefore, whilst I have considered it, I give that aspect limited weight and it does not lead me to alter my decision.

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<sup>5</sup> The Spatial Development Strategy for London, Consolidated With Alterations Since 2011 - March 2015

<sup>6</sup> CLP1 Adopted April 2013

## **Conclusion**

21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathan Tudor*

INSPECTOR