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# Appeal Decision

Site visit made on 24 September 2018

**by Louise Phillips MA (Cantab) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> October 2018**

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**Appeal Ref: APP/L5240/W/18/3197698**  
**54 Oaks Road, Croydon CR0 5HL**

- 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 P Patel against the decision of the Council of the London Borough of Croydon.
  - The application Ref 17/04980/FUL, dated 24 September 2017, was refused by notice dated 9 January 2018.
  - The development proposed is the erection of one 4-bedroom detached dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council adopted a new Local Plan, the Croydon Local Plan 2018 (2018 Plan), after the application was determined. This has replaced all the policies in both the Croydon Local Plan 2006 and the Croydon Local Plan Strategic Policies 2013 which are cited on the decision notice. With its appeal documentation, the Council has set out those policies of the 2018 Plan which it now considers to be relevant to my determination of the appeal. The appellant has had the opportunity to comment on these policies but has not done so. For the avoidance of doubt, I have determined the appeal on the basis of the policies in the Croydon Local Plan 2018.
3. Similarly, I have taken account of the revised National Planning Policy Framework (the Framework), dated July 2018, which was published after the application was determined. Both parties were invited to comment upon the implications of the revised Framework, but no comments have been received.

## Main Issues

4. The main issues are:
  - i. Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and the development plan;
  - ii. The effect of the proposed development upon the character and appearance of the area;
  - iii. The effect of the proposed parking arrangements upon highway safety;

- iv. Whether the harm caused by virtue of the inappropriateness of the proposed development in the Green Belt, or any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the scheme.

## **Reasons**

### Whether the proposed development would be inappropriate in the Green Belt

5. The proposed development is a new detached open market dwelling in part of the garden area of No 54 Oaks Road. The site lies within the Metropolitan Green Belt. Both Policy DM26 of the 2018 Plan and Policy 7.16 of the London Plan 2015 seek to protect the Green Belt in accordance with national policy. In this respect, the Framework regards the construction of new buildings as inappropriate in the Green Belt except in specific circumstances, including limited infilling in villages; and limited infilling, or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development.
6. The appeal property is one of a continuous row of dwellings along the north side of Oaks Road which runs between densely developed areas to the west, east and north which are excluded from the Green Belt. However, the dwellings back onto a golf course and other open land and face woodland to the south and this setting gives Oaks Road a very different character to the developed area nearby. It does not form part of a village in any physical sense and thus the appeal proposal would not represent limited infilling in a village.
7. Being outside the built-up area, the appeal site does fall within the Framework's definition of previously developed land by virtue of being part of the curtilage of the existing dwelling, No 54 Oaks Road. However, the introduction of a substantial new building on land which is presently open garden on a spacious plot would clearly have a greater impact on the openness of the Green Belt than the existing development.
8. Consequently, the proposed development would not be excluded from the Framework's definition of inappropriate development by either of the categories cited above, or by any other. I therefore conclude that it would be inappropriate development in the Green Belt, contrary to Policy DM26 of the 2018 Plan, to Policy 7.16 of the London Plan and to the Framework, unless justified by very special circumstances.

### Character and Appearance

9. The existing property, No 54, is a semi-detached house with a hipped roof and a gabled front projection with bay windows. The proposed new dwelling would be detached, but its scale and massing would be in keeping with that of the existing property. It would fit comfortably upon the split plot without either dwelling seeming cramped.
10. The new dwelling would be styled with a hipped roof, gable and bay similar to the existing building and the windows and main materials would also match. It would include a front roof light and side dormer which are not common features in the road, but both would be well-proportioned, discreet elements. The curved wall with large windows proposed as part of the front elevation would represent a bold design statement, but it would neither be unattractive nor obtrusive in the street scene. This is not least because it would be

screened to a significant extent by an existing tall hedge along the front boundary which is shown to be retained on the plans.

11. For these reasons, I conclude that the proposed development would not cause harm to the character and appearance of the area. It would not, therefore, conflict with Policies SP4.1 and DM10 of the 2018 Plan; or with Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of the London Plan, insofar as they seek high quality design which respects local character.

#### Highway Safety

12. The proposed development includes driveway parking space which would be accessed from Oaks Lane, a narrow access running to the east of the plot, rather than from Oaks Road itself. Given the limited space available for turning on-site, it appears that vehicles would need to reverse out into Oaks Lane before joining the main carriageway. I understand that Oaks Lane is a private access and there is indeed a gate immediately to the north of the proposed driveway opening for the new dwelling. The gate was open at the time of my site visit and, when it is, it would be possible to reverse out onto the lane and join Oaks Road in forward gear. If and when the gate is closed, vehicles would have little option but to reverse out of Oaks Lane and then also reverse onto Oaks Road.
13. However, Oaks Road did not seem to be to be particularly heavily trafficked. The stretch outside the appeal site is straight and no on-street parking is permitted. Furthermore, the presence of a pavement would enable drivers to see clearly in both directions while stationary without having to edge out into the carriageway. Therefore, while a reversing manoeuvre would not be ideal, it would not be unduly dangerous and so I conclude that the proposed parking arrangements would not have an unacceptable impact on highway safety. The scheme would not conflict with Policies SP8, DM29 or DM30 of the 2018 Plan, or with Policy 6.13 of the London Plan in this respect.

#### Whether the harm caused by the inappropriateness of the development would be outweighed by other considerations

14. The proposed development would be inappropriate development in the Green Belt and it would, therefore, be harmful by definition. It would not be harmful to either the character and appearance of the area or to highway safety, but this absence of harm is not sufficient to outweigh the harm to the Green Belt.
15. Positive considerations in favour of the development include that it would be designed to achieve water efficiency; that it would use local or recycled materials; and that it would be attractively landscaped. However, such factors might be expected of many well-designed schemes and they do not outweigh the harm to the Green belt by virtue of inappropriateness. Consequently, I conclude that the very special circumstances required to justify the scheme would not exist. The proposed development would therefore be contrary to Policy DM26 of the 2018 Plan, to Policy 7.16 of the London Plan and to the provisions of the Framework.

#### Other Matters

16. Some concern has been raised about the potential for the scheme to increase pressure to prune a mature Oak Tree in the highway outside the site. Given the position of the canopy relative to the proposed dwelling, significant pruning

should not be necessary, but this neither outweighs nor alters my findings in respect of the Green Belt.

### **Conclusion**

17. The proposed development would conflict with the development plan and the Framework in respect of the harm it would cause to the Green Belt. This conflict is not outweighed by other considerations and so I conclude that the appeal should be dismissed.

*Louise Phillips*

INSPECTOR