

---

# Appeal Decision

Site visit made on 9 October 2019

**by S Leonard BA (Hons) BTP MRTPI**

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

**Decision date: 15 November 2019**

---

**Appeal Ref: APP/L5240/W/19/3231268**

**5 Silver Lane, Purley CR8 3HJ**

- 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 Mrs Nowsad Gani against the decision of the Council of the London Borough of Croydon.
  - The application Ref 18/05222/FUL, dated 24 October 2018, was refused by notice dated 20 December 2018.
  - The development proposed is demolition of the existing house and garage and the erection of a new 5 bedroom house and garage.
- 

## 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 Webb Estate Conservation Area.

## Reasons

3. 5 Silver Lane is a large, detached, two storey Arts and Crafts style dwelling, with red brick and mock tudor framed walls under a plain clay tiled hipped roof. It is located on the south side of Silver Lane within a low density, verdant, residential suburb. The house is sited within spacious, maturely landscaped grounds and has a simple, rectangular footprint which is positioned across the plot parallel to the site frontage. Trees and mature hedging/shrubs effectively screen both sides and rear boundaries, providing maturely landscaped separation between the property and the neighbouring detached houses to both sides, and surrounding the formal stepped lawn in the rear garden. To the front of the house is an area of lawn and a belt of Silver Birch trees along the site frontage. Whilst set back behind the landscaped frontage, the house is still visible in views from the street through the chainlink fencing, two sets of access gates and gaps between the trees.
4. The site lies within the residential Webb Estate Conservation Area (WECA). The significance of the WECA is set out in the Webb Estate and Upper Woodcote Village Conservation Areas Appraisal and Management Plan SPD (CAAMP). This confirms that the estate was developed in the early part of the last century by William Webb, a pioneer of the garden estate idea in the UK and an important figure in the history of town and country planning, who planned the purely residential suburban estate for city workers on the basis of the Garden First philosophy of garden and landscaping taking priority over the building.

5. The CAAMP defines the key features that make a positive contribution to the special interest of the area as comprising: the significance of the area in terms of the UK's town planning and landscape history; the presence of landscaping, in particular the specimen trees and other planting, being the most important feature of the Estate; the unique character of the Estate within the borough deriving from the relative secluded tranquillity of the area; and the fact that, in contrast to other conservation areas within the borough, which include development from various historical periods, the Webb Estate and Upper Woodcote Village were purpose built in a short period of time from 1903 to 1925.
6. The CAAMP describes the WECA as leafy and suburban, having been designed with the character of country lanes and English villages in mind, and that in designing the Estate, Webb was influenced by nature, evidenced by the gentle curves of the roads, the lack of right-angled junctions and the abundant planting throughout. The Garden First philosophy is described as the planning and planting of the gardens before the building of the houses. The houses were then introduced to show how any simple and restrained style of building may be made more attractive by Garden First methods, rather than for their architectural merit. Planting schemes give each road an identity, which in the case of Silver Lane is defined by spring bulbs and Silver Birch trees along the road frontages.
7. Although there are a variety of individual house designs within the Estate, properties are generally of a traditional Arts and Crafts design, of a modest domestic scale, and sit unobtrusively within their landscaped settings. The CAAMP advises that by 1925 the Webb Estate was essentially complete, and that, although various minor development has occurred, its main character and qualities have been essentially preserved.
8. The Council asserts that the existing house was built as part of the original estate and I have not been presented with any evidence to contradict this. The appellant considers the building to be unexceptional and of low historic and aesthetic value. I find that, whilst not of any special individual architectural merit, its design, scale, height, roof form and materials are typical of the original Estate dwellings and current character of the conservation area. It has retained its original simple and restrained character and subservient relationship with its maturely landscaped and spacious plot. As such, although the existing property is not statutorily or locally listed, I consider that it makes a positive contribution to the character and appearance and historic interest of the WECA. As such, this weighs heavily in favour of its retention.
9. Policy DM18.4 of the Croydon Local Plan 2018 (CLP) confirms that, in order to preserve and enhance the character, appearance and setting of Conservation Areas, the Council will treat the demolition of a building that makes a positive contribution to the special character and appearance of a Conservation Area as 'substantial harm'. I am mindful of the advice contained in Planning Practice Guidance<sup>1</sup> that, in general terms, 'substantial harm' is a high test. In the case of the appeal proposal it is the combination of the demolition of the positive contributor building and the impact of the proposed replacement building upon the character and appearance and significance of the WECA which determine the level of harm to the conservation area arising from the removal of the existing house. In this respect, I acknowledge that there is no prescribed detailed design for new dwellings within the WECA and that the Garden First

principle is paramount. The appellant has sought to provide a high-quality building which would be set further back from the site frontage than the existing house, providing additional landscaping to the front of the building.

10. However, notwithstanding the above, the appeal proposal, due to its larger footprint and greater bulk and massing, would have a significantly more dominant visual impact on the surrounding landscaping than the existing building. The increased building width at full two storey height would result in a building which is more readily apparent when viewed from the street, despite its more set back position. Albeit that new planting is proposed, the appeal scheme would necessitate the removal of existing side boundary trees to accommodate the wider and larger building footprint, and the rear projecting element of the new building would comprise a substantial incursion of built development into the existing soft landscaped rear garden. This would be in contrast to the existing simple straight rear elevation, which has the appearance of having been designed in deference to the rear landscaped garden, including windows designed to overlook, and a rear terrace directly leading onto, the formal tiered rear lawns. In these respects, the appeal proposal goes against the aforementioned Gardens First principles upon which the Estate was developed.
11. In addition to the significant increase in building size, the bold, contemporary design of the new dwelling would further serve to draw attention to the building, as it would stand out as an anomaly compared to the simple, traditional architecture of the original Estate dwellings which characterise Silver Lane. The new building would have a much grander appearance than the existing building, in part due to its increased scale and the vertical emphasis of the front elevation fenestration. It would not retain the modest unobtrusive character of the existing building. Also, the contemporary bronze curved roof form would be out of keeping with the hipped and pitched roofs characteristic of the road, and the narrow vertical floor to ceiling windows on the front elevation and dominance of glazing on the rear elevation, would not reflect the prevailing type of fenestration and would further add to the building's visual prominence in comparison to the surrounding landscaping. Design elements including the varying window sizes and shapes, curved window projections, glazed feature above the front entrance, and individual roof segments, all serve to give the new building a complex design which is at odds with the simple and restrained style of the surrounding houses.
12. For the aforementioned reasons, the replacement building would not sit as unobtrusively within the landscaped plot as the existing house and would erode the Garden First principles upon which the Estate was developed. The replacement of the existing building, which dates back to the original Estate development and exemplifies the design, form and size of the original Estate houses, with a considerably larger and contemporary designed building of a very different character and scale and with a striking design, would result in substantial harm to the aforementioned historic significance and prevailing character and appearance of the WECA.
13. The appellant has drawn my attention to several planning appeals in respect of development proposals affecting heritage assets. Whilst I acknowledge their relevance in terms of planning policy, I do not find these developments, which do not relate to proposals within the WECA, to be directly comparable with the current appeal proposal, and they do not alter my view on the main issue.

14. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the WECA. It would result in the demolition of a building which makes a positive contribution to the special character and appearance of the conservation area and its replacement with a building which does not respect the historical significance of the conservation area as a heritage asset, thereby resulting in substantial harm. As such, the appeal proposal does not accord with CLP Policies SP4.1, DM10.1, DM10.7, DM18.1, DM18.2 and DM18.4; Policies 7.4, 7.6 and 7.8 of the London Plan (consolidated with alterations since 2011) 2016; the Conservation Area General Guidance SPD 2013 and the Webb Estate and Upper Woodcote Village Conservation Areas Appraisal Management Plan 2007.
15. These policies and supplementary planning documents, amongst other objectives, aim to ensure that development proposals comprise high quality design which preserves or enhances the overall character and appearance of conservation areas, including respecting the scale, height, massing, appearance, existing materials, roof design, design detailing and built and natural features of the surrounding area, and treating proposals for the demolition of buildings making a positive contribution to the special character and appearance of conservation areas as resulting in substantial harm. For similar reasons, the proposal would also be contrary to chapter 12 of the National Planning Policy Framework 2019 (the Framework) which seeks to ensure high quality design.
16. The Council's second refusal reason also refers to CLP Policy DM18.7. This Policy specifically relates to development affecting Registered and Locally Listed Historic Parks and Gardens. Therefore, I do not find it to be directly relevant to this main issue.
17. In terms of the advice in paragraph 195 of the Framework, the harm to the conservation area would be 'substantial'. Although the appeal proposal would bring economic benefits, including construction jobs, these would not amount to substantial public benefits which would outweigh the aforementioned harm to the WECA.

## **Conclusion**

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

*S Leonard*

INSPECTOR

---

<sup>1</sup> Paragraph 018 Ref ID: 18a-018-20190723 – 'How can the possibility of harm to a heritage asset be assessed?'