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## Appeal Decision

Site visit made on 9 March 2021 by Thomas Courtney BA(Hons) MA

**Decision by Martin Seaton BSc(Hons) DipTP MRTPI**

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

**Decision date: 29 April 2021**

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**Appeal Ref: APP/L5240/W/20/3264121**

**5 King Gardens, Croydon, CRO 4DD**

- 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 John Madaj against the decision of the Council of the London Borough of Croydon.
  - The application Ref 20/02646/FUL, dated 19 June 2020, was refused by notice dated 17 August 2020.
  - The development is a two-bedroom bungalow.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

### Reasons for the Recommendation

4. The appeal site comprises a large triangular piece of garden land to the rear of No.5 King Gardens. The site is located at the end of a cul-de-sac within a residential area characterised by rendered two-storey semi-detached housing, distinctive circular roads, cul-de-sacs, and wide verges.
  5. The appellant opines that the size of the existing garden is out of character with the surrounding area. However, it is evident that there are other similarly large gardens in the wider estate, particularly to the rear of properties on cul-de-sacs such as at 11 Heighton Gardens, 1 Stapleton Gardens, or 23 Violet Gardens. These open spaces are a defining feature of the area and serve to maintain an agreeable sense of openness throughout the estate.
  6. The proposed single-storey dwelling would substantially occupy the rear garden. Whilst I accept that national planning policy and the Council's 'Suburban Design Guide' Supplementary Planning Document (SPD) support the efficient use of land and the delivery of small sites for housing such as within rear gardens, in this case the proposal would have little regard to its context and would erode the pleasant sense of spaciousness to the rear of the appeal
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dwelling. Its single storey scale and detached position means it would disrupt the pattern of development in the cul-de-sac considerably and appear as an incongruous dwelling which would be visually prominent to surrounding neighbours as well as being partially visible within the street scenes of King Gardens, Hillside Road and Price Road. Although there are outbuildings within the gardens of neighbouring properties, these are much smaller in scale than the proposed building and are therefore not comparable to the scheme before me.

7. The proposal would reduce the size of the existing garden and although the Council contends that the retained garden area would be less than what is recommended by Policy DM10.4 of the Croydon Local Plan (the 'Local Plan'), it would nevertheless have a depth of over 10m at approximately 17m, which is also required by the policy. I concur with the appellant in that the subdivision of the plot as indicated on the plans would, in this instance, be adequate as it is considered that the occupiers of the host dwelling would still enjoy an appropriately sized garden, and the future occupants of the proposed dwelling would also benefit from a reasonably sized garden. However, the additional built form in this location would appear out of place and would be visually detrimental to the character of the area.
8. Given the above, the proposed dwelling would constitute an incongruous development and would considerably harm the character and appearance of the surrounding area. It would therefore conflict with Policies SP4 and DM10 of the Local Plan which together seek to ensure proposals are well-designed and respond to local character. I have also had regard to the SPD which also seeks to ensure proposals respect local character.

### **Recommendation**

9. I recognise that the appeal site occupies a location within walking distance of bus and train services, and that the proposal makes a very limited contribution to the local housing market through the development of a small site. However, the proposal would conflict with the development plan as a whole and I do not find the benefits of the development and other considerations, including the Framework, would outweigh this conflict.
10. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Thomas Courtney*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Martin Seaton*

INSPECTOR