



Appeal Decision

Site visit made on 6 July 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 23 July 2021.

Appeal Ref: APP/L5240/D/21/3268906

7 Broadeaves Close, South Croydon, CR2 7YP

- 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. Vinay Shah against the decision of the London Borough of Croydon.
 - The application Ref 20/06277/HSE, dated 3 December 2020, was refused by notice dated 12 February 2021.
 - The development proposed is 2 x new dormers; Extend existing garage; Erect new double garage; Ground floor extension; and alter windows to bi-fold doors.
-

Decision

1. The appeal is allowed and planning permission is granted for 2 x new dormers; Extend existing garage; Erect new double garage; Ground floor extension; and alter windows to bi-fold doors; at 7 Broadeaves Close, South Croydon CR2 7YP; in accordance with the terms of the application Ref: 20/06277/HSE, dated 3 December 2020, subject to the conditions attached as an annexe to this letter.

Preliminary Matters

2. The Reason for Refusal on the Council's Decision Notice makes reference to policies of the London Plan 2016, which has been superseded by the London Plan, March 2021. The Council were asked for further comments with regards to this change in policy position¹, however no response was received. As such, I shall make my decision on this basis and only refer to the updated London Plan 2021 within this decision.
3. The application contains a number of elements requiring planning permission such as two roof dormer windows, front and side ground floor extensions, converting the existing garage to habitable accommodation and a new garage. The Council's Planning Officer Report raises no objections to the dormer windows, the conversion of the existing garage, the side extension or the erection of the new garage. I have no reason to dispute the opinion of the Council that these elements are acceptable and in accordance with the policies of the development plan. As such these matters will not be discussed further within this letter.

¹ Email from Planning Inspectorate to Croydon Council, Dated 8th July 2021.

Main Issue

4. Taking the above into account, the main issues are:
 - The effect of the proposed front extension upon the existing dwelling, including the character and appearance of the locality; and
 - The effect of the proposed development upon an existing tree which is subject to a Tree Preservation Order (TPO).

Reasons

Character and appearance

5. The appeal site is located to the end of Broadeaves Close, a private cul-de-sac that contains 4 dwellings fronting the Cul-de-sac which appear to date from the late 20th Century. The appeal site is a two storey dwelling which faces side-on to Broadeaves Close and to the front of the appeal dwelling is a single storey detached garage which lies at the end of the cul-de-sac. Broadeaves Close, whilst hidden away from view from the public realm contains a well vegetated landscape with large trees and vegetation along the road edge with glimpses gained to vegetation in rear gardens between gaps in the buildings which gives a leafy character to the area. Whilst the Broadleaves Close development is a relatively recent construction, the appeal site displays a number of positive qualities which are experienced within the locality, which reinforces the local character and distinctiveness of the area.
6. Policy DM10 of the Croydon Local Plan 2018 (LP) is specifically related to design and character and seeks that proposals should be of high quality and should respect the development pattern, layout, siting, scale, height, massing and density, amongst others. The Policy also refers to the Suburban Design Guide Supplementary Planning Document (SPD), which at Section 4.14 contains guidance with regards to front extensions to existing dwellings. Whilst the scenarios given in the SPD do not reflect the appeal site given that for the most part these relate to front porches, the guidance notes that front extensions can change the character of the original building and due to their visibility are most likely to have an impact on the wider street scene.
7. Whilst I agree with the Council that the proposed front extension is an unusual alteration; the proposed link would be quite narrow, contain a flat roof which reduces its prominence and utilise similar materials to the existing dwelling. The proposed link would not interfere with the architectural design or elements of the existing building with the visual prominence of the link extension being reduced from the setback from the front of the current garage. The setback and small scale of the proposed scheme makes the link extension relatively discreet and would only be experienced once a person traverses down to the end of Broadeaves Close. Whilst there is some blockage of a visual gap between the dwelling and the garage, the leafy character and appearance of the cul-de-sac is retained as a result of this development.
8. Consequently, I do not consider that the proposed scheme would conflict with Policy DM 10 of the LP which is also supported by the SPD, both of which were described earlier. The scheme would also be in compliance with the policies of the London Plan 2021, particularly Policy D3 of the London Plan which seeks a design-led approach to development.

Effect on the Proposed TPO Tree

9. The Council state that they have not been able to assess the impact of a nearby tree which has a TPO² as no information has been submitted with regards to how the proposed development would affect the tree. The Applicant states in their Statement of Case that an Arboricultural report was submitted with a previous application and that they were unaware that they were required to submit the report again for the new application which was considered.
10. In determining planning applications, the Council cannot revisit and take account of documents submitted in previous applications, each application is required to be assessed on its merits and based on the information that is presented. No evidence has been submitted with this appeal as to the impact of the development upon the protected tree which would lie in close proximity to the proposed garage. Given that this issue is likely to be able to be resolved via a condition, based on the circumstances of the scheme and based upon the information in front of me, I am minded to allow the appeal, subject to a pre-commencement condition which seeks the approval of tree protection measures by the Council prior to any works to erect the proposed garage.
11. Taking the above into account, and subject to pre-commencement condition, the scheme would be compliant with Policy DM28 of the LP which seeks that existing trees are protected and enhanced as part of proposed development schemes. The proposed scheme would also be consistent with Policy G7 of the London Plan 2021 which seeks that existing trees of value are protected and retained.

Conclusion and conditions

12. I conclude that the proposals are generally appropriate and would be compliant with the development plan on the basis of the reasons discussed and subject to the conditions attached to this letter as an annex.
13. I have had regard to the context of the National Planning Policy Framework and the National Planning Practice Guidance which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Council has not forwarded any proposed conditions should the appeal be allowed.
14. Condition 1 is a standard time limit condition for the commencement of works and Condition 2 details the approved plans. Both conditions are standard conditions which are necessary and are required for the avoidance of doubt. Condition 3 is a pre-commencement condition which is required in order to make the proposed scheme acceptable and to prevent adverse impacts towards the TPO tree.³

J Somers

INSPECTOR

² Tree Preservation Order No.9, 1997, 78 Croham Road and 8 Croham Roas South Croydon.

³ A Regulation 2(4) Notice of The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 was sent to the Applicant on 16 July 2021.

ANNEX: Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Ext./loft conversion, proposed floor layouts, proposed elevations, Drawing Number: P/05, Dated November 2020, By Plans Ink Ltd.
3. Prior to the development of the proposed new garage, no site clearance, preparatory work or development shall take place until a scheme for the protection of the retained tree (Labelled as Tree on the Proposed Ground Floor Plan) and the appropriate working methods in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.