



Appeal Decision

Site visit made on 12 October 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2021

Appeal Ref: APP/L5240/D/21/3276580 Saraband, Bishops Walk, Croydon CR0 5BA

- 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 Ms Daniella Laurent against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/06152/FUL, dated 26 November 2020, was refused by notice dated 19 March 2021.
 - The development proposed is erection of single storey detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a single storey detached garage at Saraband, Bishops Walk, Croydon, CR0 5BA, in accordance with the terms of the application, Ref 20/06152/FUL, dated 26 November 2020, and subject to the conditions in the schedule below.

Main Issues

2. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the development on the character and appearance of Bishops Walk and the Local Heritage Area;
 - the effect of the development on adjacent trees; and
 - if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether inappropriate development

3. The Framework, in paragraph 149, sets out that new buildings in the Green Belt are inappropriate unless they fall within the prescribed list of exceptions, which includes extensions or alterations to an existing building or replacement buildings in the same use. The resultant building cannot be disproportionately larger than the original if extended, or materially larger than the original if it is replaced with a building in the same use.

4. Policy G2 of the London Plan (2021) (London Plan) seeks to protect the Green Belt from inappropriate development but it is Policy DM26 of the Croydon Local Plan (2018) (Local Plan) that is most prescriptive and indicates that extensions to existing buildings should not be more than 20% of their original floorspace or volume, or 100 sqm (whichever is the smaller).
5. Saraband, the host dwelling, has been recently replaced and the dwelling that now stands is allegedly 20% larger than the original it replaced which means that the dwelling has reached the upper limit for an increase in size. However, the existing garage floorspace appears to be omitted from this calculation and as noted by my colleague in the recent appeal decision for a two storey garage¹, no specific measurements have been put to me. The original garage has recently been demolished but, from the plans, its floor area appears to be broadly similar to the proposed garage at 6m by 8m and in my view, the proposed garage would represent no more than a 20% increase in size over the original. The proposed garage would be single storey and have a hipped roof, whereas that recently dismissed included first floor accommodation within a mansard-style roof with dormers, with approximately 80 sqm of floorspace over the two floors.
6. In view of the above, the proposal would not represent inappropriate development in the Green Belt and accords with, in particular, Policy DM26 of the Local Plan and G2 of the London Plan. It would also accord with the terms of the Framework given that it would not be materially larger than the building it would replace and would be maintained in the same use class.

Character and appearance

7. Bishops Walk is so defined by a mix of large dwellings which range from good examples of 1930s domestic architecture to more modern additions; most of these dwellings have some sort of adjoining garage or car port structure. The appeal site contributes positively to the character and appearance of the area through its open, spacious character and with a well-designed Georgian-style dwelling which is broadly central within its plot and surrounded by low key formal landscaping. Alike many dwellings in the surrounding area, the dwelling is generously proportioned and sits within a robustly-enclosed, large curtilage.
8. The proposed garage would sit in close proximity of the host dwelling, in a space to the side and broadly in line with its front elevation. It would be further back into the site than the former garage and due to the grading of the site, would be further set down. From the evidence, it would not appear as prominent a structure as the former garage. I accept that the previously proposed two storey garage would have had a far greater impact on openness, due to its height and prominence, but the currently proposed single storey structure would not result in the same effects. Whilst the proposal would limit views towards the lower parts of the tree belt behind the site, the upper parts and canopies would still be visible above and beside the garage, retaining the sense of enclosure of the site by the tree belt. The proposal would therefore be sited and designed so as to minimise the effects on the character and appearance of the area.

¹ Appeal decision ref: APP/L5240/D/20/3265800 dated 9 April 2021

9. Insofar as the garage would appear a logical addition within the curtilage of such a well-proportioned dwelling, and would be sited adjacent thereto, it would not harm the character or appearance of Bishops Walk, or alter the experience of it for its historic significance as the principal route to Addington Palace, forming part of the landscaped area of the now Registered Park of which much is in use as a golf course. Whilst the garage would be visible, it would be built in the same style as the recently constructed dwelling and would not draw attention in views from the streetscene along this key route.
10. Therefore, for the reasons above, the proposal would not harm the character or appearance of the area or that of the Local Heritage Area. It therefore complies with Policies D3, D4 and HC1 of the London Plan and Policies SP4, DM10 and DM18 of the Local Plan. Amongst other things, these Policies seek to ensure development is of a high quality and preserves the character, appearance and setting of heritage assets.

Effects on trees

11. The appeal site is surrounded by trees to the sides and rear, some of which are protected by a Tree Preservation Order confirmed in 1972. The construction works on the dwelling and the swimming pool are largely complete and the tree protection measures, if indeed they were installed, have been removed.
12. The submitted Arboricultural Impact Assessment indicates that proposed garage overlaps to a minor extent with the Root Protection Area (RPA) of trees numbered T4 and T5, which are Monterey Cypress trees that form a hedge boundary between the appeal site and adjoining property. Whilst individually they are of little value, the group forms an effective screen hedge between the two properties. Subject to the use of tree protection measures throughout the construction phase, these retained trees will not be adversely affected.
13. In view of this, the proposal would not either directly or indirectly result in loss of, or damage to trees that would otherwise conflict with Policy G7 of the London Plan or Policy DM28 of the Local Plan which seek to ensure that, wherever possible, existing trees of value are retained.

Planning balance

14. I have found that the proposal would not be inappropriate development in the Green Belt and that there would be no other harms arising from its impact on trees or the character and appearance of the area or Local Heritage Area. Thus, I do not need to further consider openness or whether very special circumstances exist to justify development within the Green Belt.

Conditions

15. In addition to the statutory time limit for commencement, a condition is required specifying the approved plans in the interests of certainty.
16. In order to preserve the character and appearance of the area, a condition is required to ensure the development is built in materials to match the dwelling.
17. In order to ensure that the garage is only used for purposes incidental to the host dwelling, a condition is required stipulating its permitted use.

18. Lastly, a condition is necessary to ensure that the relevant tree protection measures are installed in a timely manner and retained for the duration of construction works to ensure the retention and longevity of the closest trees.

Conclusion

19. For the above reasons, the proposal complies with the development plan and in the absence of considerations to indicate that a decision should be taken other than in accordance therewith, the appeal is allowed.

Hollie Nicholls

INSPECTOR

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:
 - Location Plan, Ref 01, dated 05.03.19
 - Site Plan, Ref 02 Rev A, dated 12.10.20
 - Front elevation and roof plan, Ref 03 Rev A, dated 12.10.20
 - Rear and side elevations, Ref 04 Rev A, dated 12.10.20
 - Ground floor plan and elevation, Ref 05A, dated 12.10.20
- 3) The garage hereby permitted shall not be used other than for the parking of vehicles or for other purposes ancillary to the residential use of the dwelling known as Saraband.
- 4) The construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling, Saraband.
- 5) The trees shown on the Tree Protection Plan (plan Ref AC1) (T1 – T5) shall be protected by tree protection fencing and ground protection measures in accordance with the Arboricultural Impact Assessment (Alderwood Consulting, Ref D2070AIA, dated 23 November 2020). All protection measures shall be erected in accordance with the approved details before any equipment, machinery or materials associated with the construction of the garage are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.