



Appeal Decision

Site visit made on 22 September 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15/11/2021

Appeal Ref: APP/L5240/W/21/3271313

1 & 2 Abingdon Road, London SW16 5QP

- 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 Chang Jin Huang against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/05475/FUL, dated 2 January 2021, was refused by notice dated 9 March 2021.
 - The development proposed is described on the application form as 'retention of gym at 1 & 2 Abingdon Rd'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application that led to this appeal was retrospective in nature. On my site visit I also observed that the proposed outbuilding was already in place. I have therefore assessed the appeal on this basis.
3. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. As a result, given the nature of the refusal reasons, the main issues and the development plan policies upon which the refusal reason is based, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal building is within the rear garden/amenity space of nos. 1 and 2 Abingdon Road which are both two-storey terraced dwellings. The surrounding area is predominately residential with the properties on this part of the road comprising similar two-storey terraced dwellings. There is also a primary school located on the opposite side of the road to the host properties. The residential properties on this part of Abingdon Road have large rear gardens, some of them also have relatively small, detached outbuildings or sheds within these back gardens. These larger back gardens make a positive visual contribution to the area giving it a suburban character.

6. The proposal is a single storey detached outbuilding with a mono-pitched roof located along the entirety of the rear garden boundaries of both nos. 1 and 2. The outbuilding has been sub-divided into two separate areas with their own access doors. The outbuilding has a games room/gym and dancing room in one area and a praying room and carpentry room in the other. The smaller remaining back garden area for no. 2 has been fenced-off with closed boarded timber fencing that is approximately 1.5 metres in height.
7. Given the proposal's location, size, scale, massing, and height it is much larger than any of the other rear outbuildings nearby and is therefore out of keeping with the established prevailing pattern of development on this part of Abingdon Road. As a result, it represents a discordant and cramped form of backland development thereby having a significant adverse visual impact.
8. I note that in terms of the proposal's external material finish that it would be in keeping with those of the other properties in the area. However, this is not of sufficient weight to outweigh its adverse visual impact as outlined above.
9. I therefore conclude that the proposed development materially harms the character and appearance of the area thereby failing to meet the design and character requirements of policy DM10 of the adopted Croydon Local Plan. It also conflicts with policy D4 of the published London Plan.

Other Matters

10. I note the appellant's point that there may be other unauthorised developments in the area. However, enforcement is a matter that should be taken up with the Local Planning Authority in the first instance as is not something for me to consider as part of this s78 appeal.

Conclusion

11. The proposal would not accord with the development plan when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within it. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan.
12. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR