



Appeal Decision

Site visit made on 10 November 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 DECEMBER 2021

Appeal Ref: APP/L5240/D/21/3273763

149 Biggin Hill, Upper Norwood, London SE19 3HX

- 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 and Mrs Piyush Patel against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/05983/HSE, dated 16 November 2020, was refused by notice dated 24 February 2021.
 - The development proposed is alterations; demolition of existing outbuilding and erection of single-storey outbuilding.
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Decision

1. The appeal is allowed, and planning permission is granted for Alterations; demolition of existing outbuilding and erection of single-storey outbuilding at 149 Biggin Hill, Upper Norwood, London SE19 3HX in accordance with the terms of the application, Ref 20/05983/HSE, dated 16 November 2020, subject to the following 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 and documents:
Block Plan PI-20-03-01; Elevations PI-20- 03-04; Floor plans PI-20-03-03; Block Plan PI-20-03-02; Location Plan; Tree Survey, Impact Assessment and Method Statement.
 - 3) Unless otherwise specified in the application the materials to be used for the external surfaces of the development hereby permitted along with work of making good shall be carried out in materials to match those of the existing building.
 - 4) The outbuilding hereby approved shall only be used for purposes incidental to the enjoyment of the dwellinghouse as such and for no other purpose.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. 149 Biggin Hill is a modest detached property set within a corner plot, and the rear garden of the site widens to create a very generous area. The replacement outbuilding would provide ancillary accommodation to include a study and bathroom. It would be designed as a modest 'L' shaped building, with large patio doors facing the garden. The pitched roof and tile detailing would reflect the design of the host dwelling and other ancillary buildings in the area. Whilst the outbuilding would be partially visible from the adjacent lane it would clearly be linked to the host dwelling in its location and orientation and would be nestled into the wider grain of development. Access to the rear of the site is currently gained via the shared private lane along the side boundary of the site, this would remain as an access for the rear garden.
4. A tree survey was submitted to address the effect of the proposal on nearby trees. Two trees within the appeal site would be removed to facilitate the development. A mature cherry tree is located within a neighbouring garden, which is separated by hardstanding. Having regard to the location and physical boundary between the proposal and the neighbouring tree I do not consider that the proposal would be harmful to the tree. However, based on the recommendations set out within the Tree Survey, Impact Assessment and Method Statement I consider that a condition requiring compliance with the document would safeguard the tree.
5. I find that the proposal would sit comfortably within the large garden and function as part of the host dwelling. It would not be harmful to nearby trees. Accordingly, it would comply with Policies SP4, DM10 and DM28 of the Croydon Local Plan 2018, which advise that design should be of a high quality which respects the massing and appearance of the surrounding area, and that development will not be permitted where it would result in the avoidable loss of trees that make a contribution to the character of the area.

Conclusion and Conditions

6. I have found that the proposal would comply with the development plan when taken as a whole. I have specified the plans for certainty, and included a condition relating to materials in the interest of the character of the area. I have included the Tree Survey, Impact Assessment and Method Statement in the plans condition to ensure that the development is carried out in accordance with the cautionary approach in the Tree Survey, Impact Assessment and Method Statement. I have secured a condition ensuring that the outbuilding remains ancillary to the use of the host dwelling. This is necessary as a change in use of the outbuilding may result in impacts that are not considered within the scope of this proposal.
7. For the reasons above I conclude that the appeal is allowed.

J Ayres

INSPECTOR