
Appeal Decisions

Site visit made on 9 February 2022

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 07 MARCH 2022

Appeal A Ref: APP/L5240/Y/21/3279362

17 Boswell House, South End, Croydon, CR0 1BZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Nisar Siddiqui against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/00762/LBC, dated 12 February 2021, was refused by notice dated 14th April 2021.
 - The development proposed is the creation of a double mansard roof to provide for a two bedroom residential unit.
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Appeal B Ref: APP/L5240/W/21/3279363

17 Boswell House, South End, Croydon, CR0 1BZ

- 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 Nisar Siddiqui against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/00761/FUL, dated 12 February 2021, was refused by notice dated 14th April 2021.
 - The development proposed is the creation of a double mansard roof to provide for a two bedroom residential unit.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Main Issues

3. In respect of Appeal A the main issue is;
 - The effect of the proposal upon the special architectural and historic interest of the Grade II listed building (known as Boswell House).
4. In respect of Appeal B, the main issues are;
 - The effect of the proposal upon the special architectural and historic interest of the Grade II listed building (known as Boswell House);
 - whether the proposal would provide adequate cycle storage; and
 - whether the proposal would provide a suitable area for refuse storage.

Reasons

Effect of the proposal on the special architectural and historic interest of the listed building

5. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) of the Act requires a decision maker to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant planning permission for development which affects a listed building or its setting.
6. Boswell House is a Grade II listed building which fronts on to South End and forms one block with No 19 (Boswell Cottage) adjoining and beyond which is a later 18th century coach house. The list entry (Number 1358848) for Boswell House describes it as probably late 17th century with an early 18th century front. It has a red brick frontage, is two storey in height with sashed windows in cased frames and prominent dormer windows within the roof above a plain parapet. It has a central doorcase with fluted doric pilasters on either side integrated into the surround, detailing a semi-circular fanlight. The front elevation of the building exhibits a good level of detailing and is a pleasant example of late 17th century architectural style. As a result, I consider that the special interest of the listed building is derived from its architectural and historic detailing.
7. Development along South End and the Brighton Road as a result of urbanisation has fundamentally changed the setting of the building from one of open countryside when it was built to a busy city street. Indeed, the listed building itself has a mid-20th century extension to the rear, which is largely screened from the street except for views when passing the entrance to the side of the building, or when looking towards the property from the south, at which point the extension is visible. Whilst there has been a steady encroachment and urbanisation of the land surrounding the listed building, its detailing and historical interest ensures that it retains its presence on the street. This is aided by the siting of the listed building, which is set back slightly from the dominant building line along the street. The setback, in addition to the small break on either side of the property, and the fact that the building is two storey (albeit with additional space within the roof), allows a sense of breathing space for the listed building and creates a more open setting in respect of its intimate surrounding. As a result, the listed building remains a prominent building within the street scene.
8. The proposal would create an additional storey, located upon the extension to the rear of the building, which would result in this element of the building being four storeys in height. Although set back from the frontage of the site, the proposal would significantly increase the height of the property to the rear. Furthermore, the use of privacy screening would insert a form of development entirely inconsistent with the form and shape of the historic core of the listed building. Cumulatively these factors would compete with the more modest frontage of Boswell House, threatening the prominence that the building has retained and contributing to the encroachment of urban form, which has incrementally harmed its setting. Accordingly, I find that the proposal would

- undermine the special interest of the listed building and would therefore fail to preserve the architectural and historic interest of the building as required by the Act. Paragraph 199 of the National Planning Policy Framework (the Framework) also requires that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.
9. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 202 of the Framework. I have reached this conclusion as the frontage of the building, within which the special interest is largely experienced, would not physically be altered and no historic fabric would be lost. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
 10. The proposal would provide an additional dwelling, and this would make a modest contribution to the supply of housing within the Borough. As part of the scheme the appellant would reinstate railings to the front of the site and provide soft landscaping to the front of the property and within the site. The existing entrance gates would be set further back to provide an access further from the highway, with resurfacing to the side in a cobble design and provide soft landscaping to the front of the property and within the site. I do consider these to be benefits of the proposal. However, a single additional unit would be a very modest contribution. The changes in respect of hard landscaping would reflect the history of the building, and landscaping to the front would introduce a soft element which would reflect the adjacent number 19. However, the existing access is not in a state of disrepair and reflects the modern setting in the area generally, and soft planting could be introduced to the front of the site in any event.
 11. There are public benefits that would be realised through the proposal. However, I consider that these would be as a result of considerable harm to the special architectural and historical interest of the listed building and its setting. Accordingly, the public benefits of the proposal would not outweigh the less than substantial harm that would be caused to the significance of the designated heritage assets; harm that must attract considerable importance and weight. This brings the proposal into conflict with the Framework.
 12. Having regard to the harm that would be caused to the special interest of the listed building, the subsequent effect would be to exacerbate the urbanisation of the area. The special interest of the listed building actively enhances the character of the area, inserting a moment of history into an ever-evolving street scape. Accordingly, I find that the proposal would be harmful to the character of the area through the encroachment upon the listed building.
 13. The proposal would conflict with Policies SP4.12, SP4.13, DM18.1, DM18.2, DM18.3 and DM18.4 of the Croydon Local Plan 2018, Policies D1, D2 and D4 of the London Plan (2021). Collectively these policies seek to ensure that development optimises opportunities to enhance Croydon's heritage assets and advises that development will only be permitted where the significance of the heritage asset is preserved or enhanced.

Whether the proposal would provide adequate cycle storage

14. The proposal would provide a covered cycle store for 12 bicycles, fitted with a digital mechanical lock, within the site. The requirement for the proposal would be to provide two cycle spaces, therefore in addition to providing cycle spaces for the proposal the scheme would provide additional cycle spaces for existing residents in a secure location.
15. Accordingly, I find that the proposal would provide cycle parking spaces to serve the development. It would comply with Policies DM29 and DM30 of The Croydon Local Plan 2018 which collectively seek to promote measures to increase the use of cycling.

Whether the proposal would provide a suitable area for refuse storage

16. The refuse storage for the additional unit would be located within the site, in an area specifically laid out for refuse, in conjunction with the existing properties. Whilst this would result in occupiers having to take refuse down to the refuse area, having regard to the layout of the site as existing the proposal would continue to utilise the existing arrangements. The layout would be orientated so that the bins would be adjacent to the side boundary, accessible by all occupants, and not visually intrusive.
17. I find that the proposal would comply with Policy DM13 of The Croydon Local Plan 2018 which requires refuse facilities to be treated as an integral element of the overall design.

Conclusions

Appeal A

18. The public benefits of the proposal would not outweigh the less than substantial harm that would be caused to the significance of the designated heritage assets; harm that must attract considerable importance and weight. Accordingly, for the reasons given above I conclude that Appeal A is dismissed.

Appeal B

19. I have found that the proposal would be harmful to the special architectural and historic interest of the Grade II listed building, and the proposal would conflict with the development plan when taken as a whole. Whilst I consider that the proposal would provide adequate bicycle storage and refuse facilities these matters do not outweigh the conflict identified, and there are no other considerations that lead me to reach a decision other than in accordance with the development plan. I therefore conclude that Appeal B is dismissed.

J Ayres

INSPECTOR