



Appeal Decision

Site visit made on 29 March 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 MAY 2022

Appeal Ref: APP/L5240/W/21/3280315

Ummed Villa, Birch Lane, Purley CR8 3LH

- 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 Waqar Ahmed against the decision of the London Borough of Croydon.
 - The application Ref 20/05428/FUL, dated 9 November 2020, was refused by notice dated 6 May 2021.
 - The development proposed is the demolition of existing dwelling and erection of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Planning Policy Framework (the Framework) was revised in July 2021. The previous version of the Framework has been referenced in some of the submitted documents. However, the sections pertinent to this appeal have not materially altered. The London Plan was also revised in March 2021, but the Council have referenced the 2016 version within the decision notice. This has been addressed within the Council's Statement of Case and the appellant has had the opportunity to respond. I will therefore reference the 2021 versions of both documents in my decision.

Main Issue

3. The main issue in this appeal is whether the proposed development would preserve or enhance the character and appearance of the Webb Estate Conservation Area.

Reasons

4. The appeal site is located centrally within the Webb Estate Conservation Area (CA). It is historically important because of its layout which specifically emphasises the trees, hedges, and general planting in the estate. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 189 of the Framework requires that heritage assets, as irreplaceable resources, 'should be conserved in a manner appropriate to their significance' and paragraph 199 confirms 'great weight' should be given to their conservation.
5. This is similarly articulated in Policy DM18 of the Croydon Local Plan (2018) (Local Plan) and London Plan Policies HC1 and D3, the latter also encompassing

broadier matters related to design. In relation to trees within the CA, Local Plan Policy DM28 seeks to protect and enhance all trees within the borough, and London Plan Policy G7 supports this position.

6. The CA was originally designated in 1983 and subsequently extended. According to the Webb Estate and Upper Woodcote Village Conservation Areas Appraisal and Management Plan (CAAMP) the area was first laid out by William Webb who was a pioneer of the gardens first principle and garden estate design. The Webb Estate itself was developed with garden and landscaping taking priority over the buildings. It was built out between 1903-1925, and as such the original buildings are of a similar vernacular, although individually designed. It is noted that the appeal property may have been built later to the estate's formal completion when the grounds of Upper Woodcote House were subdivided, although this was still before the CA designation.
7. In general, the dwellings within the CA are large detached 2 storey properties within well-proportioned gardens. The properties are separated by hedging and treed boundaries and are generally positioned facing the roads behind parking areas and front gardens. This leads to the properties appearing to be nestled into a rather open, verdant, and soft landscape in which any screening is created by hedges and trees rather than walls or fences.
8. The existing dwelling is 2 storey and rectilinear in form with the main entrance situated on the narrow gable end, facing the road. Nearby there is also a detached, two storey garage annex which is a similar shape and form, and only moderately smaller than the main dwelling. The rest of the appeal site is laid to lawn with numerous large trees grouped throughout and is surrounded by established hedging. There is a band of trees along the northern boundary which are protected by Tree Preservation Order.
9. From the submitted information it is evident that the existing dwelling offers no special merit in relation to the character and appearance of the CA. However, during my visit it was apparent that the relatively modest extent of the built form in relation to the size of the site contributes to the open and verdant nature of this part of the CA.
10. The proposed new dwelling would be similarly located within the appeal site as the existing dwelling and although larger, would have similar proportions to other properties in the area. The proposal has also given a contemporary treatment to design cues taken from other dwellings within the Webb Estate. However, the design of the proposed dwelling would appear to focus on the front and rear elevations, leading to more functionally designed flank elevations. One of the key features of Webb's requirements for the estate was for "the architects to design each elevation with equal attention to ensure all views to a property were attractive" (cited in the first paragraph of page 18 of the appellant's heritage statement written by Squire Heritage Consulting and dated 4 November 2020). It is not apparent that this ethos has been taken into consideration within the proposed design.
11. The failure to consider all sides of the new dwelling is compounded by its reorientation. The existing dwelling's front door is aligned with one of the gated entrances into the appeal site, creating a defined and legible route through the site as well as an attractive vista. The proposal would have a side elevation facing the road which would be considerably wider than the existing dwelling and largely unfeatured save for a row of high-level windows. In effect the

- proposal significantly increases the built form along the frontage of the appeal site, reducing views through and harming the overall open and verdant appearance. It would replace the existing road facing frontage with an inactive flank which would disrupt the current positive relationship between dwelling and road, reduce the legibility of the appeal site and create a layout out of character with the CA.
12. The proposal would not impact the treed northern boundary but would require the removal of several smaller trees and construction within the root protection area of others. During my visit it was evident that the trees marked for removal were either of poor health or, were comparably small and situated within larger groups of trees. I am therefore satisfied that their removal would not harm the overall character and appearance of the appeal site.
 13. The appellant's arboricultural impact assessment (written by MMArboriculture, dated 6 April 2022, and revised 24 November 2022) (AIA) clearly states that the proposal would impact on the root protection areas of 4 trees. These trees form the main body of one of the more notable groups of trees central within the site, they are species which are part of the original planting scheme for the Webb Estate, according to the CAAMP, and are mature and in good health, according to the AIA. As such they positively contribute to the verdant character and appearance of the CA.
 14. The AIA goes on to state that specialist construction methods may be required within the root protection area. However, it stops short in explaining what they are and how they would impact the 4 trees. Without this information, it cannot be guaranteed that the proposed development would not harm the trees.
 15. It is appreciated that conditions can be used for construction method details and replacement of damaged trees. However, in this instance it is considered such conditions would be imprecise and unreasonable due to the lack of information relating to the impact of the construction methods, and the potentially restrictive nature of replacing trees of a similar size and age.
 16. To support their position the appellant has referenced two appeals Commonweal Lodge (APP/L5240/A/12/2187018) and 18 Rose Walk (APP/L5240/W/15/3033496). The Commonweal Lodge appeal turned on the loss of the existing building, rather than the design of the proposed replacement. In 18 Rose Walk the proposed replacement dwelling was similarly orientated to the original and of a form already expressed within the estate. In both cases, the circumstances are not sufficiently similar to the proposed development for me to draw a direct comparison that would weigh in favour of the proposal.
 17. Therefore, I find that the design of the proposed dwelling and the adverse effect it would have on the trees would cause less than substantial harm to the character and appearance of the CA, in accordance with the Framework, and no public benefit has been identified which would outweigh this harm.
 18. In conclusion, the proposed development would not preserve or enhance the character and appearance of the CA and would adversely affect the trees within the appeal site. It therefore does not comply with Local Plan Policies SP4.1, DM10.1, DM18 and DM28, London Plan Policies D3, D4, HC1 and G7, the Suburban Design Guide Supplementary Planning Document, the Croydon Conservation Area Supplementary Planning Guidance and the CAAMP.

Other Matters

19. The lack of harm to the living conditions of the occupants of adjacent properties, and the lack of local objection (although it is noted that Croydon South Conservation Area Advisory Panel had concerns relating to siting) is noted. As are the main parties' references to several further policies from the Local Plan along with various paragraphs from the Framework, relating to sustainability and brownfield land use, along with other matters. As well as the further post appeal submission discussions between the main parties relating to the design. These matters have been considered but do not outweigh the harm found to the character and appearance of the CA.

Conclusion

20. For the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the Framework, I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR