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## Appeal Decision

Site visit made on 15 June 2022

**By K Winnard LL.B Hons Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>TH</sup> June 2022**

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**Appeal Ref: APP/L5240/D/22/3294712**  
**8 Briar Hill Purley CR8 3LE**

- 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 Mrs Sinead Mallozzi against the decision of the Council of the London Borough of Croydon.
  - The application Ref 21/05708/HSE, dated 13 November 2021, was refused by notice dated 2 February 2022.
  - The development is the erection of 2 no. black wrought iron entrance gates to the existing driveway entrances to the property.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The gates, the subject of the appeal, consisting of black wrought iron gates and piers with a lattice repetition have already been erected. Accordingly the application is retrospective and I have determined the appeal on this basis.

### Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the area, having regard to its Conservation Area status.

### Reasons

4. The appeal property No 8 Briar Hill, (No 8), is a detached property situated within the Webb Estate Conservation Area (CA), where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. In addition, the National Planning Policy Framework (the Framework) states that great weight should be attached to the conservation of designated heritage assets, in this case the CA.
5. The Webb Estate and Upper Woodcote Village Conservation Areas Appraisal and Management Plan (CAAMP) describes the special characteristics of the Webb Estate CA as being derived from its garden and landscape setting which takes priority over the buildings. The CA is a pioneering example of the 'Garden First in Land Development' movement and is significant in its influence in the UK's town planning and landscape history. There is a particularly verdant,

tranquil and spacious character to the estate enhanced by soft mature landscaping, specimen trees and abundant planting.

6. The CAAMP lists specific recommendations for entrance gates within the CA whilst acknowledging that the need for improved security is a recognised component of modern living. In particular, it details specific height guidelines, colour and that the design should be simple and not elaborate with plain piers. Embellishments such as ornate gates and pillars are identified within the CAAMP as a contribution to the destruction of the character of the landscape. The CAAMP is a material consideration to which I accord significant weight.
7. It was apparent from my site visit that there is a wide variety of front boundary treatments within the wider area of the CA. Several properties on Birch Lane, the Promenade de Verdun and The South Border in particular, to which I have been referred by the applicant's agent, are fronted by high gates, gold embellishments with ornate detailing to gates and in some instances the piers. The information concerning the planning background of these cases is limited. Nor is it clear whether they benefit from planning permission, or predate the designation of the CA.
8. However these examples are less notable closer to the proximity of the appeal site and on Briar Hill itself. The street is recognised within the CAAMP as having a distinctive character due to its narrow width and type of planting. In this location, the majority of properties have boundary treatment consisting of brick piers, albeit with individual globes atop, and open driveways. Where gates have been installed these are of differing styles and forms. Despite these variations in form, they do not significantly alter the character and appearance of the CA in this location. Overall, Briar Hill retains a quiet atmosphere of tranquillity with a natural character and well balanced appearance of plain boundary treatments.
9. The gates and piers as installed, draw the eye as an incongruous feature within this part of the CA. Although set in from the boundary and reduced in height in the centre, when viewed from the front the piers in particular are of an unduly ornate form and detract from the natural character found elsewhere on Briar Hill. This is particularly the case when viewing those installed across the southern access of the site where there is less screening from vegetation and shrubbery. The lowering of the central height of the gates does not overcome the more fundamental objection to the size of the gates adjacent to the piers and which together with the high, ornate piers are out of keeping with the area. I note the background to the choice of design. However whilst coloured black with no gold embellishments, the lattice repetition on the piers is not a common feature on piers sited elsewhere within the CA. As such they are unduly elaborate and do not meet the design objectives given in the CAAMP. In harming this frontage, the development fails to preserve or enhance the character and appearance of this part of the CA.
10. The appellant has drawn my attention to the appeal decision at No 6 Briar Hill. However this was an appeal about the construction of a side extension to the dwelling and did not include entrances gates. Moreover, the appeal turned on the integration of the side extension in the context of the existing dwelling and generous plot. As such, direct parallels with the scheme before me are not easily drawn.

11. The development does not preserve or enhance the character and appearance of the CA and would be harmful to its significance. Consequently I give this harm considerable importance and weight in the planning balance of this appeal. Given the size and scale of the development within the CA as a whole, the harm that arises is localised and as a result is less than substantial within the meaning of paragraph 199 of the Framework. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the scheme. No public benefits have been put forward to weigh against this harm. Accordingly, the development fails to comply with national policy.
12. I conclude that the development does not preserve or enhance the character of the CA. It causes unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies SP4.1, SP4.13, DM10, and DM18 of the Croydon Local Plan (2018), Policies D3 and HC1 of the London Plan (2021), and the Conservation Area Guidance (CAAG -SPG (April 2013). Together these require development to be of a high quality, to enhance the setting of heritage assets, protect the CA and be sympathetic to a heritage assets' significance and appreciation. It also conflicts with the Webb Estate and Upper Woodcote Village Conservation Areas Appraisal and Management Plan

### **Other Matters**

13. I have considered the lack of representations from the local CA panel and the Croydon South CA Advisory Panel but this does not outweigh the harm I have identified to the character and appearance of the CA. I note too the reference to the Council's handling of the application but this is not a matter before me, nor does it alter my findings.

### **Conclusion**

14. For the reasons set out above and having regard to all other matters raised I dismiss the appeal.

*K Winnard*

INSPECTOR