
Appeal Decision

Site visit made on 13 July 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/L5240/W/21/3289512

Land adjoining 19 Upper Woodcote Village, Purley CR8 3HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Turpin of Peakpoint Limited against London Borough of Croydon.
 - The application Ref 21/03522/FUL, is dated 30 June 2021.
 - The development proposed is erection of two storey four bedroom single dwelling.
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Decision

1. The appeal is dismissed and planning permission is refused.

Main Issues

2. The Council has not provided a statement of case or other evidence to indicate whether or not this application should be refused. As such, considering the issues raised by interested parties including internal consultees, the main issues are as follows:
 - The effect of the proposed development on the character and appearance of the area including the Webb Estate and Upper Woodcote Village Conservation Area
 - The effect on the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

3. The Webb Estate and Upper Woodcote Village Conservation Area (CA) derives its significance as a whole from its historic association with William Webb who was a pioneer of the Garden Estate concept. As well as its appearance including the prioritisation of garden and landscape and generous plots with spacious layouts. This results in an open, leafy and green character to the area. The appeal site is within the Upper Woodcote Village area, which was designed as a 'model village'. Properties front a green with a war memorial in one corner. The large plot sizes with generous separation between buildings along with the prominent soft landscaping results in an open, spacious, green character, characteristic of the CA.
4. Within the Upper Woodcote Village Area, the Lord Roberts Temperance Inn (19 Upper Woodcote Village) is a locally listed building and continues in commercial use. It appears to me that its significance derives from its use as the only remaining purpose designed commercial building on the estate, and its

appearance reflecting this public use. The property consequently has a moderate degree of heritage significance meriting consideration in planning decisions, although it has no statutory protection in this regard.

5. The appeal site is an undeveloped open plot, mainly grassed, with some mature planting around the boundary. It appears to have originally been part of the rear garden to no 19 but is now separated by a low fence and low level planting. It's undeveloped character provides separation between 19 Upper Woodcote Village and 20 and 21 Smitham Bottom Lane. This remains the case even though, historically, it would not have been used as a residential garden. As such its open features and contribution to the spaciousness of the area make a positive contribution to the CA.
6. The introduction of a new house on this plot would erode the separation between the building at no.19 and the surrounding properties. The development would be set back from the boundaries which it is put to me would follow the original estate covenants. Nevertheless, it would not respect the more generous settings that are in fact characteristic of this particular location. It would result in a long and narrow plot and dwelling which would harmfully contrast with the spacious plots and sense of openness around the buildings. This would harmfully undermine the open pattern of development in this area.
7. The development of part of the garden would not appear to affect the commercial use of the Lord Roberts, nor those features which contribute to this use being apparent. Therefore, the proposed development would not affect the features of significance of this locally listed building.
8. Tree planting is proposed along the eastern boundary. Whilst this would provide some screening it is likely that a two storey dwelling would be perceived behind any planting, particularly when trees are not in leaf. Furthermore, the front of the plot is shown for access, parking and manoeuvring. Furthermore, trees are shown in the adjoining garden, outside the site area. I am not presented with any mechanism that would secure this planting. As such, even though planting, when mature, may provide some screening, it is likely that the dwelling would be seen in public and private views and as such this harm would be experienced.
9. The arboricultural statement states that a pile and beam foundation would be used and that this would ensure all existing trees were retained. I have no detailed evidence before me that leads me to disagree with these findings. Therefore, there would be no loss of trees. Some pruning would be required, however I have no reason to find that this would not retain the trees in an appropriate way.
10. Consequently, the proposed development would have a notably harmful effect on the character and appearance of the CA. This would be contrary to Policy 10 and Policy SP4.13 of the Croydon Local Plan 2018. Together these set standards as to how high quality design can be achieved, and seek to protect and improve conservation areas, amongst other things.
11. The National Planning Policy Framework 2021 (Framework) advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to the CA would

be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.

12. The proposed development would provide a family sized dwelling which would contribute to local housing supply. However, due to the scale of the proposed development, the public benefits in this regard are limited.
13. On the other hand, having regard to my statutory duty I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and I attribute considerable importance and weight to this harm.
14. Accordingly, taking all the above into account, the limited public benefits would not outweigh the notable harm to the CA.

Living Conditions

15. The proposed first floor rear terrace would create elevated views towards the surrounding gardens, and towards the closest rear residential windows at 19A and 19B.
16. These views would be somewhat limited by planted screening to the west and north sides, however the effectiveness of this would be reduced when trees are not in leaf. The planting proposed to the western boundary would take time to mature, and therefore would result in similar issues. I have considered the set back of the terrace from the rear elevation and the distance from nearby windows which would somewhat reduce these concerns. Nevertheless, the views from the terrace would result in some overlooking to nearby properties.
17. There are no first floor windows proposed to the west elevation, and those to the east would be obscure glazed. Any views from ground floor windows could be limited by more dense boundary treatment which is more likely to be achievable at this lower level.
18. The proposed development would provide two car parking spaces which would appear to be adequate for this size property in this location. Pruning the trees along the front boundary is proposed and I am satisfied that adequate visibility splays could be achieved to serve these spaces. Domestic noise from a single new house in a mainly residential area would not significantly alter the noise experienced in this location. Therefore, I do not find harm in these regards.
19. Nevertheless, there would be some modest harm to the privacy of nearby occupiers. As such this would be contrary to paragraph 130 of the Framework which requires a high standard of amenity for existing users.

Conclusion

20. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR