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# Appeal Decision

Site visit made on 10 October 2022

**by J Hills MRTPI**

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

**Decision date: 4th November 2022**

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**Appeal Ref: APP/L5240/W/22/3298123**

**4, Buckingham Avenue, Thornton Heath, Croydon CR7 8AS**

- 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 Salman of All Time Properties Limited against the decision of the London Borough of Croydon.
  - The application Ref 22/00835/FUL, dated 27 February 2022, was refused by notice dated 25 April 2022.
  - The development proposed is erection of a new two storey house with a single off street car parking space and other site alterations.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have used a different description in the formal decision from that on the application form as a revised description was agreed by the Council and the appellant prior to the determination of the planning application.
3. The appellant has provided a revised plan that was not before the Council when it made its decision. The plan seeks to address matters of dispute between both parties in relation to parking provision and layout arrangements. I consider these to be matters that those consulted on this proposal may have wished to have had the opportunity to comment on. The appeal process should not be used to evolve a scheme and in applying the 'Wheatcroft Principles'<sup>1</sup> I have made my decision on the basis of the plans considered by the Council, and on which interested people's views were sought.
4. It is noted that since the refusal of the application by the Council, the Suburban Design Guide Supplementary Planning Document (SPD) referenced in the reasons for refusal has been revoked. Accordingly, I have not relied upon this document in arriving at my decision.

## Main Issues

5. The main issues are the effect of the proposal upon (i) the character and appearance of the area, (ii) living conditions of occupiers of 4, Buckingham Avenue with particular regard to private garden space, privacy and outlook, (iii) highway safety; and (iv) whether the proposal would encourage future occupiers to use alternative transport modes to the private vehicle.

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<sup>1</sup> *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]

## Reasons

### *Character and appearance*

6. The appeal site is located within an established area of relatively low-density housing, fronting a green open space. The surrounding area is predominantly made up of two storey semi-detached and small terraces of properties with hipped roofs, where there is a variety of house frontage design and fenestration detail. There are generous gaps where trees and vegetation can be seen between properties, particularly on street corners which provide a sense of openness that helps define the buildings and their associated gardens, providing a regular rhythm to the built form.
7. The proposal would be of a similar design and siting to the surrounding properties and would make use of sympathetic materials. It proposes acceptable fenestration detail that would not lack symmetry or cramp the eaves. However, the siting of the proposed property within one of these gaps and so close to the host property would have the effect of harmfully screening and eroding an appreciation of this openness and would look cramped in comparison with the surrounding pattern of development.
8. For the above reasons the proposal would harm the character and appearance of the area. As such, the proposal would be in conflict with Policies DM10 and SP4.1 of the Croydon Local Plan (2018) (CLP) and Policy D3 of the London Plan (2021) (LP), which amongst other things promote local distinctiveness.

### *Living conditions*

9. Despite the host and proposed property and their gardens being at angles from one another, the remaining garden apportioned to the host property would nevertheless amount to less than half of that currently provided, which would be in conflict with Policy DM10.4 of the CLP. Even if landscaping were to be introduced, the orientation and massing of the proposal is such that its first-floor rear windows would introduce close range views and look directly down towards the majority of the private garden space of the host property, which would harmfully erode existing levels of privacy provided there. The height of the proposed two storey construction and its siting in such close proximity to the host property would have a harmful enclosing effect on the outlook of the rear garden of 4, Buckingham Avenue, which is currently open and unobstructed. This would reduce the ability of current occupiers at 4, Buckingham Avenue to enjoy their remaining private garden space.
10. For the above reasons, the proposal would result in unacceptable harm to the living conditions of the occupiers of 4, Buckingham Avenue with regard to private garden space, privacy and outlook. As such, the proposal would be in conflict with Policies DM10 and DM10.4e of the CLP and Policies D3 and D6 of the LP, which amongst other things aim to maintain appropriate levels of private garden space and privacy, and avoid overlooking through new development.

### *Highway safety*

11. The site would be accessed directly off an existing dropped kerb that meets a narrow and single lane one-way street, close to a junction. Beyond this, a further small section of road leads to a junction meeting a busier street. At the time of my visit there appeared to be regular pedestrian and vehicular

movements in front of the proposed site access, and vehicles tended to pass by at low speeds. Although my observations only represent a snapshot in time, there is no submitted evidence to suggest these characteristics are not typical of this area.

12. The proposed parking area runs adjacent with the highway and the angle of approach would be likely to require a vehicle to cut across the proposed widened pavement crossover next to a junction. Vehicles would be required to reverse out of the property with limited visibility due to restricted sight lines caused by a neighbouring boundary fence and cross the widened pavement before meeting the highway close to a junction. Although reversing vehicles would be likely to approach the highway with caution, the safety of pedestrians and other road users would nevertheless be likely to be compromised by this manoeuvre as drivers would not be able to be seen approaching. Consequently, I find there would be harm to highway safety. As such, the proposal would be in conflict with Policies DM29 and DM30 of the CLP, which amongst other things promotes highway safety.

#### *Alternative transport modes*

13. The site is located in an area where access to public transport is graded as having a Public Transport Accessibility Level (PTAL) of 3 which is moderate. It is not within a controlled parking zone and therefore opportunities to use modes of transport other than cars would be limited. Although a bicycle store would be provided, which would to some extent help promote the use of alternative forms of transport, the provision of a car parking space would not as it would exceed the maximum 0.75 car parking space allowance set out in Policy T6 of the LP. For this reason, the proposal would not encourage future occupiers to use alternative transport modes to the private vehicle. The proposal would conflict with Policies T5 and Policy T6 of the LP, and Policies DM29 and DM30 of the CLP, which amongst other things seek to reduce car usage in such locations.

#### **Conclusion**

14. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

*J Hills*

INSPECTOR