



Appeal Decision

Site visit made on 22 November 2022

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07/12/2022

Appeal Ref: APP/L5240/W/22/3301289

131 Benhurst Gardens, South Croydon CR2 8NZ

- 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 Paramjit Mahi against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/06296/FUL, dated 21 December 2021, was refused by notice dated 19 May 2022.
 - The development proposed is described as the demolition of existing garage structure and construction of a one bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that its Suburban Design Guide Supplementary Planning Document 2019 was withdrawn on 25 July 2022. Consequently, I have not attributed weight to this document.
3. An earlier draft version, with tracked changes, of the Council's Delegated Report has been referred to in evidence. The Council confirms that this does not represent the final assessment of the proposals and as such should be disregarded in favour of the final version of the Delegated Report. I have therefore not made any reference to the draft version of the Delegated Report in coming to my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The proposed development sits at a visually prominent corner location within the back garden of 131 Benhurst Gardens, a two-storey semi-detached dwelling. The surrounding area, including Sundale Avenue, is defined by a mix of two storey semi-detached and terraced dwellings.
6. The proposed development would introduce a single storey detached dwelling to the rear of No. 131. It would front onto Sundale Avenue and sit forward of the established building line on this side of Sundale Avenue.
7. The height and size of the dwelling has been reduced to overcome previous objections; however, this would introduce a single storey dwelling within a

street scene of two storey dwellings. Such a departure from the established two storey layout would conflict with and appear at odds with the character and appearance of the area. The forward siting of the proposed development, beyond the established building line, would exacerbate this visual harm further as the eye would be drawn to the proposed development.

8. The appellant's Design and Access Statement provides a character analysis, albeit brief, and I consider the roof design, notwithstanding the overall building height, to be acceptable. While the proposed garden would be sited to the side, rather than the rear, this would have limited visual impact when viewed from public vantage points due to screening and its location. However, the absence of harm in both these regards is a neutral factor which neither weighs for or against the development.
9. I also note the appellant's suggestion that the proposed dwelling would be lower than the host property and would therefore be subservient to it. However, this does not overcome or outweigh the visual harm identified above.
10. Accordingly, there would be conflict with the relevant provisions of Policies SP4 and DM10.7 of the Croydon Local Plan 2018 and Policies D3 and D4 of the London Plan 2021 all of which, amongst other things, seek to ensure that development is sympathetic to the character and appearance of the area.

Other Matters

11. The development would offer potential benefits in terms of providing a dwelling on a partly brownfield windfall site. This would optimise a small site in a largely residential area with access to jobs, services, infrastructure, and public transport. I acknowledge that smaller sites also tend to be built out relatively quickly and redevelopment represents an efficient and effective use of land in this case.
12. However, I have found that the proposal would have unacceptable effects on the character and appearance of the area. Given the limited scale of the development proposed, the weight attributable to the benefits set out above would be modest and are not sufficient to outweigh the harm I have identified and the conflict with the policies I have referred to.

Conclusion

13. As such, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR