



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: 13 DECEMBER 2022

Appeal Ref: APP/L5240/W/22/3294574

17 Briar Hill, Purley CR8 3LF

- 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 and Mrs Sandhu against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/04129/FUL, dated 5 August 2021, was refused by notice dated 4 February 2022.
 - The development proposed is described as the demolition of existing house/garage and erection of replacement.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
 - The character or appearance of the area, having regard to its Conservation Area status;
 - Fire safety for future occupiers of the development; and
 - Parking standards and pedestrian sightlines.

Reasons

Character and Appearance

3. The appeal property is a detached dwelling 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 or 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.
4. The Webb Estate and Upper Woodcote Village Conservation Areas Appraisal and Management Plan Supplementary Planning Document 2007 (the SPD) describes the significance of the Webb Estate CA as being derived from its garden and landscape setting which takes priority over the buildings.
5. The CA is recognised in the SPD as a pioneering example of the 'Garden First in Land Development' movement and is significant in its influence of the UK's town planning and landscape history. There is a particularly verdant, tranquil, and spacious character to the estate, houses are set well apart from each other

and also their front boundaries. These features positively add to the significance of the area.

6. While I accept the garden first principle, the Council state that the existing dwelling is a charming example of Edwardian Arts and Craft style architecture. The appellant in response states the existing building is ordinary and not remarkable.
7. I note the dwelling has an original simple and restrained character; however, this ensures an appropriate relationship with its landscaped plot. It's design, roof form and materials are typical of its time, and it nods to the history of the CA. It is not statutorily or locally listed, however, its simplicity makes a positive contribution to the character and appearance and historic interest of the CA. This weighs significantly in favour of its retention.
8. The appellant has provided an appeal decision reference APP/L5240/W/15/3033496 at 18 Rose Walk, Purley. This appeal was for a replacement dwelling which included the demolition of an Arts and Crafts dwelling. While I have had regard to this decision, it is different as the building to be demolished was built after the Arts and Craft style was a 'movement' and that dwelling was shown to be derivative of the movement.
9. In this case, the demolition of the existing building must be considered and balanced against the impact of the proposed replacement to determine the level of harm. The overall size of the proposed dwelling broadly responded to the Council's pre-application advice. Materials and the type of render could be agreed via condition. I also note there is no prescribed detailed design for new dwellings within the CA and the Garden First principle is paramount.
10. However, the garage as proposed, sits forward of the principal front elevation. While it would be single storey, it would have a considerable footprint and this incursion into the open frontage would be prominent. This projection would have an uncomfortable visual relationship with the frontage of the main dwelling and as a result would also be harmful to the open nature of the site and the CA. In this respect, the appeal proposal would go against the Garden First principles upon which the Estate was developed.
11. In coming to this finding, I have had regard to a grant of planning permission under reference 17/00945/HSE which has been approved for extensions and alterations to the appeal property. This approved development would be different, to the appeal proposal as it takes design cues from the host building retaining the Arts and Crafts character while maintaining its setback from the frontage.
12. My attention has also been drawn to several other decisions and examples. These do not appear to project forward in the same manner as the appeal scheme before me. I have therefore not found it necessary to make specific comments on any of those conclusions, but as a general point, each decision turned on its own evidence, as has my decision.
13. While no 19 Briar Hill has a detached garage to its frontage, I have no evidence as to when it was constructed or under what policy context it was considered. This garage is harmful to the character and appearance of the CA and the existence of harm elsewhere is not justification to recreate that harm.

14. While I understand the Council's concerns about design quality being translated from the planning phase to the construction phase, detailed drawings can be agreed prior to commencement via a suitably worded condition. Once agreed, the Council can monitor construction in the same way it would have done if these details were provided at the planning application stage.
15. However, the replacement building would not sit as unobtrusively within the landscaped plot as the existing house would and, for the reasons given above, would erode the Garden First principles upon which the Estate was developed. The replacement of the existing building would result in less than substantial harm to the historic significance and prevailing character and appearance of the CA.
16. The 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. While the harm to the CA would be less than substantial, nevertheless, paragraph 199 of the Framework states that this is a matter of great weight and importance.
17. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme. Apart from the benefits considered above, no further public benefits have been put forward to weigh against this harm. Accordingly, the development fails to comply with national policy.
18. 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. Accordingly, taking all the above into account, there are no considerations which would outweigh the notable harm to the CA.
19. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA. It would result in the demolition of a building which makes a positive contribution to the special character and appearance of the CA and its replacement with a building which does not respect the historical significance of the CA as a heritage asset, thereby resulting in substantial and unacceptable harm.
20. As such, the appeal proposal does not accord with Policies DM10.1, DM10.7, DM18.1 and DM18.2 of the Croydon Local Plan (2018); Policies D4, D6 and HC1 of the London Plan 2021; the Framework; the Conservation Area General Guidance SPD 2013 and the Webb Estate and Upper Woodcote Village Conservation Areas Appraisal Management Plan 2007. These policies and supplementary planning documents, amongst other objectives, aim to ensure that development proposals comprise high quality design which preserves or enhances the overall character or appearance of conservation areas.

Fire safety

21. Policy D12 of the London Plan requires that all development proposals should achieve the highest standards of fire safety. At paragraph 3.12.2, the London Plan states that the matter of fire safety compliance is covered by Part B of the Building Regulations. However, it says, 'to ensure that development proposals achieve the highest standards of fire safety ... applicants should consider issues of fire safety before building control application stage'.

22. Policy D12 (a), also sets out what is required in the interests of fire safety and to ensure the safety of all building users. In this case, the appellant has submitted a fire safety statement with the appeal and the Council has not objected to its content. Had the appeal been acceptable in all other regards, a condition could be imposed to agree this detail.
23. Providing that such a condition was worded to preclude the occupation of the development until these matters were addressed, I conclude that such a condition would make the development acceptable in terms of fire safety for future occupiers of the development. Therefore, no conflict would arise with London Plan Policy D12 which seeks to ensure the safety of all building users.

Parking Standards and Sightlines

24. The Council accepts there would be space within the site to accommodate vehicles, bikes, and refuse. However, they state the garage would be undersized and doors to the cycle area must be 1.2m wide to enable easy access for all users. The Council is also concerned about sightlines to passing pedestrians from both vehicle access points.
25. Internal alterations would accommodate cycle parking and the Council note that if the application would have been acceptable, these issues (including pedestrian sight lines) could have been dealt with by suitable conditions.
26. I have, however, not been shown what parking harm would arise from the size of the garage or where specific dimensions are set for such areas particularly in the context of the generous driveway and off-street parking therewith. I therefore attach no weight to this alleged harm.
27. Consequently, the proposal development would provide acceptable parking standards and pedestrian sightlines. The proposal would accord with the relevant provisions of Policies DM29 and DM30 of the Local Plan. These seek, amongst other things, to manage parking and ensure that developments make adequate provision for pedestrian safety.

Conclusion

28. I have found no harm arising in respect to fire safety, parking standards or pedestrian sightlines, subject to appropriately worded conditions. However, these would be neutral matters neither weighing for or against the proposal. I have, however, found unacceptable harm in respect to the character or appearance of the area, having regard to its Conservation Area status.
29. 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