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## Appeal Decision

Site visit made on 17 January 2023

**by Philip Willmer BSc Dip Arch RIBA**

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

**Decision date: 13 February 2023**

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**Appeal Ref: APP/L5240/D/22/3309860**  
**3 Orchard Grove, Croydon, CR0 7NH.**

- 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 Z.Rafiq against the decision of the Council of the London Borough of Croydon.
  - The application Ref, 22/01954/HSE dated 10 May 2022, was refused by notice dated 2 September 2022.
  - The development proposed is described as 7m ground floor extension at rear, creation of a first floor above the existing bungalow, extending the porch and side.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. I consider the main issues to be:
  - a) the effect of the proposed development on the architectural integrity of the host property and the visual amenity of the street scene;
  - b) the effect of the proposed development on the existing tree which contributes to visual amenity, and;
  - c) whether the proposal can achieve the highest standards of fire safety.

### Reasons

3. The appeal property, 3 Orchard Grove, is a detached bungalow. It is one of six bungalows between numbers 16 The Glade and 5 Orchard Way.
4. The appellant proposes a single storey rear extension, a front porch and the construction of a new first floor, thereby changing the bungalow into a two-storey house.

### *Character and appearance*

5. The roof form proposed would be hipped and therefore would be similar in appearance to that of the existing bungalow. Nevertheless, given the overall height, massing and design of what, when extended would be a house would, in my judgement, cause significant harm to the architectural integrity of the host property.

6. Although the dwelling would be set back from the street it would, due to its height and form nevertheless appear prominent in the street scene. Therefore, given the established pattern and scale of the neighbouring development here it would appear as an inappropriate and alien form of development in this location.
7. For the reasons set out I conclude in respect of the first main issue that the proposed development would detract from the appearance of the host building and would be detrimental to the amenities of the street scene and would thereby conflict with the objectives of Policy D3 of the London Plan (Adopted March 2021) (London Plan) and Policy DM10.1 of the Croydon Local Plan 2018 (Adopted 27 February 2018) (LP) as they relate to, amongst other things, the quality of design and the need to respect and enhance the local character and contribute positively to the public realm.

#### *Trees*

8. LP Policies G7, DM27 and DM28 address biodiversity, in particular the desire to protect and retain trees in the Borough.
9. As I saw there is one large tree and what appeared to be a group of three trees (shown as one on the plan). The single tree would be so close to the proposed rear extension, that the tree's roots may well be affected by excavations for foundations and services. Further, in the summer the tree would be likely to overshadow the roof windows in the proposed extension and accordingly there may well be pressure in time to cut back the tree. However, no arboricultural impact assessment nor, if necessary, protection/mitigation measures have been submitted as part of the application.
10. I therefore consider, in the circumstances that the Council's concerns about the health and retention of the tree to be well founded. I am therefore not persuaded that in this case this matter could be adequately addressed by a condition.
11. I therefore conclude in respect of the second main issue that without proper consideration for the health and longevity of the existing tree the development could be a threat to the tree and thereby the amenity of the character of the area contrary to aims of London Plan Policies G1 and G7 and LP Policy DM28.

#### *Fire safety*

12. The Council records that a Fire Safety Assessment (FSA) was not submitted at application stage to demonstrate compliance with Policy D12 of the London Plan. However, in its evidence it states that had the application been found acceptable on the other substantive issues a FSA could have been secured by condition. I have no reason to disagree with this conclusion. Accordingly, if I were minded to allow the appeal, this is a matter that could be addressed by a suitably worded condition.
13. I therefore conclude in respect of the third main issue, that subject to the imposition of a condition the objectives of Policy D12 of the London Plan can be met in this case to ensure that the highest standards of fire safety could be achieved.

## **Conclusions**

14. I have concluded that, in this case an FSA could be secured by the imposition of a condition. However, I have found unacceptable harm on the two substantive issues of character and appearance and impact on the tree. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Philip Willmer*

INSPECTOR