



Appeal Decision

Site visit made on 15 February 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/L5240/W/22/3309526

11 Haydn Avenue, Purley CR8 4AG

- 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 Terry Page against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/02996/FUL, dated 2 June 2021, was refused by notice dated 14 September 2022.
 - The development proposed is the erection of a terrace of 6 no. three bed dwellings to the rear of the existing property; demolition of a single storey side extension to the existing property; new vehicular and pedestrian access to the rear; associated parking and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During determination of the planning application, the Council revoked the Croydon Suburban Design Guide Supplementary Planning Document (2019) (SPD). This document was not part of the Local Plan but provided guidance on how the Local Plan policies should be applied and interpreted. The policies in the Local Plan remain unchanged.

Main Issue

3. The effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site forms part of the large garden area associated with No.11 Haydn Avenue, which is a two storey, detached property. The existing property is located on raised ground, with the rear garden forming a series of terraces to account for the changing levels within the site.
5. The properties on this side of Haydn Avenue have an imposing feel due to their height in comparison to the dwellings on the opposite side of the road, which mostly sit below road level. The existing curved access drive would be retained for the host property, with a new vehicular and pedestrian access for the proposed development to be provided.
6. The surrounding area is predominantly residential in character with a mix of two storey detached and semi-detached properties set within spacious plots with deep rear gardens. Whilst I did observe some variety to the pattern of

development, architectural character, appearance and style within the local context, there is a general sense of character derived from the detached, spacious, and verdant plots.

7. The proposed development relates to the erection of a three-storey terrace of 6no. dwellings, extending almost the entire width of the rear garden. The dwellings would each have a small garden to the rear, with substantial paved area to the front of the dwellings making provision for access, car parking, cycle, and waste storage. The terrace would be positioned much closer to the boundaries of the site than is typically the case for development in the surrounding area. As such, this form of development would be inconsistent with the character of the surrounding area.
8. It has been suggested that the development would be discrete; however, the scale and form of the development would, despite its siting towards the rear of the site, fail to be accommodated discretely within the immediate surroundings. The proposal would be visible, even if only a small part of the development, from Haydn Avenue and would introduce an incongruous feature to the street scene. In any case, the absence of prominent views from the street does not, make the development acceptable. The visible presence of a large building to the rear of the site, would be at odds with the large gardens and sense of space experienced along this side of Haydn Avenue.
9. The proposed development would exceed both the height and width of the existing dwelling would not appear subservient to the existing property. I recognise that the principle of subservience can be achieved in a number of ways, and does not relate solely to scale; however, in this instance the development would be a bulky addition to the site that would appear at odds with the character of the area. The proposal would conflict with Policy DM10 of the Croydon Local Plan (2018) (CLP) which seeks, amongst other things, to ensure development is subservient, where the host building is to be retained.
10. My attention has been drawn to the existence of some examples of back land development within the wider surrounding area including Highland Road, Higher Drive and Old Lodge Lane; however, these examples are not a common feature of the area, and typically relate to single detached dwellings. My attention has also been drawn to the submission of a scheme for a terrace of 6 dwellings¹ on Old Lodge Lane. However, this area is of a different character to Haydn Avenue, with more tight-knit development and presence of existing terraced development within the street. Accordingly, I have not found any direct comparisons to the appeal proposal.
11. I have also had regard to more recent development which has taken place on Haydn Avenue, particularly the newly constructed development at 9b Haydn Avenue. Whilst I have had regard this and to the content of the appellants supporting statement in relation to the surrounding character, I am required to consider the scheme before me, in the context of the current development plan policies and my assessment of the effect on the character and appearance of the area.
12. I acknowledge that the scheme would make a more efficient use of the site, make a contribution to the incremental densification of the Borough and that materials proposed would not appear out of context with the design and

¹ Application Ref: 2022/02492/FUL

finishes of the surrounding dwellings. However, whilst the supporting text of Policy DM10 of the CLP acknowledges that the character in most areas of the borough will evolve over time, the policy also requires development to ensure that it respects the surrounding development pattern and massing, which the appeal proposal fails to do.

13. Therefore, I conclude that that the proposed development would cause unacceptable harm the character and appearance of the surrounding area. The proposal would conflict with Policies SP4 and DM10 of the CLP and Policy D3 of the London Plan (2021) which, amongst other things, seek to achieve high quality design which respects development pattern, layout, massing, and siting, and where development is within the grounds of an existing building, requires development to be subservient to that building.

Other Matters

14. Policy PS2 of the CLP, Policies D3, H1 and H2 of the London Plan and the Framework support the best and effective use of land and the supply of houses. I have had regard to the contribution the development would make towards meeting the Borough's housing need. The proposal would add six new dwellings to the housing supply each with three bedrooms which would contribute to the housing mix for the area. I also note the appellant's assertion that the proposal would support the delivery of housing on small sites. However, the contribution to the housing supply would be small. Accordingly, these considerations do not outweigh the harm I have found above.
15. The appellant suggests that the appeal site comprises previously developed land. However, the Framework glossary states that previously developed land excludes land in built-up areas such as residential gardens. As such, the site does not constitute previously developed land.
16. The appellant submitted the proposal following pre-application advice. In response to this, changes were made to the scheme. The Framework highlights the benefits of early engagement and of good quality pre-application discussion. Nevertheless, I need to consider the proposal on its own individual merits.

Conclusion

17. For the reasons set out above, having considered all the policies drawn to my attention, the conflict with Policies SP4 and DM10 of CLP and Policy D3 of the London Plan leads me to conclude that there is conflict with the development plan taken as a whole. There are no material considerations which would outweigh that conflict. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR