



Appeal Decision

Site visit made on 18 April 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 APRIL 2023

Appeal Ref: APP/L5240/W/22/3305637

87 & 89 Foxley Lane, Purley CR8 3HP

- 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 Mantle Developments UK Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03333/FUL, dated 21 June 2021, was refused by notice dated 1 August 2022.
 - The development proposed is described as the demolition of existing pair of semi detached dwelling houses and replacement with a new single block of 22 apartments with associated parking, refuse store, cycle store and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address as shown on the application form refers to 87 Foxley Lane only. However, the appellant's appeal form and the Council's decision notice refer to it as 87 & 89 Foxley Lane. This later description appears to more accurately correlate with the submitted plans and what I saw during my site visit. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposed development accords with development plan policies for the provision of affordable housing; and
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Affordable Housing

4. Policies H4 and H5 of the London Plan 2021 (the London Plan) and Policy SP2 of the Croydon Local Plan 2018 (the Local Plan) set targets for affordable housing, subject to site viability.
5. The original application was supported by a site-specific viability assessment which has been independently reviewed. It is common ground, between the main parties, that First Homes (3 X 3 bed units) subject to affordable housing viability review, should be provided. Affordable housing provision is a well understood planning policy objective both at a local and national level. I

therefore consider that such obligations would be necessary, directly related, fair and reasonably related to the proposed development.

6. However, these obligations would need to be secured via a legal agreement. No legal agreement or other binding obligation has been submitted for consideration with this appeal.
7. In the absence of such an agreement or obligation, I cannot conclude that the proposed development would make acceptable provision for affordable housing. This conflicts with the relevant provisions of Policies H4 and H5 of the London Plan and Policy SP2 of the Local Plan which, amongst other things, seek to meet the need for affordable homes.

Character and Appearance

8. The appeal site comprises 2 semi-detached dwellings. These existing dwellings sit in a verdant setting and the locality has a sense of spaciousness. The wider street scene is varied in respect to building heights, widths, depth and appearances and this contributes to a diverse street scene.
9. The proposed development would be taller than the buildings it replaces, I also acknowledge that it would have a larger footprint and would also be taller than neighbouring buildings. However, it would sit in a diverse street scene where differing building heights and building types exist.
10. Its individuality would add further interest to the local character and appearance of the area. The proposed building would also provide spacing around it and would feature a stepping of the building line. These features would successfully integrate into the existing development pattern ensuring the sense of spaciousness would be retained while preventing any sense of overdevelopment.
11. During my site visit, I noted the generous parking and turning areas to the front of buildings within this street scene. Some are laid to hardstanding and others feature softer landscaping features around or within the hardstanding.
12. The proposed parking area to the front would therefore broadly follow this established theme. While the hard standing to landscaping ratio would change, there would be opportunities for landscaping both along the frontage and around the proposed parking area itself to ensure its visual impact would be sympathetic.
13. If the appeal had been acceptable in all respects, an appropriately worded condition, to ensure existing landscaping would be suitably protected and further planting incorporated, could be imposed. This would ensure the established verdant character of the area is not unacceptably eroded.
14. The appeal site adjoins, but is not within, the Webb Estate and Upper Woodcote Village Conservation Area (the CA). The Council have confirmed that there would be a minimum separation distance of 30m from the rear of the proposed development to the site boundary with the CA.
15. This would reduce the visual impact of the proposed development when viewed from the CA. The mature landscaping to the rear of the appeal site would also provide screening. The Council do not raise issue regarding harm to the CA and

given my findings above, I am inclined to agree. The character or appearance of the CA and wider area would therefore be preserved.

16. In conclusion, the proposal would positively contribute toward the character and appearance of the area. As such, it would comply with the relevant provisions of Policies D3 and D4 of the London Plan, Policies SP4 and DM10 of the Local Plan and the National Planning Policy Framework. These, amongst other things, seek to promote high quality design which responds to local distinctiveness.

Other Matters

17. The proposal would provide a mix of units on a windfall site making a positive contribution toward housing delivery. I ascribe this benefit moderate weight.
18. The First Homes and affordable housing review mechanism would also be a benefit, however, the weight of this benefit is significantly reduced by the fact that there is nothing before me to secure it.
19. I have not found the appeal scheme to be in conflict with the development plan in regard to the character and appearance of the area. However, the absence of harm is a neutral matter that weighs neither for nor against the proposal.
20. Therefore, the weight attributable to the harm, in respect of affordable housing as set out above, would not be outweighed by the benefits or is of a sufficient weight to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.
21. The appellant questions whether the Council has adequately justified the other contributions as set out in the Council's Heads of Terms for a S106 Agreement. However, as I am dismissing this appeal for other reasons there is no need for me to consider these matters further.
22. I have also considered the various other concerns raised by interested parties including the planning history. However, none of the other matters raised outweigh or alter my conclusion on the main issues.

Conclusion

23. 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