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# Appeal Decision

Site visit made on 30 June 2023

**by Ryan Cowley MPlan (Hons) MRTPI**

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

**Decision date: 31 July 2023**

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**Appeal Ref: APP/L5240/W/23/3315704**

**1 Cross Road, Purley, Croydon CR8 2DS**

- 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 Valentine Atsu, on behalf of Bravura Architects Ltd, against the decision of the Council of the London Borough of Croydon.
  - The application Ref 22/00866/FUL, dated 1 March 2022, was refused by notice dated 2 September 2022.
  - The development proposed is demolition of garages to the rear and erection of 1 X 2 bed unit with access through Purley Vale.
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## Decision

1. The appeal is dismissed.
2. The main issue is the effect of the proposal on the character and appearance of the area and whether it provides sufficient private amenity space within the grounds of the existing building which is retained.

## Reasons

3. The appeal relates to a parcel of land to the rear of an existing dwelling on the corner of Cross Road and Purley Vale. It is bounded on all sides by rear gardens and the public footpath. The site currently features a modest detached garage, timber canopy and shed, surrounded by hard surfaces. Gated access is taken from Purley Vale.
4. The surrounding area is primarily residential. It is characterised by terraces of two storey dwellings. West of Purley Vale, these are arranged in short back-to-back rows that sit perpendicular to the adjacent railway line. Rear gardens are often generous in length. Dwellings in the area are traditional in scale and appearance, with gable ends facing onto Purley Vale. Finishing materials are mixed, however in the vicinity of the appeal site are predominantly light-coloured render or pebbledash.
5. In views from Purley Vale, the appeal site is well screened by boundary fencing and reads as part of the garden belonging to No 1. The absence of significant built development contributes to the sense of openness between the rear elevations of terraces. In its current form, it allows views of the trees and other greenery along the railway boundary and within rear gardens to permeate the street scene, adding welcome relief to the otherwise dense urban grain.
6. The appeal proposal would result in the formal subdivision of the site from the host property. The proposed dwelling would occupy a considerable proportion of the resulting plot and would be sited close to site boundaries. It would

feature living accommodation set across two levels. The form of the proposed dwelling would reflect the terrace gables, though the first floor would be incorporated into the roof structure, and so it would be lower in height.

7. The proposed dwelling would nevertheless dominate the site, given its constrained nature. This scale of dwelling would also be noticeably at odds with that of the neighbouring traditional terraces. The proposal would therefore appear as an incongruous addition to the street scene. It would erode the openness between existing terraces, and obscure the greenery beyond, which positively contributes to the character and appearance of the area.
8. I recognise there are several examples of outbuildings, garages and workshops that sit between terraces and front onto Purley Vale, at least one of which appears to be in commercial use. However, these structures are single storey, are clearly distinguishable from the residential architecture in this area, and it is not uncommon for such structures to be found to the rear of corner plots. These developments are therefore distinct from the appeal proposal.
9. The proposal includes soft landscaping to site boundaries. An existing mature tree within the rear garden of No 1 would also be retained, which would provide some landscape screening. However, in the absence of a detailed landscaping scheme, and given the site constraints, the provision and/or maintenance of any meaningful tree and shrub planting would appear difficult.
10. The proposal would also result in a substantial reduction in the space available to the rear of No 1. A timber fence currently separates the site of the proposed dwelling from the rear garden area. However, there is no evidence to indicate the planning unit has been formally subdivided and no reason to believe it could not be returned to provide useable amenity space for the occupants of No 1 in future. This would however be permanently precluded by the proposal.
11. Policy DM10 of The Croydon Local Plan 2018 (The Local Plan) indicates that, in the case of development in the grounds of an existing building which is retained, a minimum length of 10m and no less than half or 200m<sup>2</sup> (whichever is the smaller) of the existing garden must be retained for the host property, after subdivision of the garden.
12. The existing and proposed site arrangement plan<sup>1</sup> indicates approximately half of the existing 205m<sup>2</sup> garden area of the host dwelling would be retained. However, this does not correlate with the proposed site block plan<sup>2</sup>, which indicates that a considerable portion of this space would be used for the grassed area associated with the new dwelling, car parking and manoeuvring space. Additionally, neither plan demonstrates a 10m minimum garden length. The retained space would therefore clearly be below the requirements of Local Plan Policy DM10.
13. I recognise that 1 and 3 Elm Road to the rear of the appeal site feature relatively limited private amenity space. A full assessment of the comparative size of these gardens has not been provided. Nevertheless, while narrow, the elongated form of these neighbouring gardens remains characteristic of the area. Their length also maintains separation to neighbouring gardens and dwellings to the rear. The same cannot be said of the appeal proposal, and this does not overcome the identified development plan conflict.

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<sup>1</sup> Dwg. No. PA-04 Revision C Drawing Title Existing and Proposed Site Arrangement

<sup>2</sup> Dwg. No. PA-05 Revision C Drawing Title Proposed Site Block plan

14. Guidance in the National Design Guide (NDG) recognises that well-designed places do not need to copy their surroundings in every way, and new development may introduce new approaches to contrast with, or complement, its context. However, the National Planning Policy Framework (the Framework) highlights the statutory status of the development plan as the starting point for decision making. The NDG must therefore be read in conjunction with relevant development plan policies, and relevant parts of the Framework. I do not find the NDG guidance would outweigh the identified harm and policy conflict.
15. I conclude that the proposal would harm the character and appearance of the area and would fail to provide sufficient private amenity space within the grounds of the existing building which is retained. It is therefore contrary to Policies SP4 and DM10 of the Local Plan and Policy D3 of the London Plan 2021.
16. These policies, among other provisions, seek to ensure development is of a high quality, respects and enhances local character, positively responds to local distinctiveness, and respects the development pattern, layout, siting, scale and density of the area. Policy DM10 also seeks to ensure all new residential development provides private amenity space that is high quality and enhances and respects local character.
17. It would also conflict with Paragraph 130 of the Framework, which seeks to ensure that development will add to the overall quality of the area, is visually attractive as a result of good architecture, layout, and appropriate and effective landscaping, and is sympathetic to local character, among other provisions.

### **Other Matters**

18. The proposal would reuse previously developed land in an existing urban area. It would therefore benefit from a degree of access to services and public transport, though the evidence indicates it has a poor Public Transport Accessibility Level (PTAL). It would contribute to meeting housing need, and small sites are often built-out relatively quickly. This would support the Government's objective of significantly boosting the supply of homes, as set out in Paragraph 60 of the Framework. However, these benefits would be modest, given the small scale and context of the development.
19. Paragraph 120 of the Framework indicates that planning decisions should give substantial weight to the benefits of using suitable brownfield land within settlements for homes. Chapter 11 of the Framework advocates for the effective and efficient use of land, albeit taking into account the desirability of maintaining an area's prevailing character and setting. However, given the identified harm, it has not been demonstrated that the appeal site is a suitable site or that the proposal would be an effective or efficient use of land.
20. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.
21. My attention has been drawn to an example of a similar development granted planning permission and constructed at 46 Broad Green Avenue. The full details of that case and the circumstances of the decision are not before me. I therefore cannot draw any meaningful comparisons with the appeal proposal. Notably however this example is in a different part of the Borough, and each

case must be considered on its own merits and within the relevant context. This therefore does not lead me to a different conclusion on the main issue.

**Conclusion**

22. I find that the proposal would be contrary to the development plan, taken as a whole. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

*Ryan Cowley*

INSPECTOR