

# Appeal Decision

Site visit made on 18 July 2023

**by G Powys Jones MSc FRTPI**

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

**Decision date: 09 August 2023**

**Appeal Ref: APP/L5240/D/23/3321280**  
**126 Woodcote Valley Road, Purley, CR8 3BF**

- 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 Antonios Charalambous against the decision of the Council of the London Borough of Croydon.
- The application Ref 22/04588/HSE, dated 3 November 2022, was refused by notice dated 6 April 2023.
- The development proposed is two storey side and rear extension/porch roof/internal alterations/dropped kerb.

## Decision

1. The appeal is allowed and planning permission is granted for two storey side and rear extension/porch roof/internal alterations/dropped kerb at 126 Woodcote Valley Road, Purley, CR8 3BF in accordance with the terms of the application, Ref 22/04588/HSE, dated 3 November 2022, subject to the conditions set out in the attached Schedule.

## Main issues

2. The main issues are the effect of the proposals on: (a) the character and appearance of the host property and surrounding area, and (b) on highway and pedestrian safety.

## Reasons

### *Character and appearance*

3. The appeal property is a detached dwelling, occupying a spacious plot in a part of the street comprised of similar good quality residential development, albeit of differing designs. Reference has been made to a past appeal<sup>1</sup> affecting the property where permission was granted for development of not dissimilar scale to that proposed now, although its detailed design was different. Although the permission granted on appeal was not implemented, both parties consider it to be a material consideration, as do I, attracting significant weight.
4. However, notwithstanding the previous appeal decision, the Council objects to the current design which it considers to display material differences from the previous scheme. In short, the Council consider the current proposals would dominate both front and rear elevations and would appear unsympathetic and as incongruous additions.

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<sup>1</sup> Ref APP/L5240/D/15/3132798 dated 11 December 2015

5. In terms of their scale, the respective proposals are similar. The main elevational difference as it affects the public realm lies in the treatment of that part of the dwelling incorporating the proposed garage. The previously permitted side extension was slightly set back from the front elevation, whereas in this scheme the main wall comprising the front elevation is continued laterally, creating space for an integral garage with a dressing room above.
6. In my view, bearing in mind the not insubstantial width of the front elevation, the visual effect of its continuation to accommodate an integral garage would have little impact and would certainly not prove harmful. Since the design replicates the hipped roof treatment currently in evidence, the front elevation would retain its balanced appearance. I see nothing to object to in the treatment of the rear elevation, particularly in circumstances where the scale of the extensions has been previously found to be acceptable on appeal.
7. I therefore conclude that the development would not materially or harmfully affect the character and appearance of the host property or its surroundings. Accordingly, I find no conflict with the thrust of those provisions of policies SP4 and DM10 of the Croydon Local Plan (CLP) directed to achieving high quality design and respecting local character or the objectives of policy D3 of the London Plan directed to optimising site capacity through the design-led approach.

#### *Highway and pedestrian safety*

8. The appellant contends that planning permission is not required for the dropped kerb since the highway serving the appeal property is unclassified. However, no persuasive evidence has been presented to verify this statement, and the dropped kerb aspect of the appeal has not been withdrawn. I am therefore obliged to consider the matter.
9. The property's frontage displays a central lightly planted area with a low enclosing wall on the back of footway. Either side are two access openings which serve a parking area in front of the house. The two openings, as the Council acknowledges, appear to be used as an in-out facility to the parking area. This arrangement enables vehicles to enter and leave the site in forward gear. I noted that a similar arrangement exists directly on the opposite side of the road, but the ingress/egress points there both have dropped kerbs.
10. One of the appeal property's accesses has the benefit of a dropped kerb from the footway onto the carriageway, whilst the other has not. The Council's Transportation Officers, on being consulted, appear to agree that the openings have been used in this manner '*for a few years*'. My assessment on site, particularly having regard to lateral visibilities, was that both openings could be safely used by careful drivers without materially affecting either pedestrian safety or that of cyclists or drivers passing by. No empirical evidence has been presented by the Council to demonstrate that the historical use of the access points has proved problematical.
11. As both parties acknowledge, the insertion of a dropped kerb requires a separate approval under the Highway Acts. Neither this, nor the internal policies exercised by the Council in assessing such applications are matters for me.

12. However, in so far as the exercise of planning judgment is concerned, I find the use of the accesses as currently laid out to be safe and that the insertion of a dropped kerb would not prove harmful to highway or pedestrian safety. I therefore find no conflict with those aspects of CLP policy DM29 designed to ensure that development must not have a detrimental impact on highway safety for all users.

### **Conditions**

13. The Council's suggested conditions regarding materials and that the development shall be carried out in accordance with the approved plans shall be imposed in the interests of amenity and certainty respectively.
14. To ensure compliance with Policy D12 of the London Plan (LP), a condition is imposed in the interests of safety from fire hazards.
15. To safeguard neighbouring privacy, the condition suggested by the Council in respect of the side windows is imposed.
16. The Council's suggested condition relating to an agreement in relation to highway matters would be unlawful if it were imposed since it concerns a matter subject to other legislation. It shall not therefore be imposed.

### **Other matters**

17. All other matters referred to in the representations have been taken into account, but no other matter is of such strength or significance as to outweigh the considerations that led me to my conclusions.

*G Powys Jones*

INSPECTOR

### **Schedule of Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
3. The development hereby permitted shall be completed in accordance with the following approved plans: the location plan; 4596/PE & 4596PFP Rev A.
4. The development shall be carried out in accordance with the provisions of the appellant's Fire Safety Strategy submitted to the Council as part of the application documentation unless otherwise approved in writing by the Local Planning Authority.
5. Any windows on the flank elevations shall be obscurely-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor taken from a point immediately below the centre

of the window upwards to the opening part of the window. Such measures shall be provided prior to the rooms served by the windows being brought into use and shall thereafter be retained for the lifetime of the development.