



## Appeal Decision

Site visit made on 21 September 2023

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

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

**Decision date: 13 October 2023**

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### **Appeal Ref: APP/L5240/W/23/3318469**

#### **20 Purley Knoll, Purley CR8 3AE**

- 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 20 PURLEY KNOLL LIMITED against the decision of the Council of the London Borough of Croydon.
  - The application Ref 21/04859/FUL, dated 20 September 2021, was refused by notice dated 15 September 2022.
  - The development proposed is demolition of existing dwelling; erection of 7no. apartments and 2no. dwellings with associated works including vehicular and pedestrian access, hard and soft landscaping.
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#### **Decision**

1. The appeal is dismissed.

#### **Preliminary Matters**

2. The appellant submitted a Unilateral Undertaking (UU) during the course of the appeal. This would provide a financial contribution towards various sustainable transport measures in the event the appeal was allowed, in order to seek compliance with policy SP8 of the Croydon Local Plan 2018 (the Local Plan). The Council was provided an opportunity to respond and so has not been prejudiced by this. I have considered the appeal with regard to this document.

#### **Main Issue**

3. The main issue is the effect of the proposal on the character and appearance of the area.

#### **Reasons**

4. The appeal site comprises a detached 2 storey dwelling and its associated curtilage, including a large elongated rear garden. Purley Knoll is primarily characterised by large 2 storey detached and semi-detached dwellings, of similar age and styling, set out in alignment along the street. Dwellings front onto the street directly, albeit are set back behind front garden areas and driveways with typically low enclosures, providing an element of openness.
5. While dwellings along Purley Knoll typically fill most of the width of their plots, the street is wide and plots are generously sized, with large private rear gardens. The wider area follows a similar pattern of development. This provides separation between rows of dwellings and creates a sense of spaciousness. The tree lined nature of streets, and proliferation of tree and shrub planting within plot boundaries, further softens the built development and contributes to the area's suburban character.

6. Flatted forms of development have been introduced into the street scene in places, including the site adjacent to the appeal site, though these are generally of a sympathetic scale and appearance. However, the scale and density of development notably increases closer to Purley Station.
7. The proposal includes the erection of 2 semi-detached houses in the existing rear garden area of the property, in addition to demolition of the host dwelling and replacement with a block of 7 apartments. The 2 houses to the rear would be separated from the front apartment block by a communal garden.
8. With the notable exception of the adjacent development at 22 Purley Knoll, there are no examples of similar developments locally. Despite their subservient size to the proposed frontage building, the introduction of two semi-detached houses to the rear of the site would therefore be at odds with the prevailing pattern of development in this area, as described above.
9. The proposed houses would erode the sense of spaciousness that gives the area its suburban character and provides relief from the more intensive forms of development closer to the station. They would also not directly address the street, with their frontages and access on a lower level and concealed behind the larger apartment block. This relationship to the street is uncharacteristic in this context.
10. Due to their position, the proposed dwellings would be relatively well screened from the street. In views to the rear, they would also benefit from partial screening from vegetation within the rear garden area. However, despite the changes in topography, they would still be visible in the gap between the appeal site and its immediate neighbours, and from neighbouring land and buildings. Their incongruous nature would therefore still influence the character and appearance of the area.
11. I recognise the proposals are similar in scale and layout to the adjacent development at 22 Purley Knoll, which was approved by the Council in 2020<sup>1</sup>. However, in the intervening period there have been changes to national and local planning policy and guidance. Notably, this includes revocation of the Croydon Suburban Design Guide Supplementary Planning Document (SPD) in 2022, which the evidence indicates was supportive of this form of development. Moreover, the layout of this neighbouring development is itself at odds with the surrounding pattern of development and it does not represent a prevailing characteristic of the area. This does not therefore lead me to a different conclusion on the main issue.
12. I therefore conclude that the proposal would have a harmful effect on the character and appearance of the area. It is therefore contrary to Policies SP4 and DM10 of the Local Plan and Policy D3 of the London Plan 2021. These policies, among other provisions, seek to ensure development proposals are of a high quality and have regard to development patterns, layout and siting; respect, enhance and strengthen local character; and positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

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<sup>1</sup> Council Ref 19/03410/FUL

13. The proposal would also conflict with paragraphs 126 and 130 of the National Planning Policy Framework (the Framework), in respect of their aims of achieving good design and ensuring developments will add to the overall quality of the area, are visually attractive as a result of good architecture and layout, are sympathetic to local character, including the surrounding built environment and landscape setting, and maintain a strong sense of place.

### **Other Matters**

14. The proposal would reuse previously developed land and garden land in an existing urban area, with good access to services and public transport. It would contribute to meeting the housing requirement, including the identified housing need. Small sites are often built-out relatively quickly, and this would support the Government's objective of significantly boosting the supply of homes, as set out in Paragraph 60 of the Framework. Overall, these benefits would be modest however, given the small scale and context of the development.
15. The scheme would also provide ecological enhancement measures, though whether they would secure a biodiversity net gain is not clear and so they can be afforded only limited weight. While a financial contribution towards sustainable transport measures would be secured through the UU, this is sought to offset impacts of the development and so is a neutral factor.
16. Paragraph 124 of the Framework indicates that decisions should support development that makes efficient use of land. However, the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, attractive and healthy places must be taken into account. Given the identified harm in this instance, it has not been demonstrated that the proposal would constitute an efficient use of land.
17. I recognise that residential development in this location is acceptable in principle and, 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.
18. The Framework acknowledges the benefits of early engagement and good quality pre-application discussion and states that local planning authorities should work proactively with applicants. The application was preceded by pre-application advice, which indicated that the proposed layout with 2 houses to the rear of the site was considered acceptable at that time. The evidence also indicates the Council worked with the appellant through the application process with the aim of achieving an approval.
19. The Council has confirmed however that the revocation of the SPD during the course of the application ultimately changed their position on the proposal. It is unfortunate that this conflicted with earlier advice, and that the appellant was only notified shortly before the decision. However, such advice is not binding on any future decision, and the Council appears to have endeavoured to reach common ground on other relevant matters.
20. Ultimately, applications must be determined on the basis of the development plan and any relevant material considerations at the time of the decision, including any local planning guidance. Likewise, I must deal with the appeal on

the same basis. This matter does not therefore lead me to a different conclusion on the main issue.

**Conclusion**

21. The proposed development conflicts with the development plan, taken as a whole, and I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal should be dismissed.

*Ryan Cowley*

INSPECTOR