



Appeal Decision

Site visit made on 7 November 2023

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 JANUARY 2024

Appeal Ref: APP/L5240/D/23/3326879

30 Bench Field, South Croydon, Croydon CR2 7HX

- 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 Rakesh Patel against the decision of the Council for the London Borough of Croydon.
 - The application Ref 23/01172/HSE, dated 23 March 2023, was refused by notice dated 7 June 2023.
 - The development is described as “the retention of a marquee”.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a marquee at 30 Bench Field, South Croydon, Croydon CR2 7HX in accordance with the terms of the application, Ref 23/01172/HSE, dated 23 March 2023, and the plans submitted with it (refs. Site plan TQRQM23082130012693, 01, 02, 02-R1).

Preliminary Matters

2. The description of development in the banner heading is taken from the application form. However, my formal decision uses an amended wording to reflect the fact that retention is not an act of development under s55 of the Act. Since the marquee is already in situ, I have determined the appeal on the basis that planning permission is being sought retrospectively for its erection.

Main Issues

3. The main issues are the effects of the development on the character and appearance of the area and on trees.

Reasons

Character and appearance

4. The appeal site comprises a detached house which is set within a small cul-de-sac of similarly styled homes. The street slopes up from its junction with Croham Road with number 30 and neighbour opposite, at number 23, sitting at the highest point. Beyond this, towards the east is land within the Metropolitan Green Belt. This Green Belt area is also designated as a Site of Nature Conservation Importance due to its woodlands. The area is subject to a group Tree Preservation Order (TPO)¹.
5. Number 30 itself occupies a sloping site which rises from the west up to the east. This is particularly noticeable from the rear of the property which has

¹ London Borough of Croydon Tree Preservation Order no. 6, 1968

been formed into three terraced levels. The uppermost terrace, to the east, is where the marquee has been positioned. It is elevated above the house, and Bench Field, with the base of the marquee being only slightly lower than eaves level to the house itself.

6. The marquee is covered in a green tarpaulin and, when viewed from Bench Field, sits with the woodland backdrop behind it. There is some planting between the marquee and boundary fence. The verdant context minimises its visibility in the street scene. Nevertheless, the structure is still apparent due to its raised position and projection forward of number 30. It is a curious and somewhat unexpected feature in a residential area. However, due to its green finish, the woodland behind and some intervening planting, the marquee is not overly prominent despite its elevated position. It is further aided by its 'tent-like' nature which gives a lightweight impression which would not be the case were it to be of brick or timber construction.
7. For these reasons, I conclude that the marquee is not harmful to the character and appearance of the area. It complies with policies DM10 and SP4.1 of the Croydon Local Plan 2018 (CLP) and policy D3 of the London Plan 2021 (LonP). These policies require development to be well designed and contribute to local character.

Effect on trees

8. The appeal site has a history of unauthorised works being undertaken to form the terraced rear garden. These works were regularised through the grant of planning permission by the Council.² These works did, ultimately, result in the loss of a beech tree. Even so, I have no evidence before me to suggest that this was intentional, nor that the beech tree was deliberately removed to facilitate the marquee in question. It remains within the gift of the Council to require replacement of the TPO protected beech tree that has been lost. This, however, is not a matter before me.
9. The tree survey submitted with the planning application was out of date and therefore of limited value. However, appeal documentation has included a supplementary arboricultural report. The Council has been offered the opportunity to comment on this report and has not contested it.
10. This report accepts that although there may have been some root severance, the remainder of the root system is undisturbed and stable. Larger trees further up the slope will not be affected in an appreciable way. There may be some pressure to trim and prune trees which overhang the marquee. Nevertheless, this will be no greater than would otherwise be expected from reasonable tree management, particularly given that the most significant trees are set further up the slope.
11. On this basis, I conclude that the marquee has not caused damage to protected trees, nor does it affect their long-term viability. The development therefore complies with policy DM28 of the CLP and policy G7 of the LonP which promote the retention of urban woodlands and trees.

² Council ref. 19/02557/HSE

Other Matters

12. In reaching my decision, I have had regard to the use of the marquee, to aid the training of a junior sportsperson as a young cricketer. As I have found the structure to be acceptable in its own right, this matter does not require further consideration. Nevertheless, I have noted neighbours comments regarding the use of the marquee for cricket practice. Although this remains a relatively large structure, I have no indication that it is used by anyone other than the appellant, family and friends. For this reason, it would be unreasonable to restrict the hours of use of the marquee as it is an ancillary residential structure.
13. I have noted there is high intensity lighting within the marquee but the thickness of the tarpaulin material is such that it should minimise light spillage. Any noise produced from activities within the marquee would be no different than noise which could otherwise be generated from within any home or garden.
14. Restrictive covenants on the area have been mentioned. These however are a civil matter that do not fall within the remit of the planning system.

Conditions

15. The marquee is an existing structure, and no further alterations are proposed. I have specified that this decision relates to the plans provided and therefore no conditions are necessary.

Conclusion

16. For the reasons given above, the development accords with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. Having considered all other matters raised, I therefore conclude that the appeal should be allowed.

Nick Bowden

INSPECTOR