



# 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: 12<sup>th</sup> January 2024**

---

**Appeal Ref: APP/L5240/W/23/3320017**

**15A Russell Hill, Purley CR8 2JB**

- 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 Gary Hopkins against the decision of the Council for the London Borough of Croydon.
  - The application Ref 21/06276/FUL, dated 14 December 2021, was refused by notice dated 12 December 2022.
  - The development proposed is the demolition of existing single storey detached dwellinghouse (with roof accommodation) including demolition of detached garage and erection of a three storey building (including lower ground levels) comprising 7 self-contained flats; private/communal amenity and play space; hard and soft landscaping; boundary treatment; reinstatement of existing crossover and new crossover to provide forecourt parking; cycle and refuse provision and land level alterations including raising to the front.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes could materially affect the main issues in this case, the parties were invited to make further comments. Neither party made any further comments in this regard.

## Applications for costs

3. An application for an award of costs was made by the appellant against the Council. This application is the subject of a separate decision.

## Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

## Reasons

5. Russell Hill and the surrounding area is a suburban neighbourhood of predominantly mid-twentieth century homes. It is also characterised by numerous examples of more recent redevelopments to provide blocks of flats. These flat blocks follow a fairly similar format of, broadly, having the character of large, detached houses. The area is set on a hillside with land levels in the vicinity of the appeal site falling to the south and west. As a consequence of the change in land levels, buildings on the north and east side of Russell Hill, particularly along this section of the road, sit at a much higher level. Equally,

- buildings on the opposing side of the road, such as the appeal site, sit at a much lower level. Some bungalows and smaller houses are barely visible in the street scene due to the change in levels.
6. Number 15A is an example of a recent redevelopment which benefits from an extant planning permission and work upon this scheme has already commenced. The site itself is presently vacant with the former bungalow having been demolished and initial groundworks and levelling having already commenced.
  7. The appeal proposal is for the construction of a detached building under a pitched roof containing seven flats. To the front, addressing Russell Hill, this would present as a two to three storey building. The building shows its full four-storey height to the rear. The building would feature an imposing three storey gable to the front, flanked by the two wings of the building under a large sweeping pitched roof. Two rear facing gables would project to the back and offer large side facing walls which would make the depth of the building readily apparent in the street scene. From the rear, residents of properties along Plough Lane would be presented with a very imposing four storey building; a situation compounded by the noteworthy change in land levels.
  8. The building would appear particularly large and dominant along this part of Russell Hill. This is along a stretch of the road where buildings would be expected to be slightly lower in height due to level changes. The building proposed would not follow this pattern of height changes and as such would be dominant in the street and appear as an incongruous addition. This would be compounded by the building's proximity to the side boundaries and would emphasise the comparatively small site size for this area. This would be detrimental to the character and appearance of this part of Russell Hill.
  9. I have considered the density of development at this site, which is lower than other recent permitted and built schemes for flats in the locality. However, density is not a defining matter, and the effect of the scheme must be judged on its visual impact on the area's character. I accept that the development is acceptable in other regards, having policy compliant outdoor amenity space, refuse storage and parking provision. I further note there are no concerns expressed by the Council with regard to the impact on neighbouring residents or future occupants living conditions. However, I have had regard to the observations of neighbours in this regard.
  10. The existence of the fallback position<sup>1</sup> for the permitted scheme is of relevance, although limited details of this have been provided. I do note, from the Council's evidence, that the permitted scheme is lower in height and more closely matches the evolution of land levels and building heights on this part of the road. I have had regard to policy DM10.1 of the Croydon Local Plan (CLP) which supports structures of three stories in height. This policy also notes that new buildings should have regard to established development patterns, layout and siting. Indeed, the fallback position is for a three-storey building whilst this proposal rises to four storeys.
  11. I conclude that the development would be harmful to the character and appearance of the area contrary to policies SP4 and DM10 of the CLP, policies

---

<sup>1</sup> Council refs: 19/01963/OUT and 22/02397/RSM

D3 and D4 of the London Plan and the Framework. These policies promote good design that integrates with the character of established areas.

### **Other Matters**

12. In its consideration of the application the Council made reference to a planning obligation to secure sustainable transport initiatives. This was justified in the report to the Planning Committee. No planning obligation in the form of a Bilateral Legal Agreement or Unilateral Undertaking has been submitted as part of this appeal. However, the appellant considers that a planning obligation is not necessary or justified in this instance. As I am dismissing this appeal on other reasons, given above, it has not been necessary for me to consider this matter in any further detail.
13. There does not appear to be any dispute between the parties that the Council can demonstrate a five-year housing land supply. I have had regard to the potential benefits of the scheme. However, given the modest scale of the development, the weight attributable to these matters is limited. I find that the harm arising from the proposed development would significantly and demonstrably outweigh the benefits due to the impact of the proposal on the character and appearance of the area.
14. Reference has been made to the permitted scheme having less suitable disabled access, a smaller cycle parking area and refuse storage which is positioned on the street. However, I do not have sight of the full details of this scheme so can only give limited weight to this. The addition of one additional dwelling is a benefit. Nevertheless, this should not be at the expense of the character and appearance of the area.

### **Conclusion**

15. The proposed development conflicts with the provisions of the development plan, read as a whole. There are no other material considerations before me, including the provisions of the Framework, that outweigh the harm I have identified.
16. For the reasons given above, the appeal is dismissed.

*Nick Bowden*

INSPECTOR