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# Appeal Decision

Site visit made on 14 November 2023

**by L Reid BSc (Hons) MA MRTPI**

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

**Decision date: 22 March 2024**

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**Appeal Ref: APP/L5240/W/23/3321839**

**20 Woodcote Valley Road, Purley CR8 3AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Flack, MAC Developments (Woodcote) Ltd, against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 22/01779/FUL.
  - The development proposed is demolition of existing building and redevelopment of site to provide nine residential units (Use Class C3) comprising of a part three, part four storey building together with associated cycle provision, amenity space, external landscaping, refuse storage and associated works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was made, the Government published the revised National Planning Policy Framework (the Framework). In the interests of natural justice, both main parties have had the opportunity to make representations.
3. The Council has confirmed that the second reason for refusal relating to the absence of a legal agreement is no longer being contested as a completed legal agreement was received dated 21 November 2023.
4. The appellant has referred to policies in the Local Plan Review (Regulation 19) for which consultation has been carried out. I cannot be certain that these policies are in their final form. Consequently, and in accordance with paragraph 48 of the Framework, given its early stage, only minimal weight can be given to these policies. I have therefore relied on the policies from the adopted development plan.

## Main Issue

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

## Reasons

6. Woodcote Valley Road is a suburban residential street. Typically, the buildings are a mixture of inter-war, Arts and Crafts and mock Tudor architecture. Clustered around Woodcote Valley Road at the junction with Foxley Lane, there are more recent developments of larger buildings of differing designs. Generally, this is where the higher density re-developments are. Travelling

along Woodcote Valley Road to Smitham Bottom Lane, the examples of higher density developments are more interspersed and less common.

7. While there is some variety in the design and size of buildings along Woodcote Valley Road, within this stretch of the road, houses share a broad consistency in their height and scale. These attributes positively contribute to the character and appearance of the area.
8. The appeal site is a substantial corner plot. It is occupied by a two storey house which is sunken into the site, set down from road level with a stepped level change as the ground level rises away from Woodcote Valley Road to Monahan Avenue. When viewed from Monahan Avenue, due to the changes in topography, the existing house and its nearest neighbours appear to dip down. On the opposite side of the road, the houses on Monahan Avenue typically rise with the steep gradient. These stepped changes in building height reflect the differences in gradient which gives this part of the area its distinctive character.
9. Because of where the appeal site sits along the road, it has little visual connection with the higher density buildings. Whilst there is taller housing on Monahan Avenue, the proposal would primarily be visually read in connection with the immediate neighbouring two and two-and-a-half-storey buildings on Woodcote Valley Road. Whilst it would not be significantly taller than these buildings, it would project above the existing rooflines, failing to respect the transitions in building height that can currently be observed. Consequently, the proposed building's height would diminish this key characteristic.
10. Despite the transition in the number of storeys along the Monahan Avenue elevation, the building would have three storeys above ground level, with the marked change in topography lost. Notwithstanding the attempts to break down the massing and the articulation of the elevations, the building would appear to have a continuous roof ridge line. This would further highlight its apparent height, accentuating and amplifying the proportions, giving the perception of a sizeable building. This would not be resolved by the positioning and placement.
11. By its very nature as a corner plot, the appeal site is more prominent than its neighbours. The greater bulk and form of the proposed building would present a stark contrast among these smaller scale neighbouring buildings. Even with the hedgerow and additional trees and landscaping, because of its overall size, the building would be visually and physically prominent, in this specific context.
12. The chamfered design of the building would differ from the existing Arts and Crafts style. However, it would be an appropriate response to address the corner positioning of the plot. It would also complement the contemporary appearance of the building. Whilst I have no objections to the chamfered design, this would not overcome my concerns over the size of the building.
13. My attention is drawn to other developments and appeal decisions relating to the demolition and erection of buildings that range in number of storeys. I have not been provided with the full details of these cases. I cannot therefore be sure that there are direct parallels between their circumstances and the situation in this appeal case. Nonetheless, I have carefully reviewed these developments.

14. The approved development at 3 - 5 Woodcote Valley Road also relates to a corner plot. However, if built it would be on the other side of the road, where there is more variation in the size of the buildings. Whilst taller buildings have been built at 1, 6 - 12 and 131 Woodcote Valley Road, they are not close enough to be viewed in conjunction with the appeal site. Furthermore, these sites are not corner plots. The building at 2 Woodcote Valley Road has a tall turret-style tower. However, this appears to be an individual design feature, hence why it is taller. Excluding these specific sites, the examples referred to in the study area<sup>1</sup> are some distance from the appeal site.
15. I have been referred to three appeals at 87 & 89 Foxley Lane<sup>2</sup>, 9 Northwood Avenue<sup>3</sup> and 41 Woodcrest Road<sup>4</sup>. The Foxley Lane appeal does not appear to have the consistent building heights present in this appeal, while the Northwood Avenue appeal refers to a similar development providing context for the proposed development in that appeal. No such immediate context of existing taller buildings is present in this appeal. Both appeals are therefore not directly comparable and have limited weight in my decision. The Woodcrest Road appeal is similar to my findings whereby inconsistency with the immediate character is not justified by new development nearby.
16. The appellant has highlighted paragraphs 131 and 139 of the Framework and paragraphs 44 and 56 of the National Design Guide 2021, in terms of creating high quality, beautiful and sustainable buildings, giving significant weight to outstanding or innovative design and recognising that the design can differ from its surroundings as adding new character can contribute to local distinctiveness.
17. I accept that new development does not have to copy its surroundings. However, the Framework at paragraph 135 seeks developments that are sympathetic to the local character. The National Design Guide 2021 also emphasises that to be a well-designed place, development should be influenced by the built form and context as the local character makes places distinctive. As outlined above, the proposal would be out of keeping with the local character.
18. I understand that the pre-application discussions in respect of this site were undertaken at a time when the now revoked Suburban Design Guide Supplementary Planning Document was in place. Notwithstanding this, the development plan has not changed, and I have considered the proposal on its merits, having had regard to relevant development plan policies.
19. For these reasons, I find that the proposal would cause significant harm to the character and appearance of the area. It would therefore conflict with Policies D3 and D4 of the London Plan 2021 and Policies SP4 and DM10 of the Croydon Local Plan 2018. These policies, amongst other things, seek development that enhances the context by delivering buildings that positively respond to the existing character. Whilst seeking to achieve a minimum height of three storeys, development should respect the scale, height and massing of the surrounding area.

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<sup>1</sup> Appeal Design Document - Townscape Character Assessment May 2023

<sup>2</sup> APP/L5240/W/22/3305637

<sup>3</sup> APP/L5240/W/22/3306993

<sup>4</sup> APP/L5240/W/22/3313421

## **Other Matters**

20. Since the Council made its decision, the appellant has provided a signed Unilateral Undertaking which secures the sustainable transport contributions sought by the Council. As the appeal is to be dismissed on another substantive issue, it is not necessary for me to consider the legal agreement in detail.
21. There are several objections from interested parties, including a Member of Parliament, concerning the effect of the proposal on parking, highway safety, flooding, drainage, trees, ecology and the living conditions of nearby properties. As I am dismissing the appeal, I have not pursued these matters further.
22. Regarding the support for the proposal, there is no substantive evidence before me that the development would provide affordable housing.

## **Planning Balance and Conclusion**

23. The proposal would be built with high quality materials, with cycle parking and sufficient refuse/recycling and servicing provisions. However, the provision of these in a satisfactory manner is to be expected of all development in compliance with relevant planning policies. The proposal would be liable for a Community Infrastructure Levy payment and a planning obligation has been completed, but this would be required for any scheme of this nature. These matters therefore do not weigh in favour of the scheme.
24. I have considered the appeal in the context of Policies GG2 and H2 of the London Plan 2021 and paragraphs 70 and 124 of the Framework in promoting an effective use of land with the potential to intensify the use of land to support additional homes and the role that small sites play in meeting housing need. The Council are currently able to demonstrate an adequate five-year supply of housing land. Nevertheless, the proposal would provide nine dwellings, including some suitable for families, in a sustainable location. Some social and economic benefits would also stem from employment associated with the construction phase and future occupants would bring trade to nearby shops and services.
25. Taken together, these benefits attract only moderate weight given the quantum of development under consideration and would not outweigh the harm I have identified.
26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

*L Reid*

INSPECTOR