



Appeal Decision

Site visit made on 3 April 2024

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024.

Appeal Ref: APP/L5240/W/23/3327095 32 Plough Lane, Croydon, Purley CR8 3QA

- 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 Jeremy Barry and Ms Olga Casademunt against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 22/05359/FUL.
 - The development proposed is alterations to land levels, erection of a terrace of 3 two storey houses to the rear of Larch Mead 32 Plough Lane with associated refuse and bike stores, formation of vehicular access and provision of associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice as this more accurately describes the development and was used by the appellant for the purposes of the appeal. Consequently, I am satisfied that no party will be prejudiced by my use of it.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal layout and outlook.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of 32 Plough Lane (No.32), also known as Larch Mead. It is a substantial two storey house which, from the evidence, dates from the Late Victorian/Early Edwardian era and which retains its traditional character. A small detached cottage formerly associated with No.32 and an annex attached to the appeal property now form separate dwellings within the former grounds of No.32. The land across the site rises

from Plough Lane towards the rear of the plot and is enclosed by mature hedging and trees, two of which are protected by Order¹.

5. Plough Lane slopes steeply south towards Foxley Lane and Purley town centre and the surrounding area is residential with a historical predominance of two storey period semi-detached and detached houses set within considerable-sized plots. Higher density housing growth has taken place in the area relatively recently. Generally this has taken the form of cul-de-sacs and the sub-division of plots, although there has been some older infill plot development along Plough Lane and the redevelopment of single dwellings to large blocks of flats along Russell Hill and at the junction of Plough Lane and Foxley Lane.
6. Vernacular features such as projecting bays, chimneys and feature gables are common in the area, although there is variation to the appearance of properties. Most properties are constructed in brick and render and set back from the road behind mature landscape features. There are clear views of trees over and between properties. In this context, the site currently contributes positively to the pleasant, spacious and verdant character and appearance of the area.
7. The proposed development would share a widened access, including a segregated footway, with No.32 which would run along the southern boundary of the plot and lead to the proposed dwellings, a parking area and cycle store. The loss of part of the garden to three separate dwellings and curtilage would represent a sub-division of the plot.
8. Whilst the proposal would be clearly visible from properties immediately adjacent, only glimpsed views would be apparent from Plough Lane. The proposal would be seen in the context of a residential area with various building forms and vegetated gaps in between. However, whilst the garden to No.32 is larger than many others in the area, as a result of the long vehicular driveway, parking area, and other paraphernalia associated with the proposal such as bin store, cycle rack, pedestrian path, there would be a general increase in the use of the site. This would have an adverse effect on the spatial qualities of the existing property as well as the other rear private gardens and gaps between dwellings that make an important contribution to the character of this part of Plough Lane.
9. Even though cul-de-sacs have been created within former rear gardens of properties along Russell Hill to the rear of the appeal site, there are no such developments on the stretch of Plough Lane in the vicinity of the appeal site.
10. Although the proposal would include some planting of trees and a hedgerow to define the garden curtilage of No.32 and the dwellings, these would take a significant time to establish before they would provide any material benefit. Given the scale and layout of the proposal and the significant coverage of hardsurface, it would appear cramped and out of keeping with its immediate setting. The resulting increase in housing density and proposed scale of incremental encroachment of development into the rear garden along this part of Plough Lane would cause significant harm to the character of the area.
11. I acknowledge the proposed dwellings, individually, would be subservient in height and width to surrounding properties. Whilst contemporary design would

¹ Tree Preservation Order No.18 1974

not be objectionable in and of itself, it must respect the context within which it sits. Whilst the appearance of the proposed dwellings would draw on some features common on surrounding properties, including materials used, the gable roof would be asymmetrical, the first-floor bays, while relatively large, would be angular and obscurely glazed and there would be a large expanse of blank brickwork on each front elevation. Moreover, the narrow proportions of the proposed dwellings and gardens would not reflect those found in the surrounding area.

12. Consequently, due to the form and design of the dwellings, the proposal would appear contrived and significantly at odds with the appearance and scale of neighbouring properties. The row of dwellings would be a conspicuous feature against the backdrop of surrounding gardens.
13. Even though the appeal site is not affected by any heritage or landscape designation and is not located within the Green Belt, the area still has qualities that are worthy of protection from harmful and insensitive development. Whilst I acknowledge that building design and plot size vary throughout the area, having regard to Policy SP4 of the Croydon Local Plan 2018 (the Local Plan) and in the context of the appeal site, I find the scheme would cause harm to the prevailing positive character and appearance of the area.
14. A previous appeal was dismissed on the site for a similar reason in relation to the character and appearance of the area² and I have been provided with a copy of the decision, elevations and floor plans of that scheme. I recognise that this appeal proposal is different, and efforts have been made to reduce the height of the buildings, amend the design and the materials. However, I have assessed this appeal scheme on its own merits and found that the proposal would not respect the context in which it sits and would harm the character and appearance of the area.
15. In support of the proposal the appellant refers to other housing developments in the area. The existing property at No. 30A Plough Lane is not a period property. However, it is located fronting onto Plough Lane, does not constitute back land development and was constructed well before the adoption of the Croydon Local Plan and the Framework. As such the circumstances of this development is not sufficiently similar to the appeal before me to weigh in its favour.
16. I have not been provided with the full details or the background of examples provided at the cul-de-sac developments on Pringle Gardens, Hillthorpe Close, Holmoak Close and Chalkhill Apartments/Amelia Court. From my observations on site, the properties within these cul-de-sacs appear to be large semi-detached or detached properties positioned on lower land levels to Russel Hill and are seen in the context of development along this road, which has a different character to that along Plough Lane. Regardless, any direct comparison with other examples does not indicate that the form of the proposed development would sit comfortably within the context of the appeal site, nor does the existence of other examples justify further harm. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

² Appeal Ref: APP/L5240/W/21/3289506

17. Policy DM10.1 of the Local Plan indicates that proposals should seek to achieve a minimum of 3 storeys. Policy D3 of the London Plan (2021) (LP) requires all development to make best use of a site. However, these policies also seek to ensure proposals are of a high quality and respect the development pattern, scale, height and massing of the surrounding area. Such policies, therefore, do not support the granting of permission for development which I have found to be harmful to the character and appearance of the area.
18. While Chapter 11 of the National Planning Policy Framework (the Framework) sets out that planning policies and decisions should promote an effective use of land in meeting the need for homes, account should also be had of the area's prevailing character and setting (including residential gardens).
19. For the above reasons, I find that the proposed development would cause significant harm to the character and appearance of the area. As such, it would conflict with Policies SP4 and DM10 of the Local Plan and Policies D3 and D4 of the London Plan which both, amongst other things, require development to respect context. It would also conflict with the Framework as it seeks those aims through well-designed and beautiful places and developments that are sympathetic to local character and that maintain a strong sense of place.

Living conditions of future occupiers

20. Policy SP2.8 of the Local Plan states that all new homes should achieve the minimum standards set out in the Mayor of London Housing Supplementary Planning Guidance, March 2016 (SPG) and the Nationally Described Space Standards³ (NDSS). Policy D6 of the London Plan also sets out housing standards. The Council confirm that the proposed internal floorspace of each proposed dwelling would meet the standards set out in the NDSS and there is no substantive evidence before me to disagree.
21. The Council's second reason for refusal relates to internal layout and outlook for future occupiers. However, the claim that both these aspects of the proposal would be poor has not been substantiated. The ground floor combined kitchen/living area of each dwelling would be dual aspect and contain sufficient windows to ensure that an acceptable level of accommodation and outlook would be provided for future occupants.
22. Although small, the angled window in the front facing Bedroom 1 of each dwelling would be west facing. Due to the topography of the site and the distance between these dwellings and the rear elevation of No.32, an adequate standard of accommodation and outlook would be offered for future occupants of this room. Similar angled windows would be provided for Bedroom 2 of each dwelling and while these would be sited in proximity to a high evergreen boundary hedge, due to the topography of the site and an additional small window in the north elevation of each Bedroom 2, I am satisfied that an acceptable standard of accommodation and outlook would also be provided for future occupants of this room.
23. Finally, Bedroom 3 of each dwelling would be the smallest at 9sqm. However, a reasonably large full-length window on the rear elevation would ensure that adequate outlook and standard of accommodation would be afforded for future occupiers of House 1. With regards Houses 2 and 3, the window for Bedroom 3,

³ DCLG Technical Housing Standards – nationally described space standard March 2015

although the same size as House 1, would be recessed between flank walls. Nevertheless, the projection of flank wall to the south of the bedroom window would be limited which would ensure, together with the full-length size of the window to this room, that sufficient outlook would be obtained for future occupants of the room.

24. Taking the above matters into account, the proposed development would provide acceptable living conditions for future occupiers with particular regard to internal layout and outlook. Accordingly, the proposal would comply with Policy SP2.8 and Policy DM10.4 of the Local Plan which, amongst other things, seek to ensure development is of high quality design and that new homes designed for families meet minimum design and amenity standards. It would also comply with Policies D3 and D6 of the London Plan which seek the same objectives to ensure development delivers appropriate outlook and indoor environments that are comfortable and inviting for people to use. The proposal would also be consistent with guidance in the SPG and the NDSS with regards to the provision of acceptable living conditions for future residents.
25. In the decision notice, the Council refers to conflict with Policy DM10.5 of the Local Plan. However, criterion 10.5 of Policy DM10 relates to outdoor amenity space in flatted or major housing schemes. The proposal does not relate to either development type, nor is the level of outdoor amenity space provision in dispute. Therefore, I do not consider this criterion to be determinative in my consideration of this appeal.

Planning Balance and Conclusion

26. I find that the proposal would cause significant harm to the character and appearance of the area. Although the proposal would provide satisfactory living conditions for future occupiers with particular regard to internal layout and outlook, this would be a lack of harm and thus neutral in any balance.
27. There would be potential benefits of the scheme, including the provision of three new family dwellings, for which there is an identified need within the borough. The proposal would provide modern, potentially energy efficient living accommodation for future occupiers as well as employment opportunities created during the construction phase of the development and spending in the local area by future occupiers. However, given the modest scale of the development, the weight attributable to these matters is limited. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.
28. For the above reasons, the proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict.
29. I conclude that the appeal should be dismissed.

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INSPECTOR