



Appeal Decisions

Site visit made on 16 April 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

APPEAL A

Appeal Ref: APP/L5240/W/23/3330333

28 Haling Park Road, Croydon CR2 6NE

- 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 R Osman against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 22/04233/FUL.
 - The development proposed is:
The erection of 3no. two-storey detached dwellinghouses to rear of site, with on-site parking, bin storage, and associated works.
Existing House: Removal of part one-, part two-storey side/rear element; erection of side roof dormer; creation of entrance door on front elevation and window on side elevation in relation to existing dwelling.
-

APPEAL B

Appeal Ref: APP/L5240/W/23/3331778

28 Haling Park Road, Croydon CR2 6NE

- 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 R Osman against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 22/04190/FUL.
 - The development proposed is:
The erection of 4no. two-storey semi-detached dwellinghouses to rear of site with on-site parking, bin storage and associated works.
Existing house: Removal of part one-, part two-storey side/rear element; erection of side roof dormer; creation of entrance door on front elevation and window on side elevation in relation to existing dwelling.
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary and Procedural Matters

3. I have been appointed to determine two appeals on the same site, the details of which are set out in the banner heading above. The two proposed developments are broadly similar, although not identical; apart from the obvious difference in the number of dwellings proposed, the site layout would also differ between the two schemes. While I have considered each proposal on its own merits, in order to avoid duplication, I have dealt with the two schemes together except where otherwise indicated.

4. The Appeal A scheme was originally described on the planning application form as “works to existing dwelling and delivery of three detached dwellings with dedicated parking and associated works”. The Appeal B scheme was originally described as “works to existing dwelling at 28 Haling Park Road and delivery of four semi-detached family residencies with dedicated parking and associated works”. Amended wordings for both schemes were subsequently used on the Council’s decision notices and the appeal forms; as they provide a more comprehensive description of the proposals, I have used them in the banner headings above. I have, however, corrected a drafting error in respect of the Appeal B scheme, which had wrongly been described as four detached dwellinghouses, rather than four semi-detached dwellinghouses.
5. The Government published revised versions of the National Planning Policy Framework (“the Framework”) on 5 September 2023, replacing the July 2021 version extant at the time the planning applications were determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework.
6. In respect of the Appeal A scheme, the appellant submitted an additional drawing during the appeal which showed vehicle tracking plots and designated parking spaces for the three proposed dwellings. I consider this to have been a clarification of the proposal rather than an alteration, and it does not change the overall nature of the scheme. I am satisfied that no parties would be prejudiced by my accepting this drawing. On the basis of this additional information, the Council considered that a second reason for refusal which it had put forward, relating to the provision and quality of car parking in the Appeal A scheme, had been overcome. Nothing which I have seen leads me to a different view on that matter, and accordingly it does not form one of the main issues in the appeal.

Main Issues

7. The main issue in both appeals is the effect of the proposed development on the character and appearance of the area.
8. In Appeal B only, a further main issue is whether the development would provide acceptable living conditions for future occupiers of proposed Houses 3 and 4, with particular regard to outlook, enclosure, and daylight.

Reasons

Character and appearance

9. No 28 is a two-storey semi-detached dwelling on the north side of Haling Park Road, in a predominantly residential part of South Croydon. The area has houses and apartment blocks of a variety of ages and styles; neighbouring properties on the north side of Haling Park Road are, like the appeal property, set in generous plots with very long rear gardens. Many of the front and rear gardens of the properties on both sides of Haling Park Road have mature trees and vegetation, and beyond the northern boundary of the appeal site are playing fields and areas of woodland within the grounds of the Whitgift School. The pleasant suburban area around the appeal site therefore has a spacious and verdant character, which is especially apparent along the northern side of Haling Park Road.

10. The proposed development in both appeals is the erection of new dwellings in what is currently the rear garden of the appeal property. The site would be entered from Haling Park Road via the existing driveway to No 28 as at present; access to the new dwellings would require the demolition of the two-storey on the western side of No 28, as well as some internal reconfiguration of, and elevational changes to, the existing house. The Council considered that the removal of the side extension, and the changes to the front elevation would be acceptable in terms of their effect on the character and appearance of the area; none of the evidence before me or what I saw during my site visit leads me to disagree on this point. Driveways running at the side of dwellings are also not unusual in the locality, and no harm would result from this element of the scheme.
11. The proposed side dormer, which would sit above the new staircase leading to the converted loft, would be a substantial addition to the property, occupying almost the full height (though not the width) of the roof slope. The appellant drew my attention some examples of front and side dormers nearby; walking around the area I saw that, while there are several properties with front dormers (though they are still not a prevalent feature in the area), side dormers are few and far between. Most of the examples to which I was directed sit higher up the roof, and so dominate the roof slope much less, than that proposed in this case. The front dormer at No 40 Haling Park Road sits low on the roof slope, but its width, form and fenestration mean that in my view it could hardly be described as an aesthetically sensitive addition to that property. None of these examples appears directly comparable to that proposed here, which would be a dominant and incongruous addition to No 28.
12. Moving towards the rear of the appeal site, 30m or so beyond the rear elevation of No 28 the garden broadens out behind that of No 26, so that the final 40% or so (by my estimation) of the plot is "double width". It is in this area that the proposed new dwellings would be built. In Appeal A, House 1 would be set close to the end of the rear garden of No 26, immediately within the double width part of the site. Beyond this would be a large hard surfaced area for parking and turning, with Houses 2 and 3 arranged next to each other towards the back of the site. In the Appeal B scheme, the first part of the double width area would be given over to a large hard surfaced area for car parking. Beyond this would be the two pairs of semi-detached houses, arranged perpendicular to one another; Block 1 (Houses 3 and 4) would be aligned west-east very close to the Whitgift School boundary, with Block 2 (Houses 1 and 2) aligned north-south close to it.
13. Some of the properties on the north side of Haling Park Avenue (including No 28) have additional land; in these appeals, this is the area I have described as the double width part of the site. The proposed dwellings would be built beyond what the appellant describes as the "natural garden line". However, that area is still characterised by openness and vegetation and, even though the proposed houses would be modest in size compared to No 28 and most of its neighbours, in both appeals significant amounts of built form would be introduced into that space. Both proposals would be at odds with the prevailing character and appearance of the area. The large areas of hardstanding in both appeal schemes would add a further discordant note within the surrounding verdant context.

14. In both appeal schemes the proposed dwellings would also be set on what would be, by the standards of other properties on the same side of Haling Park Road, very small plots. While the dwellings would comply with the requirements of the development plan in respect of the quantity of private amenity space, they would nevertheless appear cramped on their plots. This would especially be so in the Appeal B scheme, because of the proximity of the two pairs of semi-detached houses; the “mews style” form proposed for the scheme would be rather incongruous among the suburban housing around it.
15. Because of the proposed siting of the dwellings towards the rear of the deep site, in neither appeal would they be prominent in the streetscene. However, they would be readily visible from other surrounding dwellings, gardens, and the open spaces of Whitgift School, from which viewpoints the harm they would cause would be apparent.
16. The appellant has referred to other backland housing schemes granted planning permission within Croydon in recent years; at 9 and 10 Fair Oak Close¹, 55 Warham Road², 2 Wyvern Road³, 232 Pampisford Road⁴, and 140-142 Pampisford Road⁵. I have been provided with some details of these other developments, though I have not visited them. While Fair Oak Close appears to be in an area where there has been little or no backland development, the site plans provided to me suggest that the housing proposed in that case had a much closer relationship with the existing surrounding housing than would be the case in these appeals. The same observation could also be made of the Warham Road development. The Wyvern Road scheme, meanwhile, appears to have been a significant redevelopment of a site with a long road frontage, which is not at all the case in these appeals. I have been provided with less information in respect of the two Pampisford Road developments, though again it appears that both sites have road frontages of their own.
17. None of the other schemes therefore appears directly comparable to the circumstances of the appeals before me, and they do not therefore weigh significantly in their favour. I have reached my conclusions on the planning merits of the two schemes before me. I also note that those other schemes were approved in the light of advice in the Council’s 2019 *Suburban Design Guide* Supplementary Planning Document, which among other things addressed suburban intensification. However, that guidance was revoked in July 2022, and it is not a material consideration in determining these appeals.
18. I conclude, for both appeals, that the proposed developments would cause significant harm to the character and appearance of the area. They would therefore conflict with Policy DM10 of the 2018 Croydon Local Plan (“the CLP”), and Policy D3 of the London Plan 2021. Among other things, those policies seek to ensure that development is of the most appropriate form and land use for the site, and that the development pattern, layout and siting of the surrounding area is respected.

¹ LPA Ref: 22/03889/FUL

² LPA Ref: 17/04554/FUL

³ LPA Ref: 20/00532/FUL

⁴ LPA Ref: 17/04484/FUL

⁵ LPA Ref: 20/03267/CONR

Living conditions – Appeal B only

19. The proposed layout of the Appeal B scheme means that there would be very limited separation between the front elevation of Houses 3 and 4 and the side wall of Block 2; by the Council's measurement (though this has not been disputed by the appellant) this would be only 3.3m. In Houses 3 and 4, the windows of the ground-floor kitchen/dining/living room, and the first-floor Bedroom 2, would therefore have a very limited outlook, and a considerable sense of enclosure. The kitchen/dining/living room would be double-aspect, though the shallow depth of the rear gardens would be likely to limit the extent to which this might alleviate the lack of outlook and sense of enclosure at the front, but even if I considered that would be a mitigating factor in respect of the ground floor rooms it would not apply to the affected bedrooms.
20. Block 2 would be immediately to the south of Block 1, and given the very limited separation between the two buildings it seems likely that it would also significantly reduce the daylight reaching the habitable rooms within Houses 1 and 2. The appellant denies that this would be the case, but no substantive evidence has been provided to demonstrate that those two dwellings would receive adequate daylight or sunlight.
21. I therefore conclude, for Appeal B, that the proposed development would not provide acceptable living conditions for future occupiers of proposed Houses 3 and 4. It would therefore conflict with Policies SP2.8 and DM10 of the CLP and Policy D6 of the London Plan 2021. Together, and among other things, those policies seek to ensure that new housing meets the needs of residents by ensuring a high standard of amenity, including by providing adequate sunlight and daylight.

Conclusion

22. Three (in the case of Appeal A) or four (in the case of Appeal B) new dwellings would be built, at a time when the government is seeking to significantly boost the supply of housing. Given the small scale of the proposals, these are benefits which carry only moderate weight in their favour.
23. However, I have found that both appeal schemes would be harmful to the character and appearance of the area. In Appeal B, there would also be significant shortcomings in terms of living conditions for future occupiers. These are matters which carry considerable weight, and outweigh the benefits associated with the schemes. The proposals would conflict with the development plan taken as a whole, and there are no other considerations, including the Framework, that outweigh this conflict.
24. For the reasons set out above, I therefore conclude that both appeals should be dismissed.

M Cryan

Inspector