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# Appeal Decision

Site visit made on 18 June 2024

**by Thomas Courtney BA(Hons) MA MRTPI**

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

**Decision date: 19 July 2024**

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**Appeal Ref: APP/L5240/W/23/3335004**

**Land adjacent to 1 Dunbar Avenue, Norbury, London, SW16 4SB**

- 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 Eliot Bunn (Charles William Developments Ltd) against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 23/03479/FUL.
  - The development proposed is the demolition of existing garage and erection of 1-bedroom dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. In the banner heading above, I have referred to the site address used in the Council's decision notice and the appeal form. It is more complete and convenient than the site location description used in the application form.

## Main Issues

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the surrounding area; and
  - Whether the development would provide adequate living conditions for the future occupiers of the dwelling with particular regard to private amenity space.

## Reasons

### *Character and appearance*

4. The appeal site comprises a single-storey garage which lies within a small parcel of land adjacent to 1 Dunbar Avenue and a nursery to the north. The garage is vacant and in a dilapidated state, surrounded by overgrown vegetation. It is located in an established residential area characterised by terraced housing with mock Tudor features and projecting front bay gable windows. Dunbar Avenue is uniform in character with consistent building lines and heights.
5. The contemporary design of the proposed dwelling is innovative and would somewhat reflect colours and materials found along the street scene. Furthermore, the design is bespoke due to the constraints of the narrow plot,

and I acknowledge the bulk and mass of the dwelling has been reduced from previous schemes. However, it would be noticeably taller in height than the existing garage and would appear awkwardly constricted due to its narrow frontage.

6. Whilst the appellant contends that the proposed house would constitute an unintrusive and modest infill, it would appear cramped within the very narrow plot. I find that the proposal would be at odds with the character of Dunbar Avenue and the surrounding area which is mostly uniform and strongly defined by its mock Tudor architecture and similarly sized dwellings. The contemporary appearance and scale of the dwelling, particularly its narrow width, would be incongruous in this context and would jar with the homogeneous character of the street scene and surrounding pattern of development.
7. The front gable is said to be a reinterpretation of the front gables of the neighbouring properties. However, as a consequence of its prominence it would not be read as a subservient element of the street scene in the same way as those features. This effect would be exaggerated by the use of red clay tiles and its projection beyond the first-floor front elevation of No. 1.
8. Given the above, the proposed development would harm the character and appearance of the area. It would conflict with Policies DM10 and SP4 of the Croydon Local Plan (2018) and Policies D1, D3, D4 and D5 of the London Plan (2021) insofar as they seek to ensure new development is of high-quality design and respects the development pattern and appearance of the area. I do not find that Policy D2 of the London Plan is directly relevant to the main issue as it relates more specifically to the density of development proposals and the capacity of local infrastructure.

#### *Living conditions*

9. The proposed front courtyard would be moderately sized and suitable for a one-bedroom property. However, it would be directly adjacent to the public footpath, the nursery, and would be overlooked by the neighbouring property. Therefore, it would have limited privacy. It would also abut the neighbour's parking and refuse storage area which could give rise to odours and noise. Thus, it would not constitute a pleasant space for the enjoyment of the future occupiers. The boundary walls would not be high enough to sufficiently screen the area and provide adequate privacy.
10. The appellant contends the front courtyard is not dissimilar to a front balcony. However, a balcony is by its nature located above ground level which enables an increased detachment from the public highway and reduced overlooking. The proposed courtyard is therefore not comparable to a forward balcony.
11. Whilst the appellant contends the front amenity space would allow for beneficial social interactions, I am not satisfied this would justify a lack of privacy for the future occupiers. I acknowledge it is unlikely that the dwelling would be occupied by a large family. However, all occupants, including a single resident, are entitled to a minimum of private amenity space. I also note there are parks within walking distance, but this does not compensate for the lack of private amenity space proposed.
12. The proposal would therefore fail to provide adequate living conditions for the future occupiers of the dwelling with particular regard to a lack of private

amenity space. It would conflict with Policies SP2 and DM10 of the Croydon Local Plan (2018), D6 of the London Plan (2021), and the National Planning Policy Framework (2023) which together seek to ensure proposals protect the amenity of occupiers and provide high-quality and functional private amenity space.

### **Other Matters**

13. The provision of a new home on a small brownfield site and in a sustainable location is an efficient use of land. I note it could be built out quickly and would contribute to the supply of housing. These aspects attract some limited weight in favour of the appeal. However, the economic and social benefits would be reduced by the small scale of the scheme.
14. The proposal would remove a dilapidated building and overgrown vegetation, and the appellant states this would improve the appearance of the site. They also state that the long-term maintenance of the site is not viable. However, the development has not been shown to be the only way in which those improvements could be delivered. Therefore, this factor attracts limited weight.

### **Planning Balance and Conclusion**

15. The proposal would harm the character and appearance of the area as well as the living conditions of future occupiers. The harm would be considerable. In light of this, the limited benefits of the development would not outweigh the harm I have identified.
16. 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.
17. For the reasons given above the appeal should be dismissed.

*Thomas Courtney*

INSPECTOR