



Appeal Decision

Site visit made on 22 July 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/L5240/W/23/3329990

20 Kingsdown Avenue, South Croydon CR2 6QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Bambroffe against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/02553/OUT.
 - The development proposed is the demolition of the existing dwelling and erection of a two-storey development, some with roof accommodation, and parking basement comprising four family dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought, with all matters reserved except layout and scale. The application includes a proposed site plan and indicative elevations and site sections. I have determined the appeal based on the proposed layout and scale of development shown in the proposed site plan, elevations and sections, with the indicative access, appearance and landscaping being for illustrative purposes only.
3. The appellant submitted an amended proposed site plan 20KA P2(a) to replace plan 20KA P2 with the appeal documents, showing additional information on pedestrian and vehicular sightlines. As this does not alter the proposed layout, my consideration of the revised plan would not cause procedural unfairness or prejudice to interested parties. Therefore, I have determined the appeal based on the amended proposed site plan. The Council has confirmed that, subject to a condition, this overcomes the second reason for refusal relating to the absence of pedestrian and vehicular sightlines and the potential detrimental impact on highway and pedestrian safety.
4. The third reason for refusal relates to the absence of an appropriate mechanism to secure mitigations and obligations to comply with policy in respect of sustainable transport. The appellant has since submitted a signed unilateral undertaking confirming a commitment to make a sustainable transport contribution and the Council has confirmed that this overcomes this reason for refusal. Therefore, my decision is based on the outstanding issue in the remaining first reason for refusal.
5. A draft National Planning Policy Framework was published in July 2024. The proposed changes would not materially affect the main issues in this case, so

the parties were not invited to make further comments. As the draft document is currently subject to consultation, it carries very little weight.

Main Issue

6. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site comprises a large, detached house within a suburban area with a mix of building sizes and styles. Due to the topography, the dwelling sits above the road with a sloping rear garden and the houses opposite lie below street level. The two properties immediately north at 18 and 14 Kingsdown Avenue (Nos 18 and 14) are set back considerably further from the street than the appeal dwelling and other houses in the vicinity. Whilst there is denser development in the wider South Croydon area, the site is within a street characterised by sizeable dwellings in good sized plots. A public footpath runs alongside the site.
8. The proposed scheme would replace the existing property with two houses at the front and two dwellings behind. There would be fewer houses and changes in the size and position of the rear properties compared to those in the previous scheme dismissed on appeal¹. Given the Inspector's comments on the earlier proposal, the Council does not object to the position and scale of the proposed front dwellings.
9. The rear buildings would have a smaller depth and internal area and a lower height than those in the previous scheme. They would be set further back than those in the earlier proposal, creating a larger gap to the boundary with No 18 and a greater separation distance between the proposed front and rear properties. However, rear houses A and B would still occupy much of the site width, with only a small gap behind.
10. The front gardens for the rear dwellings would have more private outdoor space than in the previous scheme. However, there would be significant subdivision of the area between the front and rear buildings to provide private garden areas for all four proposed dwellings as well as accesses to the rear properties and bin and cycle stores.
11. The appellant refers to the Council having permitted back garden development elsewhere in the Borough, but limited information has been given. The rear houses A and B would be set back a similar distance from the street as Nos 18 and 14, whilst the front dwellings C and D would be towards the front of the site, reflecting the more conventional frontage along the street.
12. Nevertheless, due to the substantial width of the rear dwellings, the limited gap to the rear boundary, and the amount of subdivision of the space between the buildings, the proposal would have a cramped and dense character. Whilst the proposed garden arrangements behind houses C and D would not be visible from the public realm, the rear buildings and thus the cramped nature of the development would be evident from the adjacent footpath. Although back garden development has been permitted elsewhere in the Borough, the appeal

¹ Appeal Ref: APP/L5240/W/22/3309687 'the previous scheme/earlier proposal'

scheme would be discordant with the character of this outer London suburban neighbourhood comprising dwellings with generous, open gardens.

13. The reduced level of excavation compared to the previous scheme would mean that the two storey rear dwellings would sit at a similar height as the three-storey rear building in the earlier proposal. The Inspector considering the previous scheme noted that *'the top of the rear terrace would not rise significantly above the front pair when viewed from the street'* and I consider that the same would apply to the current proposal. The illustrative plans indicate different roof forms for the front and rear buildings. Nevertheless, this is an outline application, and appearance is a reserved matter, so the detailed design of the buildings would be dealt with at that stage.
14. I note that the London Plan 2021 (London Plan) supports intensification of small sites in areas such as this with moderate access to public transport. Further, the Croydon Local Plan 2018 (Local Plan) envisages rear garden development and the replacement of existing detached houses to increase density and massing. The Council does not have area-wide design codes. Nevertheless, development still needs to be within the broad parameters of the existing local character, and for the reasons outlined, the proposed scheme would be significantly at odds with the prevailing character of the locality.
15. Therefore, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policy D3 of the London Plan and Policies DM10 and SP4 of the Local Plan. Together, these require developments to respond to local distinctiveness and respect local character, layout, siting and density, amongst other things.
16. Policy D4 of the London Plan relates to processes and actions required to deliver good design. As it does not directly link to the harm identified, I find no specific conflict with Policy D4 in reaching my conclusion.

Other Matters

17. The proposal would make more efficient use of residential land and contribute towards the supply of housing on a small, windfall site with access to services and public transport, consistent with local, London and national planning policies. The appellant refers to different minimum housing targets in the Local Plan and the London Plan, but there is little evidence that the Council is not meeting the needs for housing in its area, including dwellings expected to come forward on small and windfall sites. This tempers the weight I have attached to housing delivery, albeit that the provision of three additional dwellings is still a limited benefit to be factored into the planning balance.
18. The appellant quotes from a recent appeal decision² where the Inspector gave great weight to the overarching national, London and local planning Policy to encourage a positive approach to residential development. Nevertheless, limited details of that case have been provided so I am not able to compare it with the appeal scheme, and it does not alter the weight I attach to housing delivery in this instance.
19. The Council does not find harm or development plan conflict in relation to several other matters, including the principle of residential development, living conditions, parking, trees, biodiversity and fire safety. However, even if I were

² Appeal Ref: APP/L5240/W/23/3316987

to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

Planning Balance and Conclusion

20. I have found that the proposal would harm the character and appearance of the area. This is a planning harm which attracts considerable weight. The delivery of housing attracts limited weight and the remaining matters only neutral weight, which accordingly do not outweigh the harm I have found.

21. For the reasons given above, 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.

A Wright

INSPECTOR