



Appeal Decisions

Site visit made on 24 July 2024

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal A Ref: APP/L5240/W/23/3328664

335 Lower Addiscombe Road, Croydon CR0 6RG

- 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 Datoo against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/02598/OUT.
 - The development proposed is described as an 'Application for outline planning consent for the erection of an additional floor above the existing building to comprise up to 5 self contained residential units with all matters reserved.'
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Appeal B Ref: APP/L5240/W/23/3332787

335 Lower Addiscombe Road, Croydon CR0 6RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Abbas Datoo against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/01080/GPDO.
 - The development proposed is the erection of 4th floor to create 1 additional self-contained flat (Prior Approval under Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)).
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Decision

1. Appeal A is dismissed. Appeal B is dismissed.

Applications for costs

2. Applications for costs were made by Mr A Datoo against the Council of the London Borough of Croydon. Those applications are the subject of separate decisions.

Preliminary Matters

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
 4. Appeal A is for outline planning permission with all matters reserved. I have considered the appeal on this basis.
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5. For Appeal B, I have taken the description of development from that given in the Council's decision notice and appellant's appeal form. This appeal is made pursuant to Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Class AA permits development consisting of new dwellinghouses on detached buildings in commercial or mixed use, as well as certain associated works.
6. For such development to be permitted it must satisfy the limitations set out at paragraph AA.1 and the conditions at AA.2. The conditions at AA.2 require developers to apply to the local planning authority for their prior approval in relation to a number of specified matters, set out at sub-paragraphs 'a to l'.
7. The Council was satisfied that the proposal met the limitations set out in paragraph AA.1. and I have no reason to come to a different conclusion. However, the Council concluded that the proposal would not comply with the condition in Paragraph AA.2.(1)(e), which is concerned with the external appearance of the building. The control over external appearance is not limited to the impact on the subject property itself and can include the impact on the surroundings.
8. The Council has referenced development plan policies within its reason for refusing the prior approval scheme. However, for the avoidance of doubt, I have not decided this appeal on the basis of the duty in s38(6) of the Planning and Compulsory Purchase Act 2004. Paragraph B of Part 20 of the GPDO sets out the procedure for prior approvals and requires the local planning authority to take into account any representations made to them as a result of consultation, and to have regard to the National Planning Policy Framework (the Framework). I have therefore had regard to the policies of the development plan referred to by the main parties only insofar as they are material to the matters for which prior approval is sought.

Main Issue

9. The main issue in both appeals is the effect of the proposed development on the character and appearance of the area.

Reasons

10. The appeal building is a four storey mixed commercial/residential property prominently located at the corner of Lower Addiscombe Road and Blackhorse Lane. The building's central curved projection onto Lower Addiscombe Road gives way to stepped down and recessed fourth floors on either side. These setbacks together with the uniformity of fenestration on the building's upper floors creates a cohesion and hierarchy in the building's design and appearance. Furthermore, its design, height, mass and scale distinguishes it from other buildings in the vicinity. Indeed, in contrast to its four storey, flat roof appearance, most other properties in the immediate vicinity are smaller, two storey terraced buildings with pitched roofs.
11. There is a three-storey building opposite the site and a larger building, which is set further to the west of the appeal site. Neither of these diminish the fact that the appeal building is one of the tallest in the area and is set within a context of predominantly two storey buildings. As such, it is noticeably at odds with the general character and appearance of the area.

Appeal A

12. This proposal is for an additional floor above the existing building. The scheme is in outline with all matters reserved. Whilst I am mindful that it is described as being for 'up to 5 flats' and so whilst it could contain a lesser number of units, the appellant would be entitled to expect the full extent of what is set out in the application form, were the scheme to be permitted.
13. If a person were positioned close to the existing building, an additional floor might not be easy to see or appreciate. However, it is difficult, in principle, to conceive of any sensible arrangement for an additional floor that would not at the very least be visible or be seen from further west along Lower Addiscombe Road or further north from Blackhorse Lane or Woodside Court Road.
14. An additional floor would accentuate the disparity between the appeal building and the more traditional suburban height, form and appearance of properties that constitute its immediate and prevailing context. The additional size and the resulting awkward juxtaposition of built forms would cause harm to the character and appearance of the area.
15. Even if I were to agree with the appellant that a detailed proposal could respect the architectural integrity and appearance of the building as a whole; and that appropriate fire safety and refuse storage details could be provided, it would not overcome the harm I have identified in terms of the discordant nature of the resulting building in comparison to its surroundings.
16. I therefore find that the proposal would cause harm to the character and appearance of the area. As such, it would be contrary to Policies SP4 and DM10 of the Croydon Local Plan (2018) and Policies D2, D3, D4 and D5 of the London Plan (2021). These policies, amongst other things, seek to encourage high quality inclusive design, that responds to a site's context, having regard to the scale and massing of the surrounding built form and character.
17. Policy DM35 of the Croydon Local Plan was not cited in the reasons for refusal but was highlighted by the appellant. Within the Addiscombe District Centre, to ensure that its characteristics are respected and enhanced, this policy indicates that, amongst other things, proposals should have a maximum of five storeys around the Lower Addiscombe Road and Blackhorse Lane Junction. However, this is a maximum height and not a target to be achieved regardless of any other considerations. Furthermore, the policy does not directly identify the appeal site as being suitable for a 5-storey development. Given that it is my conclusion that the proposal would not respect or enhance the characteristics of the area, it would be contrary to this policy and its wider objectives.

Appeal B

18. The prior approval submission seeks to erect a single flat on the existing roof. The structure would be positioned such that in close views of the building, the additional flat might be difficult to see from Lower Addiscombe Road. However, when viewed from further west along Lower Addiscombe Road, it would be evident and would appear as a discordant addition, out of keeping with the coherent design and architecture of the existing building.
19. When viewed from Woodside Court Road and further north on Blackhorse Lane the scale and height of the resulting building would also be more readily apparent. The resulting additional dominance and prominence of the building

would serve to emphasise its difference with those that surround it. As such, the proposal would represent a harmful intrusion to the prevailing character and appearance of the building and surrounding area.

20. The appellant draws comparisons between the size of the flat and it being akin to a reasonable-sized plant room for a building of this size. However, I have considered the proposal on the basis of the scheme before me and have found it to be harmful.
21. For these reasons, I conclude on this main issue that the external appearance of the building would not be acceptable. It would also not meet the objectives of the Framework in its broad design aims.
22. I therefore find that the proposal would have an unacceptable and harmful effect on the external appearance of the building, in conflict with Paragraph AA.2.(1)(e) of Class AA of Part 20 of Schedule 2 of the GPDO. Accordingly, prior approval should not be granted.
23. I have had regard to the development policies insofar as they are material considerations relevant to the prior approval matters. The proposed development would be contrary to Policies SP4 and DM10 of the Croydon Local Plan (2018) and Policy DM3 of the London Plan (2021) in that they require development to be of a high-quality design, that has regard to local character and, amongst other things, the scale, height and massing of the surrounding area. Policy DM35 of the Croydon Local Plan was not cited by the Council but it similarly requires that developments respect the characteristics of the area, something which the proposal would fail to achieve.

Other Matters

24. Appeal A would deliver up to five new units of accommodation although the Council indicate that it has no housing supply issues. There would also be some economic and social benefits arising from the scheme. Whilst these can be given some positive weight in favour of the development, they do not overcome the substantial, long lasting harm which would arise from the proposal and to which I ascribe significant weight. As the provision of housing is not a determining factor in prior approval cases it is not relevant to my determination of Appeal B.
25. The appellant's final comments in relation to Appeal B set out proposals for planting to create a living green roof. I am mindful that accepting such additional detail might prejudice other parties who may wish to comment. However, even if I were to accept these details, planting can too easily be removed or simply suffer disease and die, it cannot be relied upon. Planting and landscaping should therefore generally seek to complement a proposal and not in itself make an otherwise inappropriate development acceptable. As such, the suggested planting in this instance is not a reason to allow the appeal.
26. I have been provided with various appeal examples of other developments either on this site or elsewhere. Whilst these provide helpful background, I have considered the appeal proposals before me on their individual merits and with regard to the specific circumstances of the site and its surrounds.
27. The appellant has drawn my attention to the previous observations of the Council which has not objected per se to the principle of an enlarged building. If the Council's approach has not been entirely clear to the appellant this is

clearly regrettable. However, this is separate from the planning merits of the proposals which are before me and on which my decisions are based.

28. I have considered Appeal A based on the information before me. It is not therefore necessary as part of this decision to comment further on the Council's request for additional information.

Conclusion

29. Whilst there would be some beneficial aspects arising from Appeal A, considered overall the development would cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
30. In respect of Appeal B, I have found the proposal to be contrary to Paragraph AA.2.(1)(e).
31. For the reasons given above, I conclude that appeals A and B should be dismissed.

Stewart Glassar

INSPECTOR