



## Appeal Decision

Site visit made on 22 October 2024

**by Nick Bowden BA(Hons) Dip TP MRTPI**

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

**Decision date: 10 DECEMBER 2024**

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**Appeal Ref: APP/L5240/W/24/3343208**

**Carrick Court, 35 Lancaster Road, South Norwood, Croydon, London SE25 4BJ**

- 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 Terry Delahunty against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 23/02413/FUL.
  - The development proposed is 2 maisonettes on land to the rear of 35 Lancaster Road.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - 1) whether the proposed development would preserve or enhance the character or appearance of the South Norwood Conservation Area (CA),
  - 2) the effect of the proposed development on the living conditions of neighbouring properties having regard to loss of garden space and outlook from facing windows,
  - 3) whether refuse storage and collection arrangements for the development are satisfactory, and
  - 4) the effect of the development on an adjacent Oak tree.

### Reasons

#### *Character and appearance*

3. The appeal site is set to the rear of a three-storey block of flats constructed in yellow brick. It is set to the north of the CA at its highest point and is within the Lancaster and Warminster Road Character Area. The South Norwood Conservation Area Appraisal and Management Plan describes this as containing larger plots and houses, many of which have retained historic mature trees and well planted front gardens, which combine to create a grand residential character. The significance of the area is these varied house styles which include three storey villas in London Stock bricks in addition to homes in the Arts and Crafts vernacular. Despite the varying styles of homes, they all contribute to the overall character of finely detailed homes in verdant plots. There are further examples of mid-to-late 20<sup>th</sup> century homes in addition to several blocks of flats. Carrick Court and its immediate neighbour, Crowhurst

at 37, are examples of such flat blocks and are identified in the CA Appraisal as detracting from the special character of the area. Even so, the arrangement of these flat blocks is still in large plots with landscaping and green space to the front and rear despite them lacking the architectural flair of neighbouring homes.

4. The proposed development would comprise a small block of two flats that would be constructed to the rear and would replace an area which is presently a mix of parking and communal garden area. The building would be brick built under a pitched roof and feature asymmetrical transverse gables with a deep plan form. The design of the building is not of a style that would be expected in the CA nor does it draw any reference from these elements. The building lacks detailing or any references to the variety of architectural styles within the CA. Moreover, particularly without a street aspect, it would occupy a position which, in this part of the CA, has been left largely undeveloped for dwellings due to other spacious gardens and the grounds of the school. No other examples of backland development have been highlighted in the evidence and none appear to exist on this side of Lancaster Road.
5. Whilst I do recognise that there would be limited, if any, views of the proposed building from Lancaster Road within the CA, this does not alter its effect on it. It would be visible from Chalfont Road in views into the CA and landscaping to screen the proposal is unlikely to be effective to screen the building due to space constraints. Were such landscaping to screen the building be necessary, this is indicative of the unacceptability of the scheme. Whilst Carrick Court is identified as detracting from the character of the area, I find that a building with a design which does not accord with the overall pattern of development or style of buildings should not be approved as it would be a replication of further harmful development to the CA. The fact Historic England has placed the CA on its Heritage at Risk Register also provides a reason to exercise additional care when considering further development within the CA, such that its significance is not eroded further.
6. S72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In making this assessment I have also had regard to paragraphs 207 and 208 of the National Planning Policy Framework (the Framework). The introduction of this building, in a manner that would not be sympathetic to the area, would harm the character and appearance of the CA.
7. The Framework advises, at Paragraph 205, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, I adjudge the harm to the CA to be less than substantial but nevertheless of considerable importance in this case.
8. In such circumstances paragraph 208 of the Framework requires such harm should be weighed against the public benefits of the proposal. The addition of two dwellings with a floor area in excess of the sizes set out in the Nationally Described Space Standard and policy D6 of the LonP and of a type in demand on a small windfall site in an area of incremental change is a benefit. The site's PTAL of 4 and proposed energy efficiency savings considerably beyond the

requirements of the Building Regulations would all constitute benefits of the appeal scheme. However, these benefits are limited and would not outweigh the identified harm to the CA.

9. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA. The proposal therefore fails to accord with policies DM10 and DM18 of the Croydon Local Plan 2018 (CLP) and policies D3 and HC1 of the London Plan 2021 (LonP) insofar as the policies require development to preserve or enhance the character, appearance and setting of heritage assets within the borough.

#### *Living conditions*

10. The proposed flats would occupy part of the area to the rear of Carrick Court. This siting is presently occupied by a mixture of vehicle parking and grassed communal garden. Part of the lost parking area would be made up for by an enlarged parking area on the opposing side of the site. Whilst the current configuration and layout of the site is not especially conducive to its use as a shared amenity space, due to its juxtaposition with vehicle parking, the proposed flats would remove any opportunity to rationalise this space for the benefit of the current occupants. Indeed, the indicative landscaping shows that much of this space would be dedicated to the two new dwellings only and demarked with a hedge. In conjunction with the parking re-arrangement, this would effectively remove the entire rear part of the shared amenity area from use by the current residents. I therefore conclude that the loss of a proportion of shared outdoor amenity space would be detrimental to the living conditions of the occupants of Carrick Court.
11. The proposed flat block would be visible from the rear facing flats at Carrick Court. In particular, those on the ground floor to the northwestern end of the block would be presented with an outlook of a wall and expansive roof slope from their rear aspects. Whilst I recognise there would be a reasonable gap between the buildings, these rear facing flats are largely single aspect with their principal elevations facing the rear. This would result in an unacceptable degree of enclosure and overbearing impact to the detriment of the living conditions of the occupants.
12. The proposal would result a in loss of garden space for the existing flats and loss of outlook from facing windows. It would therefore conflict with policy DM10 of the CLP and policy D3 on the LonP. These policies require high standards of design in new development.

#### *Refuse storage and collection*

13. Refuse storage for the two flats would be located within the proposed building. Whilst this appears to provide sufficient capacity for the occupants, it is located a significant distance from the highway where collections would occur. There is no substantive evidence before me on how this would be managed, or whether alternate refuse collection arrangements could be provided. As a result, I cannot be certain that refuse would be taken out for collection, and it could accumulate on the site. Hence, I conclude that these arrangements are insufficient to meet the requirements of policy DM13 of the CLP. This policy requires refuse and recycling facilities to be treated as an integral element of the overall design.

*Effect on Oak tree*

14. A small part of the proposed building falls within the root protection area of a Category A Oak tree. Whilst not referred to in the Council's decision notice or appellant's evidence, this tree is protected by a Tree Preservation Order.
15. Even so, incursion into the root protection area is relatively minor at approximately 4% of its overall spread. On this basis, I conclude that with appropriate tree protection conditions, the development would comply with policies DM27 and DM28 of the CLP and policies G6 and G7 of the LonP. These policies, when read together, seek to ensure that, wherever possible, existing trees of value are retained.

**Planning Balance and Conclusion**

16. The Council claims a supply of housing land in excess of five years and this is not disputed by the appellant. Whilst there would be some social, economic and environmental benefits associated with the provision of two new dwellings of a type in need within a sustainable location, this is not sufficient to outweigh the harms I have identified. Moreover, the proposal would not preserve or enhance the character or appearance of the CA, it would remove outdoor amenity space, result in a loss of outlook for current residents and have inadequate refuse storage arrangements. The proposed development would, however, not have an unacceptable effect on the nearby protected Oak tree.
17. Other considerations including the site being located within Flood Zone 1 and not at risk of surface water flooding, having sufficient convenient and accessible vehicle parking, cycle storage provision, not resulting in overlooking towards neighbours or loss of light thereto, and compliance with other individual policies of the development plan are neutral and weigh neither for nor against the proposal.
18. Overall, the conflicts I have found mean that the proposal does not comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it and therefore the appeal is dismissed.

*Nick Bowden*

INSPECTOR