



Appeal Decision

Site visit made on 12 November 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/L5240/W/24/3342310

Land adjoining 1-17 Wedgewood Way, Beulah Hill, Upper Norwood, Croydon, London SE19 3ES

- 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 Zul Virani of Lower Richmond Properties Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/04316/OUT.
 - The development proposed is the erection of 2No. 4-bedroom dwellings with associated parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Zul Virani of Lower Richmond Properties Ltd against the Council of the London Borough of Croydon. This is the subject of a separate decision.

Preliminary Matters

3. The appeal scheme is for outline planning permission with matters relating to appearance, layout and scale to be considered. As matters relating to access and landscaping are reserved for future approval, I have treated such details submitted with the application, including on the plans, as illustrative.
4. A Daylight and Sunlight Analysis¹ report has been submitted as part of the appeal. This was not before the Council when the application was determined. However, the Council have had the opportunity to comment on its contents. I am therefore satisfied that no party will be prejudiced by considering the report within my determination of this appeal.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the safety of users of Beulah Hill;
 - biodiversity; and
 - the living conditions of neighbouring occupiers of Nos. 1, 3, 9, 11 and 13 Wedgewood Way, with specific regard to outlook, daylight and sunlight.

¹ Ref: Z52259.2, prepared by EnergyCounsel, dated 3 April 2024

Reasons

Character and appearance

6. The appeal site comprises a narrow strip of overgrown land located between the Beulah Hill road pavement and the rear boundaries of odd Nos. 1-17 Wedgwood Way. Although unkempt, the existing landscape features on the site, including several modestly sized trees, soften the road corridor. The introduction of built form onto the site would result in the removal of these features to accommodate the proposed dwellings and associated car parking area. Consequently, the softening effect of the site's verdant character on the existing hard surfaces and transport paraphernalia associated with Beulah Hill would be lost, resulting in the built form and the highway corridor dominating the street scene.
7. Whilst it has been indicated that new planting will be provided to mitigate the loss of landscape group G3 on the site and group G5 located between the site boundary and No.1 Wedgwood Way, as landscaping matters are reserved for future approval a detailed landscaping scheme is not before me. Nevertheless, a coloured site plan² shows, albeit indicatively, the proposed dwellings within a verdant setting, although this plan does not differentiate between retained and proposed planting.
8. As demonstrated on the Proposed Site Plan³, there are limited locations within the site where new planting could be accommodated. For instance, along the site frontage, the gap between the boundary treatment and the access paths to the proposed dwellings is narrow and unlikely to support any new planting. In comparison, the indicative landscaping scheme shows a hedge line and trees along this boundary. Therefore, it has not been demonstrated that the proposed development would be able to provide new, viable planting to mitigate the loss of the existing vegetation groups and retain the verdant character of the site.
9. Given the mix of typologies, ages and architectural styles within the predominantly residential surroundings, the contemporary architectural appearance of the proposed development would not be incongruous. Nonetheless, the proposed dwellings would be sited close to the rear elevations of Nos. 9, 11 and 13 Wedgwood Way, resulting in a cramped relationship in contrast with the more spacious siting of properties elsewhere along Beulah Hill. This would disrupt the pattern of development in the area, irrespective of the generous gap between the built form as a result of the reduction in dwellings from a previously refused scheme⁴. Combined with the removal of the verdant landscape features on the site, this would have a detrimental effect on the character and appearance of the area.
10. Whilst the proposed dwellings would provide accommodation over three floors, only two storeys would be visible above the ground, with the lowest level constructed as a basement. This reflects the predominant height of the built form immediately surrounding the site, aside from the taller Beulah Vista Care Home located on the opposite side of Beulah Hill. Although this aspect of the appeal scheme would not be harmful to the character and appearance of the

² Drawing No. 1535_312_A

³ Drawing No. 1535_311

⁴ Council ref: 22/00823/OUT

surrounding area, it does not alter the harm I have identified resulting from the cramped siting of the dwellings and the loss of landscape features.

11. The relationship between the proposed built form and the pavement is similar to the development currently being constructed nearby on the corner of Beulah Hill and Hermitage Road. However, the depth of the appeal site is noticeably shallower than the development under construction. Furthermore. The evidence before me indicates that the Council permitted this scheme when the intensity of built form was promoted within the Suburban Design Guide SPD⁵. As this SPD has since been revoked, any comparisons between the permitted scheme and the proposed development are, therefore, limited.
12. I conclude that the proposed development would harm the character and appearance of the area, contrary to Policy D3 of the London Plan 2021 (the London Plan) and policies SP4 and DM10 of the Croydon Local Plan 2018 (the Local Plan). In combination, these policies promote development which optimises the capacity of a site through a design-led approach which, amongst other things, is informed by, protects and, where possible, enhances the local character and distinctiveness of an area.

Highway safety

13. Although access is a reserved matter, nonetheless the site layout, including the location of the car parking area, forms part of the matters for consideration. Where the proposed vehicular access could be sited is therefore restricted. A pedestrian crossing with tactile paving and a central refuge is located adjacent to where the pavement bounds the car parking area. This further restricts where vehicular access could be safely constructed. Although illustrative, the Proposed Site Plan shows the position of the access and therefore forms a consideration in this appeal; an approach also taken by the Inspector on the appeal⁶ relating to the previously refused scheme.
14. When using the crossing, pedestrians need to be aware of vehicles travelling along Beulah Hill in both directions, a busy, primary distributor route with a 30mph speed limit, as well as those emerging from several nearby junctions. The Proposed Site Access Arrangements⁷ plan indicates that vehicular access onto the site would be located close to the edge of the tactile paving. Given this proximity, pedestrians crossing to the pavement on the other side of Beulah Hill would also need to be alert to vehicles behind them, particularly those turning right out of the site, in addition to those highlighted above. Vehicles undertaking this manoeuvre would also need to cross the white hatching on the road and travel close to one of the raised sides of the refuge. Such a manoeuvre would be confusing to other users of Beulah Hill and would result in unacceptable conflict, particularly between pedestrians and vehicles.
15. This situation would be exacerbated should delivery or servicing vehicles attempt to stop for any length of time on the Beulah Hill carriageway, irrespective of the number of occurrences and despite the incorporation of the appropriate refuse and recycling facilities within the scheme. No substantive method of ensuring delivery or servicing vehicles only use Wedgwood Way and Convent Hill for these purposes is before me. Should a delivery or servicing

⁵ Suburban Design Guide Supplementary Planning Document (Suburban Design Guide SPD)

⁶ Appeal Ref: APP/L5240/W/22/3304354

⁷ Drawing No. 001 rev C

vehicle stop on the road or part of the pavement, it would also impede traffic and pedestrians moving along the appeal site side of the road, resulting in further conflict between pedestrians and vehicles.

16. Whilst the technical details of the access are reserved for later consideration, including whether the required spacing between the existing junctions onto Beulah Hill is achieved, nonetheless I have taken into account the effect of the likely location of the access on the safety of all users of the road corridor. Even if the Council's Transport Officer provided advice during a pre-application meeting which led to the location and width of the proposed access, no evidence of this discussion is before me. Regardless, advice provided at the pre-application stage is not binding upon the Council in determining subsequent planning applications.
17. Consequently, I conclude that the proposed development would harm the safety of users of Beulah Hill, contrary to Policy T4 of the London Plan and policies DM29 and DM30 of the Local Plan. In combination, these policies state that development must not have a detrimental impact on highway safety, amongst other provisions.

Biodiversity

18. The Ecological Technical Note⁸ refers to a Biodiversity Metric and Biodiversity Net Gain (BNG) Report having been submitted with the application and that indicates that the proposed development would result in a net gain in biodiversity. However, as these documents are not before me, this statement cannot be verified.
19. Notwithstanding this, the Proposed Site Plan shows a large proportion of the site would need to be cleared to accommodate the built form, gardens and car park area for the two dwellings, and the removal of G5 adjacent to the site boundary. This provides limited support to the ETN's statement that over a third of the northern section of the site would not be affected by any development.
20. Despite landscape matters being reserved for later consideration, as indicated above, there are limited spatial opportunities to incorporate new planting or implement the landscape design recommendations within the ETN. As such, and irrespective of the Council's interpretation of the habitats recorded in the various ecological reports⁹, it has not been sufficiently demonstrated that any and to what degree, BNG would result from the proposed development.
21. Consequently, I conclude that the proposed development would harm the biodiversity of the area, contrary to the aims of Policy G6 of the London Plan and Policy DM27 of the Local Plan which seek to enhance biodiversity, amongst other provisions, across the borough.

Living conditions

22. The proposed dwellings would be sited close to the rear boundaries of Nos. 1, 3, 9, 11 and 13 Wedgwood Way and, therefore, would form part of the outlook from the rear windows of these properties. Their presence would also be

⁸ Prepared by Coyle Environmental, dated February 2024

⁹ Preliminary Ecological Risk Assessment: Phase 1 Desk Study Report, dated 25 May 2023; Ecological Assessment, dated October 2023, Ecological Review, dated December 2023

noticeable to the occupants of these dwellings when in their rear gardens. As shown on the Views from the Rear Neighbours' Gardens¹⁰ submitted with the appeal, the height of the proposed dwellings would be lower than the existing landscape features on the site and would be, for the most part, screened from view. However, much of the existing features would be removed to accommodate the development and as already set out, I have significant concerns regarding the ability of new planting to be provided on the site.

23. Therefore, the removal of the site's existing landscape features would result in the proposed dwellings dominating the outlook from the rear windows and gardens of Nos. 1, 3, 9, 11 and 13 Wedgwood Way. Furthermore, even if new planting could be accommodated along this boundary, it would take time to establish and grow to a height and scale sufficient to soften these outlooks.
24. Despite the proximity of the proposed dwellings to the site boundary, their height and the distance to the rear elevations of the existing homes would permit adequate levels of daylight reaching the rooms served by the openings in these elevations. Whilst there would be some reduction in sunlight reaching the gardens of the existing properties, as demonstrated by the Daylight and Sunlight Analysis report, this loss would be minor. As such, the proposed development would provide adequate levels of sunlight and daylight for the neighbouring occupiers of Nos. 1, 3, 9, 11 and 13 Wedgwood Way, and their living conditions would not be harmed in this respect.
25. Nevertheless, I conclude that the proposed development would harm the living conditions of neighbouring occupiers of Nos. 1, 3, 9, 11 and 13 Wedgwood Way, with specific regard to outlook. It would conflict with policies D3 and D4 of the London Plan and Policy DM10 of the Local Plan which require development to demonstrate that the outlook of the occupiers of adjoining buildings is protected, amongst other provisions.

Other Matters

26. Environmental, social and economic benefits would be derived from the net gain of two dwellings, thereby supporting the Framework's objective of significantly boosting the supply of homes. The need for new homes with three or more bedrooms in the borough, as set out in Policy SP2 of the Local Plan, also weighs in favour of the appeal scheme while the contribution of small sites to an area's housing supply is supported by Policy D2 of the London Plan. However, given the scale of the proposed development, any resultant benefits would be small.

Conclusion

27. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, which indicate that a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR

¹⁰ Drawing No: 1535_332_B