



Appeal Decision

Site visit made on 24 February 2025

by **N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal Ref: APP/L5240/D/24/3352477

3 Zig Zag Road, Kenley, Croydon CR8 5EL

- 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 Mrs Lisa Falzon against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01004/HSE.
 - The development proposed is described as: Extension and roof extension, new extension to front to form front gables.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the National Planning Policy Framework December 2024 was revised. There are no substantive changes relevant to the main issues in the appeal before me.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the area; and
 - living conditions of the occupiers of 1 Zig Zag Road with specific regard to outlook.

Reasons

Character and appearance

4. The appeal property forms a modest single-storey detached dwelling set within a large plot with the surrounding area residential in nature. Whilst there is a variation in the form and design of these properties, they are primarily detached dwellings set within sizeable plots. Trees and other landscaping within large front gardens give the area a sense of spaciousness and visually soften the built environment.
5. The appeal site is set significantly lower than the highway, minimising the presence of the appeal property within the street scene. There is a Tree Preservation Order (TPO) for two trees within the appeal site, a Beech to the rear of the site and a Spruce which is located close to front elevation of the appeal property. The substantial height of these trees in combination with the lower topography of the appeal site allows them to draw focus when travelling along the highway. As such, these TPO trees have a commanding presence within the street

scene and makes an important contribution to the green infrastructure, and the character and appearance of the area.

6. The proposal does not include the formation of a car parking area nor changes to the front boundary treatment that formed part of appeal APP/L5240/D/23/3324097. Nonetheless, the tree constraints plan submitted as part of this appeal demonstrates that a portion of the front extension would be located within the root protection area (RPA) of the Spruce. Therefore, it is reasonable to suppose the proposal would interfere with the physiology of the tree, which could undermine its overall health and longevity.
7. The Tree Survey and Arboricultural Report submitted with the original application appears to be a quote, containing no assessment of the impact of the proposal on the trees nor mitigation methods to protect them. The appellant considers it unlikely that the tree roots of the Spruce will extend into the area of the proposed front extension and that the Beech will be unaffected. Nevertheless, little technical evidence of this has been presented.
8. The appellant suggests that a planning condition involving a no-dig method of construction within the RPA and tree protection fencing could be imposed. No such condition has been presented to me. Furthermore, in the absence of evidence to show the likely effects or extent of harm, I am not assured that a no-dig method of construction and fencing would be sufficient to avoid likely harmful impacts. Therefore, from the information before me, I am unable to conclude that the development would not harm trees or landscape features that contribute to the character of the area.
9. The proposal would represent a modest increase in the height of the existing ridgeline and roof form, minimising its visual bulk. The set down nature of the site in comparison to the highway would further reduce its prominence within the street scene. The ridgelines of the proposed three front gables would be set below that of the main body of the dwelling. As such, they would appear subservient and proportionate additions, preserving the horizontal, low-level form of the existing property. The proposed rear dormers would retain a modest gap between the eaves and ridge line of the host dwelling in addition to being generously spaced from one another. They would therefore appear proportionate and subservient additions to the rear roof slope. As such, the proposed alterations to the dwelling, in and of themselves, would be acceptable with regard to their effect on the character and appearance of the area. In this regard, the proposal would not conflict with the relevant provisions of Policies DM10 and DM40 of the Croydon Local Plan 2018 (2018) (Local Plan), which when read together require new development to respect the scale, height, and massing of its location.
10. Whilst the proposal would be acceptable with regards to its design, it fails to demonstrate that it would not harm trees or landscape features that contribute to the character and appearance of the area. Consequently, in this regard, it would conflict with the relevant provisions of Policies DM10 and DM28 of the Local Plan and G7 of The Spatial Development Strategy for Greater London (2021) (London Plan). When read together these require new development to retain existing landscape features that contribute to the setting and local character, in addition to not permitting development that results in the loss or the excessive pruning of preserved trees where they make a contribution to the character of the area.

11. The Council has referred to Policy D4 of the London Plan and Policy SP7 of the Local Plan. These policies primarily relate to processes of design necessary to deliver good design and delivering green infrastructure respectively. It has not been explained how these are relevant to this main issue and so I consider they weigh neither in favour of nor against the appeal proposal.

Living conditions

12. No 1 Zig Zag Road shares a boundary with the appeal site. These properties share a close spatial relationship, with a number of windows facing the side elevation of the appeal property. The proposal would result in the appeal property having a slightly wider profile and the Council consider that it would intrude within a 25-degree line angle when viewed from the eastern facing windows of No 1. Nevertheless, it would not extend beyond the existing rear building line and would therefore not project any further along the shared boundary with No 1. When combined with the relatively minor increase in ridge height and higher elevation of No 1, the proposal would preserve the existing outlook of the occupiers of No 1.
13. The Council has assessed the effect of the proposal on the living conditions of 5 and 7 Zig Zag Road, 57 Abbots Lane, and 11 Leacroft Close, finding no harm. I see no reason to disagree with the Council in this regard.
14. For these reasons, from all of the information before me including my site visit observations, I am satisfied that the development would have an acceptable effect on the living conditions of the occupiers of No 1 with regard to outlook. Consequently, it would not conflict with the relevant provisions of Policies SP4 and DM10 of the Local Plan. When read together these require new development to protect the living conditions of adjoining occupiers and enhance well-being.

Other Matters

15. The proposal would provide the appellant with additional living space. Nevertheless, this would primarily be a private benefit which would not justify the harm that I have identified.

Conclusion

16. The proposal would be acceptable with regard to its effect on the living conditions of surrounding occupiers. Nonetheless, this is a neutral factor and would not outweigh the above identified harm to the character and appearance of the area. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR