



Appeal Decision

Site visit made on 11 March 2025

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th of April 2025

Appeal Ref: APP/L5240/W/24/3353871

359 Addiscombe Road, Croydon CR0 7LJ

- 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 Bimal Puris of Future IT Services Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/03681/FUL.
 - The development proposed is retention of prayer room to the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Decision Notice and the Appeal Form describe the development as follows: 'Erection of single storey rear extension and use of property as part residential dwelling house (Use Class C3) and part public worship or religious institution (Use Class F1 (f)). (Retrospective).' This is a more accurate description of the development, and I have determined the appeal on this basis. However, reference to 'retrospective' in the description is not a form of development.
3. The Application Form confirms that the development has been completed and I was able to see that the completed works are consistent with the proposed plans upon which my decision is based.
4. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Race, religion or belief and age are protected characteristics to which the PSED applies.

Background and Main Issues

5. While not specified as a reason for refusal in the Council's Decision Notice, its Officer Report and appeal statement indicate that the development fails to be flexible, adaptable and capable of multi-use thereby conflicting with Policy DM19.2 of the Croydon Local Plan 2018 (February 2018) (the CLP). Policy DM19.2 is a criteria-based policy for community uses, which includes other considerations such as location.
6. Accordingly, the main issues in this appeal are:
 - whether the development is suitable having regard to the development plan;

- the effect of the development on the character and appearance of the site and the surrounding area;
- the effect of the development on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance; and
- the effect of the development on highway safety.

Reasons

Development Suitability

7. The appeal site relates to a detached bungalow situated on the east side of the junction of Green Court Gardens and Addiscombe Road. The north side of Addiscombe Road is predominantly residential while the south side comprises a mix of uses including a golf course, playing fields, educational and residential uses. The bungalow is in residential use and was occupied during the time of my site visit. The sizeable single storey extension in the rear garden of the appeal site is attached to the bungalow by a narrow link. The extension is in use as a public prayer room and there is a free-standing sign in the front garden of the dwelling which faces Addiscombe Road advertising the site as a Buddhist Centre.
8. Policy DM19.2 of the CLP supports applications for community uses where proposals comply with the listed criteria a) to d). It is agreed that criterion b) does not apply as the appeal site is not in an industrial location.
9. Criterion a) includes buildings which are flexible, adaptable, capable of multi-use and, where possible enable future expansion. The primary access to the prayer room is via the bungalow. Pedestrians enter the bungalow through its front door, navigate through its hallway, living room, dining room and a narrow link section to access the prayer room. The appellant contends that the open plan layout of the prayer room makes it flexible and adaptable, and that the prayer room could be converted to ancillary residential space without planning permission. However, there is no permitted development right to change from Use Class F1 to C3. Furthermore, given that the main access to the prayer room is via the bungalow, the building as a whole is not flexible, adaptable and capable of multi-use for the fact that an integral part of facility forms a private home. In addition, the internal access to the prayer room is not level with a step each between the dining room and extended dining/ utility room and the link area and prayer room, making it restrictive for people with disabilities.
10. The appellant's Planning and Transport Statement indicates that at large events, which attract 70-100 people, the side passage is used to provide access to the prayer room, in addition to the main access through the bungalow. However, the side passage is not spacious and partly used as bin storage area, making inclusive access to the prayer room difficult. Overall, the layout of the building and its dependence on access to the prayer room via living accommodation, does not represent a building that is flexible, adaptable and capable of multi-use.
11. Criterion c) requires proposals for community uses to be accessible to local shopping facilities, healthcare, other community facilities and public transport, or provides a community use in a location and of a type that is designed to meet the needs of a particular client group. Based on my observations during my site visit, the appeal site is close to a parade of shops on Shirley Road and other community

and healthcare facilities in the vicinity. While the site's Public Transport Accessibility Level (PTAL) is 2, there are bus stops, and a tram stop within a comfortable walking distance of the site. Therefore, I consider that criterion c) is met.

12. Criterion d) requires proposals that are for town centre uses, as defined by the National Planning Policy Framework (the Framework), to be located within Croydon Metropolitan Centre or a District or Local Centre. The definition of main town centre uses as set out in the Glossary of the Framework does not include religious buildings or places of public worship. Therefore, in my consideration, criterion d) does not apply.
13. For the reasons given, the development is not suitable as it does not meet criterion a) of Policy DM19.2 of the CLP, and thus conflicts with the policy.

Character and Appearance

14. The single storey height of the extension and the existing boundary fence and trees bordering the western periphery of the site limits the visual impact of the extension on the street scene. However, the extension has a very large floor area and covers a significant proportion of the garden. While the remaining garden area remains relatively spacious, the extension does not appear visually subordinate to the main dwelling due to its considerable size.
15. Furthermore, the extension and the main building are poorly integrated by a narrow link between them, resulting in an incohesive and fragmented building. The exterior walls appear to be of non-standard construction and is degraded in parts. The external materials and finish of the extension are of poor quality, adversely affecting the visual quality of the site.
16. While the appellant contends that it is not uncommon to see large ancillary buildings within sizeable plots in the area, no specific examples have been put to me of similar extensions. In any event, I have considered the appeal proposal based on its own merits.
17. The appellant argues that the extension could be used as ancillary residential accommodation in the event the appeal is dismissed. However, such a fallback position in the form of development permitted under Schedule 2, Part 1, Class E would not apply as the extension would not meet the height limits set out in relevant conditions under the Town and Country Planning (General Permitted Development) (England) Order 2015.
18. As existing, the associated comings and goings generated by the various services, meetings and events related to the place of worship harms the residential character of the site and its surroundings. The siting of the prayer room in the rear garden of the dwelling is also anomalous and incongruous with the pattern of development in the area.
19. For the reasons given, the development harms the character and appearance of the site and the surrounding area. As such, it conflicts with Policies SP4 and DM10 of the CLP and Policies D3 of the London Plan (March 2021) (the LonP) insofar as they require development to respect the development pattern, respond to existing character and achieve high quality design.

Living Conditions

20. According to the Planning and Transport Statement submitted with the planning application, approximately 15-20 people attend the appeal site every Sunday for Buddhist study sessions and prayers. Yoga classes are held in the building every Sunday with around 8-10 attendees. Meditation classes take place every Wednesday with up to 15 attendees. In addition, the building is occasionally used for larger gatherings such as funerals and celebrations with 70-100 people in attendance. The time and duration of the various services, classes and events have not been specified.
21. The appellant suggests that noise levels at existing dwellings, although unspecified, fall well below the World Health Organisation's Guidelines for Community Noise (1999) and that there are no significant adverse impacts as a result of the use. However, no substantive evidence has been submitted to support this statement such as a noise survey.
22. While the appellant asserts that the use, which has been in operation for some time, has not received complaints, local residents have raised concerns during the planning application process about noise and disturbance generated by singing, chanting, musical instruments, amplified sound, the letting off of fireworks at celebrations and the comings and goings of people and cars. Although some of these activities may be associated with that of a dwelling, the frequency of meetings and events and the number of comings and goings generated by the religious building is not comparable to activities usually associated with a single family dwelling.
23. A noise management plan could help to reduce noise disturbances and be imposed by a condition if the appeal were allowed. However, given the lack of robust baseline information regarding the noise levels of the use, there is no certainty that a noise management plan would be effective in reducing noise to acceptable levels.
24. In the absence of substantive evidence to the contrary, the religious building gives rise to a level of noise and disturbance that is disruptive to the occupiers of nearby residential properties. No noise mitigation measures have been put forward as part of the appeal proposal.
25. For the reasons given, the development causes harm to the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance. The development is contrary to Policies SP4, D3, DM10, D13 and D14 of the CLP insofar as they require development to enhance social cohesion and well-being, protect the amenity of the occupiers of adjoining buildings and prevent or mitigate the impacts of noise.

Highway Safety

26. Addiscombe Road is a red route which means no stopping at any time, and Green Court Gardens has waiting restrictions with unrestricted parking bays. The majority of the spaces in the bays were occupied during the time of my site visit, which did not coincide with a religious service or event. There is a single vehicle width access/ egress to the site, close to the junction with Addiscombe Road. The access becomes a driveway where four cars can be parked, one behind the other.

27. While I am advised that four parking spaces exceeds the required standards, swept path drawings have not been submitted to demonstrate that vehicles can enter and exit the site in a forward gear. The appellant contends the Council's request for swept path drawings is unreasonable on the basis that the site access and use would not be changed. However, this assumes that the unauthorised development is acceptable in terms of parking provision and arrangement. Based on my site observations, co-ordination between drivers would be required for vehicles to access/ egress at different times. Therefore, the useability of the car parking spaces would be compromised due to the inconvenient parking arrangement.
28. The appellant indicates that attendees of the religious building are typically older in age and do not drive so there is no increased parking stress in the area. However, there is no substantive evidence before me to support this statement such as a travel or parking survey. Based on comments received at the planning application stage, a number of attendees do not live locally which may increase the use of car travel to the site.
29. Local residents have pointed to increased vehicle traffic and parking congestion in the adjacent streets during religious services and events with cars parked fully on pavements and blocking driveways. The Council has expressed similar concerns with regard to inappropriate parking. While I did not observe inappropriate parking at the time of my site visit, the level of on-street parking in the vicinity was relatively high during a time which did not coincide with a meeting or service. For larger events at least, it is highly likely that the development generates significant demand for on-street parking with no mitigation provided to address this.
30. In the absence of substantive evidence to the contrary, and taking account of the factors above, the development increases demand for parking on the highway, which increases the risk of people parking in spaces which are not appropriate and increases vehicle movements from people seeking to find spaces in an area where demand already appears to be high. Consequently, these effects harm the proper functioning of the highway and increase the risk of pedestrian and vehicle collisions in the area, therefore harming highway safety.
31. The appellant has suggested that a Travel Plan could be imposed by a planning condition to mitigate the effects of the development. However, as the place of worship at the site is operating and has been for some time, the effectiveness of a Travel Plan would likely be limited as travel practices have already become established. It is also unclear what measures could realistically be implemented.
32. For the reasons given, the proposed development has an unacceptable impact on highway safety and is therefore contrary to Policies DM29 and DM30 of the CLP and Policy T4 of the LonP insofar as they require development to not have a detrimental impact on highway safety and to not increase road danger.

Other Matters

33. The appellant has suggested a temporary consent of around 12 months to provide time for the effects of the religious building to be 'understood'. According to the Application Form, the change of use of the extension was completed in May 2021. Therefore, the religious building has already been in operation for some time and its effects are already apparent. Thus, a temporary consent would serve no purpose in this respect.

Planning Balance and Conclusion

34. Letters of support express the importance of the religious building to the local Vietnamese community, the Buddhist faith and mental health. While the Framework supports development that provides social and cultural benefits to communities, it also seeks to ensure that development is sympathetic to local character, that safe and suitable access to the site can be achieved and that it would not have an unacceptable impact on highway safety.
35. That the development does not affect the living conditions of nearby residents with regard to privacy and anti-social behaviour are expectations for all development that weigh neither for nor against the proposal and is considered neutral.
36. I have found that the development harms the character and appearance of the site and the surrounding area. It also harms the living conditions of neighbouring occupiers with regard to noise and disturbance, and harms highway safety. Furthermore, the building is not flexible, adaptable and capable of multi-use as required by Policy DM19.2 of the CLP. These harms collectively carry significant weight, which outweigh the benefits of the development. Therefore, the development conflicts with the development plan, when considered as a whole. Material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. Accordingly, it would be proportionate and justifiable to dismiss the appeal.
37. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR