



Appeal Decision

Site visit made on 15 April 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2025

Appeal Ref: APP/L5240/D/24/3352407

11 Forrest Gardens, Norbury, Croydon, London SW16 4LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Javed against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01755/CONR.
 - The application sought planning permission for erection of upward extension, two storey side and rear extensions and conversion of garage. Alterations to roof with erection of rear and side dormers and installation of rooflights. Alterations of fenestrations. Hard landscaping and car parking provision in the front garden providing two off street parking spaces without complying with a condition attached to planning permission Ref 23/02848/HSE, dated 24th April 2024.
 - The condition in dispute is No 9 which states that: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, AA, B, C and E shall be carried out within the site without express planning permission first being obtained from the Local Planning Authority.
 - The reason given for the condition is: To ensure that future development does not cause unacceptable harm to trees or adjacent occupiers and to ensure that the site would not be overdeveloped.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted for multiple extensions to the appeal property which included a condition removing permitted development rights for rear and side extensions, additional storeys, roof additions/alterations and outbuildings. The Council considers the condition necessary to prevent overdevelopment of the site, protect trees and the living conditions of adjacent occupiers. The appellant objects to the condition as they consider it to be unreasonable.
3. The main issue, therefore, is whether the condition is reasonable or necessary to protect trees and in the interests of the character and appearance of the area and the living conditions of adjacent occupiers.

Reasons

4. The appeal property is a modest detached bungalow, on Forrest Gardens, a residential cul de sac. It is located between the access serving Angelo Mews and a separate access serving the bungalows at the end of the cul de sac. The property sits forward of the plot with a good sized rear garden containing a number of trees.

Forrest Gardens is characterised by modest semi-detached dwellings and bungalows which have a well-designed cohesive appearance due to the form, size and position of dwellings within their plots.

5. The extant permission¹ details generous additions to the appeal property that would significantly increase the footprint and mass of the dwelling. These additions include an increase in the overall height of the property and extensions to the roof, side and rear of the dwelling. Further extensions to the property would result in disproportionate additions to the original dwelling which would both dominate the appeal property and fail to respect the modest form and scale of the dwellings in Forrest Gardens.
6. The appellant considers that due to the approved extensions, the only feasible options to further extend the property, would be to erect a porch, or seek prior approval for an 8m rear extension. However, condition nine does not prevent the erection of a porch under Class D and it has not been adequately demonstrated that other alterations to the dwelling and development within the site would not be possible under Classes A, AA, B, C and E.
7. With reference to the prior approval process, this would not consider the impact on trees within the site, nor would it consider the impact on the character and appearance of the area. This is relevant given that the extant permission details generous alterations to the side, rear and roof of the dwelling which would result in the property being significantly larger than others on Forrest Gardens. In any event, revoking this right would not preclude the appellant from making an application for planning permission in the event the appellants family grows, whereby the impact on trees within the site and the character and appearance of the area could be considered.
8. Whilst the property does not have direct adjacent neighbours, which would limit the effect of proposed development on the living conditions of neighbouring properties, it would not address the potential impact to trees within the site or the character and appearance of the area arising from future development.
9. Reference is made to the cited policies not being relevant to the removal of permitted development rights. Whilst they do not specifically refer to the removal of such rights, they emphasise the need for proposals to enhance local context by responding to local distinctiveness through their scale and appearance. Controlling further extensions to the property would therefore align with the aim of responding to local distinctiveness in terms of the scale of the appeal property.
10. For the reasons above, the condition in dispute is both reasonable and necessary as it continues to fulfil a useful planning purpose in protecting trees and the character and appearance of the area. Its removal or variation would conflict with Policy D3 of the London Plan and Policies SP4 and DM10 of the Croydon Local Plan. Amongst other things, these policies seek proposals to respect and enhance local character and enhance local context by proposals responding to local distinctiveness through their scale and appearance.

¹ 23/02848/HSE

Conclusion

11. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is therefore dismissed.

V Goldberg

INSPECTOR