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## Appeal Decision

Site visit made on 14 April 2025

**by V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 4<sup>th</sup> of June 2025**

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**Appeal Ref: APP/L5240/W/24/3347067**

**10-18 Portland Road, South Norwood, London SE25 4PF**

- 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 Sam Shah against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 24/00711/FUL.
  - The development proposed is the construction of a roof extension to existing terraced buildings at 10-18 Portland Road SE25, to provide 5x1 bedroom flats, including amenity space roof terrace, associated refuse, bulky goods and cycle storage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.

### Main Issues

3. The main issues are:
  - the suitability of the size of the proposed flats, with particular reference to the spatial strategy in the development plan;
  - whether the proposed development would preserve or enhance the character or appearance of the South Norwood Conservation Area; and
  - whether a s106 is necessary to address the transport impacts of the proposed development.

### *Unit size*

4. Policy SP2.7 of the Croydon Local Plan 2018 (CLP) seeks to ensure a choice of homes is available in the borough to address the need for homes of different sizes. As a result, the policy sets a strategic target for 30% of all new homes up to 2036 to have three or more bedrooms.

5. The appeal scheme proposes five one bedroom units which would fail to achieve this target. Whilst the site is within a town centre with a good Public Transport Accessibility Level (PTAL), which could appeal to individuals, this would not negate the need to address the boroughs need for larger units. This need has been demonstrated in the Councils Strategic Housing Market Assessment<sup>1</sup> and the Annual Monitoring Report <sup>2</sup>. These reports have established that the recent supply of housing has been skewed towards one and two bedroom units with evidence of an ongoing need for family homes.
6. Reference is made to the proposed units being unsuitable for family accommodation, due to the need to climb up four flights of stairs. However, there is no requirement for family units to have a lift or be located on a ground floor. In addition, the site is in an established residential area with nearby schools, and it is plausible that larger units in this location could appeal to families with older children, who could navigate the four flights of stairs.
7. Whilst the neighbouring site will provide a mixture of 1, 2 and 3 bedroom flats this would not prevent the proposed units providing an established need. In addition, despite the existing flats in the terrace all being one bedroom units, there is no requirement for the proposed units to be the same.
8. For the above reasons the size of the proposed flats would not be suitable, having regard to the Council's spatial strategy. The proposal would therefore be contrary to policy SP2.7 of the CLP.

#### *Character and Appearance*

9. The site is located within the South Norwood Conservation Area (CA). The significance of the CA is derived from its architectural and historic interest as a Victorian suburb, initiated by the establishment of the railway station. Portland Road was an addition to the CA in 2022. It was added because it has been identified as a historic shopping street and the group value of the buildings and shopfronts along Portland Road were considered to make a positive contribution to the CA.
10. In considering whether to grant planning permission, I have been mindful of my statutory duties under 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
11. The appeal site is a terrace of three storey properties with shopfronts at ground floor. It is read in conjunction with the neighbouring terrace which leads up to the corner with Clifford Road. Despite some differences in external finishes between the terraces, there is a consistency in the height, form, rhythm and materials that positively contribute to their traditional character and cohesive appearance and the character and appearance of the CA.
12. The proposed mansard roof resulting in a fourth floor would be uncharacteristic of this section of Portland Road being taller than the neighbouring terrace, and significantly taller compared to the modest two storey buildings opposite. In addition, despite being proportionate to the extension, the ten proposed dormer windows would add considerable bulk and height at this level resulting in an incongruous addition to the roof. Whilst the proposal has been designed to provide

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<sup>1</sup> Published June 2015

<sup>2</sup> April 2020 to March 2022

private amenity space, the design of the roof terrace on top of the proposed mansard roof would further exacerbate the bulk and mass of the proposed roof extension. Consequently, the proposal would fail to preserve or enhance the character or appearance of the CA.

13. Whilst the Framework is supportive of mansard roofs, this is based on proposals being consistent with the prevailing form of neighbouring properties and the overall street scene. Despite various roof forms, mansard roofs are not a feature of the road. As a result, the proposal would fail to be consistent with the prevailing form of neighbouring properties.
14. Reference is made to properties<sup>3</sup> on Portland Road that have front dormers and three or four storeys. These sites are either outside of the CA or the extension predates its designation. In any event the examples cited are not read in the context of the appeal site and are in the minority. Consequently, they are not comparable to the development before me and do not justify a planning permission.
15. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. With reference to the harm to the CA identified, given the scale and nature of the proposal, the degree of harm to the significance would be less than substantial, which Paragraph 208 of the Framework indicates should be weighed against the public benefits of the proposal.
16. In terms of the benefits, the proposal would provide five additional flats. It would also result in the more efficient use of land through the upward extension of the building and inject life into this section of Portland Road. However, given the scale of the proposal, these benefits are given modest weight and would be insufficient to outweigh the less than substantial harm to the CA.
17. For these reasons, the proposed development would fail to preserve or enhance the character and appearance of the CA and would therefore conflict with the duty under 72(1) of the Act. The proposal would also fail to accord with policies DM10 and DM18 of the CLP. Amongst other things these policies seek proposals to preserve and enhance the character, appearance and setting of heritage assets with proposals being required to be of a high quality which respects the scale, height and appearance of the surrounding area.

### *Transport Impacts*

18. Policy DM30 of the CLP seeks to reduce the impact of car parking in areas with a PTAL value above four. Given that the appeal site has a PTAL value of five and is located within a controlled Parking Zone (CPZ), the proposed car free nature of the development would accord with the aims of the policy, subject to a legal agreement removing resident eligibility for parking permits.
19. Reference is made to a legal agreement that has been signed in respect of an alternative scheme at the site. The planning history as set out by the Council would suggest that the agreement relates to the change of use of the first and second floors at the property to 2 x 1 bedroom flats. As a result, this agreement

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<sup>3</sup> 28 Portland Road, 40 Portland Road, and 113-121 Portland Road

does not relate to the proposal and cannot be relied upon to reduce the impact of car parking in respect of the appeal scheme.

20. For the above reasons, a s106 agreement is necessary to address the transport impacts of the development. The development would therefore be contrary to policies T4 and T6 of the London Plan (2021) and policies SP8, DM29 and DM30 of the CLP insofar as they seek to restrict car parking in line with public transport accessibility, reduce the impact of car parking and promote measures to increase public transport, cycling and walking.

### **Other Matters**

21. It is noted that the appellant would have been amenable to removing the roof terrace. However, the appeal process should not be used to evolve a scheme. If the appellant considers that removing the terrace would overcome the Council's concerns, a fresh planning application should be made.

### **Conclusion**

22. 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. The appeal is therefore dismissed.

*V Goldberg*

INSPECTOR