



---

## Appeal Decision

Site visit made on 11 February 2025

**by Thomas Courtney BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12<sup>th</sup> June 2025**

---

**Appeal Ref: APP/L5240/W/24/3342444**

**252 High Street, Croydon CR0 1NF**

- 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 Sterling Rose Homes Ltd against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 23/03811/FUL.
  - The development proposed is the construction of a single-storey extension at 2nd floor level to the existing building to provide 1no. new flat. Associated alterations to include refuse and cycle storage. (Resubmission).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On my site visit, I observed that the works are at an advanced stage. There is no certainty, however, that the works already carried out match the proposed plans. My assessment of the appeal is therefore based on the submitted drawings on which the Council made their decision.

### Main Issues

3. The first reason for refusal as stated on the Council's Decision Notice related to the access to the proposed residential unit on the ground floor of the appeal building and the provision of communal cycle and refuse facilities. The Council argued that the proposal was predicated on a separate consent that had yet to be implemented. The separate application referred to is application ref 23/03085/GPDO for the change of use from Office (within Use Class E) to Residential (within Use Class C3) to comprise of 13 residential units.
4. The evidence before me, including my site visit observations, confirms that application ref 23/03085/GPDO has been implemented and construction works are ongoing. In their appeal statement, the Council states that they would not contend this reason for refusal.
5. Therefore, the main issues in this case are:
  - the effect of the proposal on the character and appearance of the appeal building and surrounding area;
  - the effect of the proposal on the living conditions of neighbouring occupiers at nos 32, 33 and 34 Wandle Road with particular regard to outlook and sense of enclosure; and

- the effect of the proposal on highway safety with particular regard to parking and whether the proposal would provide adequate contributions towards sustainable transport.

## Reasons

### *Character and appearance*

6. The appeal site comprises a building located on the High Street within Croydon. The surrounding area is mixed in character with the High Street typified by three to four storey buildings with retail and commercial uses on the ground floor and office or residential in the upper floors. To the rear, the site is bounded by the two-storey residential properties located on Wandle Road.
7. The existing building features a stepped appearance at the rear, which helps to break down its overall mass and maintain a sense of visual hierarchy. However, the proposed extension fails to provide a sufficient set back from the building edge to respect or continue this established form. Instead, the excessive bulk of the proposed extension would accentuate the building's upper massing, disrupt the stepped profile, and undermine the architectural rhythm of the rear elevation.
8. The appellant states that the principle of the extension, referred to as the 'shell and walls', has already been established in a previous decision<sup>1</sup>. However, unlike the previously refused scheme, which incorporated a wider set back to reduce the visual impact of the upper extension, the proposal's reduced set back would result in a bulkier and more imposing form. Consequently, it would be visually intrusive and would lead to a greater degree of harm than the earlier scheme.
9. The integrated side balcony, although it wouldn't project out, would fail to harmonise with the architectural form of the building. In light of its design and placement, it would be read as an awkward and incongruous addition that would disrupt the visual integrity of the side elevation. Whilst it is acknowledged that it would not feature prominently in the immediate street frontage, the balcony would remain clearly visible from a range of public and private vantage points, including views from West Street. Distance alone does not mitigate visual harm, particularly where the design is incongruous and lacks sensitivity to the host building's form.
10. Furthermore, the presence of other large buildings in the wider vicinity does not justify the excessive bulk and massing of the proposed extension. The contextual scale of nearby development must be considered alongside architectural coherence and site-specific constraints. In this instance, the proposed balcony and over-scaled extension would be intrusive and would not positively contribute to the existing building and surrounding context.
11. The provision of amenity space is a relevant consideration, and I acknowledge the appellant has sought to address this issue following the refusal of the previous scheme. However, amenity space should be integrated in a manner sympathetic to the building's form and context. In this case, the proposed balcony would not achieve that.
12. The proposal, due to its excessive bulk, volume, width and vertical massing, would appear visually obtrusive and overly dominant, thereby harming the character and appearance of the appeal building and surrounding area. It would therefore conflict

---

<sup>1</sup> Application ref 23/01989/FUL.

with Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP) and Policies D3 and D4 of the London Plan 2021 insofar as they seek to ensure proposals are well-designed and respect local character.

#### *Living conditions*

13. The rear wall of the appeal building directly abuts the rear garden of 34 Wandle Road. Several other properties on Wandle Road, including Nos 32 and 33, have rear gardens and rear elevations sited in close proximity to the appeal building. The proposal would increase the height of the building in this location, and given the extension's minimal set back, the building would appear as a tall three-storey structure.
14. Whilst the appellant argues that the separation distances between the extension and the rear walls of the properties on Wandle Road would be adequate, this does not fully address the impact of the proposal's increased height and mass in such close proximity to sensitive residential boundaries. The proposed addition of vertical mass to the existing building would significantly alter the outlook of the neighbouring occupiers. The resultant building would be imposing, lead to a loss of spaciousness, and adversely dominate the rear outlook of the neighbouring dwellings.
15. Furthermore, the appellant's assessment focuses primarily on separation distances from rear elevations and fails to account for the impact on adjoining rear gardens. These spaces are particularly sensitive to increased enclosure, and the added height, mass and vertical bulk of the extension would result in an overbearing presence, diminishing the quality of these outdoor amenity areas.
16. For these reasons, I conclude that the proposal would harm the living conditions of the neighbouring occupiers at 32, 33 and 34 Wandle Road with regards to a loss of outlook and an adverse sense of enclosure. It would therefore conflict with Policy DM10 of the CLP and Policies D3 and D4 of the London Plan insofar as they seek to ensure the amenity of the occupiers of adjoining buildings are protected.

#### *Highway safety and transport contributions*

17. The appellant states that the development would be car-free and the new residents would be restricted from having access to parking permits. However, I have not been provided with a mechanism or binding legal agreement to secure the removal of parking permits. Notwithstanding the modest scale of the development, it has not been demonstrated that the proposal would not increase parking stress in the area. This could negatively impact highway safety as a result of obstructions, illegal or footway parking.
18. Furthermore, the proposal has not put forward any agreement to make contributions towards the delivery of sustainable transport improvements in the area.
19. The appellant contends that contributions and parking permit restrictions can be controlled via condition. However, as stated within the Planning Practice Guidance, the imposition of a condition requiring the appellant to enter into a planning obligation is unlikely to be appropriate or pass the test of enforceability. In order to deliver sufficient certainty for all parties and in the interest of transparency,

it is preferable for planning obligations and agreements to be entered into and finalised prior to granting planning permission.

20. Paragraph 010 of the planning practice guidance states that in exceptional circumstances, a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk. In my view, there is no substantive evidence to demonstrate the delivery of the development would be at risk. Therefore, I find that it would not be appropriate to secure the sustainable transport contributions and parking permit restrictions via the imposition of conditions.
21. Given this, I conclude that it has not been satisfactorily demonstrated that the proposal would be a car-free development and provide adequate contributions towards sustainable transport. Consequently, it would harm highway safety and conflict with the relevant provisions of Policies SP8 and DM29 of the CLP and Policies T1 and T4 of the London Plan which seek to ensure proposals do not have a detrimental impact on highway safety and promote sustainable travel.

### **Other Matters**

22. I note that the appellant considers that there was a lack of engagement by the Council during the application process. However, this has not had a bearing on my assessment of the scheme. It is a neutral consideration which neither weighs against or in favour of the appeal.

### **Conclusion**

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

*Thomas Courtney*

INSPECTOR