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## Appeal Decision

Site visit made on 6 June 2025

by **I A Dyer BSc (Eng) FCIHT**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

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**Appeal Ref: APP/L5240/W/24/3352423**

**75A Foxley Lane, Purley, Croydon CR8 3HP**

- 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 Premiere Properties London Ltd against the decision of the Council of the London Borough of Croydon.
  - The application reference is 24/00632/FUL.
  - The development proposed is demolition of the existing house and the erection of a two and a half storey building comprising 8 new residential dwellings with associated car parking, refuse and cycle storage facilities and associated landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since the Council's determination of the application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. The parties have had the opportunity to make comments on the revisions to the Framework as part of the appeal process and I have taken any comments that I have received into account in my decision.
3. The description of the development provided in the application form contained unnecessary description of design details. I have, therefore, used the description provided on the decision notice as this provides a more succinct, accurate description of the proposal.
4. The site backs onto the Webb Estate Conservation Area (the CA). I have, therefore had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The special interest of the CA, in as much as it relates to this appeal, relates to its character and appearance as an early example of a purposely designed residential estate and its verdant, tranquil environment. The boundary of the site is densely planted, incorporating mature trees. Given the effectiveness of this barrier in providing contextual separation of the area outside the CA, it, thus, would not affect its setting. I note that the Council share this view.
6. The Council acknowledge that, within paragraph 5.91 of the officer's report, relating to ecology, there is an administrative error, and the paragraph presents the wrong conclusion in its summary. The Decision Notice identifies harm in its reasons for refusal (reason for refusal 8). The Council have confirmed their position in their Statement, on which the appellants have had the opportunity to comment. I have, in

any case, determined this appeal having regard to the reasons for refusal set out in the Council's Decision Letter.

## **Main Issues**

7. The main issues in this appeal are: -

- The effect of the proposal on the character and appearance of the site and the surrounding area;
- The effect of the proposal on the living conditions of neighbours, with particular reference to enclosure, outlook and privacy;
- Whether the proposal would provide adequate living conditions for future occupiers, with particular reference to the provision of amenity space;
- Whether the proposal would make sufficient provision for car parking and the effect of the proposal on highway safety in the area;
- Whether the proposal makes suitable provision for access to more sustainable transport;
- The effect of the proposal on biodiversity, with particular reference to protected species and habitats; and: -
- Whether the proposal makes suitable provision for the discharge of surface water.

## **Reasons**

### *Character and appearance*

8. The Mayor of London's London Plan (2021) (the London Plan) sets out, in Policy D3, a strategy for achieving sustainable densification of housing development through a design-led approach.
9. Policy DM10.1 of the Croydon Local Plan 2018 (2018) (the Local Plan) sets out the expectation that new development on brownfield sites, such as the appeal site, would provide a minimum of three storeys, subject to the surrounding context.
10. Whilst the site lies in an established residential area, it has low accessibility to public transport such that existing sustainable transport modes would not support significant densification, and so policies, rather, seek incremental densification that would be in keeping with its context.
11. The dwellings in the area immediately surrounding the site are generally substantial two-storey detached and semi-detached houses, set back in large plots on a roughly consistent building line behind generous front gardens. Whilst varying in detail the individual buildings are predominantly of traditional design mainly of brick with pitched, tiled roofs. Generally, the detached properties are asymmetrical in design adding visual interest to the built form of the area. Front boundaries are often planted, and include prominent trees, as is the case with the appeal site. This planting provides enclosure to the street and give the area a sense of verdancy and of privacy.

12. To the rear the large gardens give a feeling of verdancy and openness. The land behind the dwellings contains several large trees that are visible from the street, and these contribute to the general verdancy of the area.
13. The degree of consistency in the urban grain and verdancy, together with the privacy of the front gardens and the variety of appearance of individual buildings are positive characteristics giving the area in which the site is located a strong sense of place.
14. The proposal would introduce a three-storey building with accommodation in the roof space featuring two prominent, symmetrical, gables. The gables would contain balconies fronted with glass balustrades. The gables would project just beyond the existing building footprint and sit forward of the general building line. Whilst both of the existing neighbouring dwellings are two storeys in height the proposal's roofline would be higher than either. In the case of 75B Foxley Lane (No 75B), significantly so. The difference in building heights between the proposal and the neighbour at 77 Foxley Lane (No 77) would be less pronounced, yet still noticeable.
15. The dominance of the building in the street scene would be emphasised by the massing of the twin gables and the attention of the eye would be drawn to the glass balustrades by their reflective nature. The close proximity of the buildings to its neighbours would further allow direct visual comparison with its neighbours. This would further be emphasised by the removal of planting in the front garden and hedging to the front boundary, opening up the site to view and emphasising its presence to the street.
16. Also, the proposed building would project to the rear of its neighbours. Whilst there are rear projections on existing dwellings, and no consistent rear building line, these are, in the vicinity of the proposal, generally single storey. The building would, on one side, project to the rear at its full three storeys.
17. The proposed building would be significantly deeper than the neighbouring properties, extending bulky built form into the more open rear gardens. This reduction in openness would be harmful to the otherwise more spacious character of the rear gardens and further undermine the grain of development.
18. In this case, the local pattern of development and the scale, height and massing of the immediate area are such that the proposal's rear height and bulk would be out of context, and it would fail to respond to the prevailing pattern and form of development. This would be noticeable to anyone in the rear gardens nearby or at nearby rear windows in neighbouring properties.
19. The dual gable frontage would result in a symmetrical building when observed from the street. As I have identified above, this would be an atypical design in the area for a detached building.
20. Existing planting provides a degree of verdancy and privacy to the front gardens and the dwellings behind. The proposal would pave the front garden, reducing the verdancy and privacy that I have identified above as contributing positively to the character and appearance of the area.
21. The appellants have brought my attention to more recent developments in the wider area, 61, 85, 92, 94, 104 and 114 Foxley Lane, which are clearly of three storeys in height. I have also been made aware that 90 Foxley Lane has been

- granted planning permission for redevelopment. However, the appellants have not provided any details of this development and, as it has yet to be constructed, I have been unable to determine its relevance to the case before me. The other developments have been built and so I have been able to assess their impact on the area.
22. These developments have introduced buildings of a similar scale to the proposal to the wider area. It is generally the case that the buildings cited by the appellants appear in context of more massive buildings where the contrast is not so marked. Further, their roof design is not dominated, as is the case for the proposal, by large gables containing glazed balconies that emphasise the three levels of accommodation within the building.
  23. The appellants argue that some front gardens have already removed their planting, paving them to accommodate car parking. This is the case, particularly, on the flatted developments identified above. These occur mainly on the northern side of the street, and already give that area a more open, less private appearance. The character of the front gardens has already, to a degree, undermined those aspects of the character and appearance in their vicinity. To further introduce large areas of parking on the south side of the street would further undermine the character and appearance of the area, and those positive aspects that I have identified above would be further undermined.
  24. The development proposes to landscape the front garden. However, given the area to be paved, the width of the vehicular access and the proximity to the street, this would be unlikely to be effective in softening the visual impact of the large, paved area or the proposed building and, given the extent of the surfacing, there is no guarantee that planting would thrive.
  25. The site contains two large trees, both Copper Beech, and these are protected by Tree Preservation Orders. One tree is located in the front garden, whilst the other lies to the rear. Both lie close to the boundary with No 75B.
  26. The front garden tree makes a significant positive contribution to the verdancy of the street scene, whilst the rear garden tree makes a significant contribution to the verdancy of the back land and is visible in some views from the street, thereby contributing to the general feeling of verdancy in the area.
  27. The appellants submitted an Arboricultural Survey and Planning Integration Report to accompany the application, which concluded that these trees could, subject to suitable tree protection measures being provided during the construction phase, be retained without significant harm. However, there is dispute between the parties regarding the effect of post-construction stress on the trees.
  28. From the evidence before me the canopy of the rear garden tree would encroach over the footprint of the building. Its canopy spread and location to the south of the proposed building would overshadow the dwelling, particularly rear windows and private amenity areas. This would be likely to lead to pressure from residents to prune branches or fell the tree.
  29. Further, the root protection area (RPA) of the rear garden tree extends under the private amenity area for the ground floor flats and the projecting rear element of the building to a significant degree. That of the front garden tree extends beneath extensive areas of hardstanding and a part of the front of the building.

- Notwithstanding the use of no-dig construction methods in creating the parking areas, it has not been demonstrated that the RPAs would remain undisturbed during construction of foundations and the root system affected in the long term where roots extend beneath the new structures and hard standing. Any deterioration of the trees would increase concerns of future residents and the wider public about falling limbs and increase the pressure for pruning or felling. These pressures would be likely to harm the longevity of the trees, with significant risk of loss.
30. The loss of the trees would undermine the verdancy of the areas to the front and rear of the proposed flats, with further adverse impact on the character and appearance of the area.
  31. Bringing these matters together, whilst local planning policy encourages the densification of brownfield sites, including introducing three-storey residential buildings, in this particular case the building's design fails to respond to its context. It would be a jarring, incongruous addition to the area, harmfully undermining the character and appearance of the area. Further, the verdant character and appearance of the area would be undermined should either of the two trees be lost.
  32. Densification of residential use in the area will, inevitably, lead to changes to the character and appearance of the area, as the scale of built form and car parking provision increase. However, in totality, the scale of change resultant from this proposal would be unsympathetic to its context and be of such magnitude as to go beyond incremental changes: the effects would be substantial.
  33. I therefore find that the proposal would harm the character and appearance of the site and the surrounding area, and would therefore be contrary to the aims of Policies SP4, DM10 and DM28 of the Local Plan and Policies D3 and G6 of the London Plan in as much as these, together, seek, amongst other things, to ensure that development optimises site capacity whilst achieving high quality design by ensuring that it responds to the distinctive qualities of its location and protect trees that make a contribution to the character of the area from avoidable loss or excess pruning. In so doing the policies require the consideration of matters such as development pattern, layout, siting, scale, height, massing, density, appearance, existing materials and built and natural features of the surrounding area.
  34. The appellants have brought to my attention a publication by the Council, the "Suburban Design Guide Supplementary Planning Document", asserting that the guidance within that document supports their design approach. However, whilst still current at the commencement of discussions with the Council about the site, this document had been withdrawn by the Council prior to determination of the application and, as such, carries no weight in my determination of this appeal.

#### *Living conditions of neighbours*

35. As I have identified above, the proposal includes a significant three-storey element projecting to the rear. The immediate neighbours are Nos 75B and 77. The projecting rear element would run parallel and close to the boundary of No 77. At present the boundary to No 77 is densely planted, providing a high degree of screening close to the buildings. However, the planting on the boundary with No 77 would be largely removed to make way for the proposed building and a side accessway. The boundary with No 75B is more open, and is mainly formed by a

fence, nonetheless what planting there is would be significantly reduced closer to the dwellings.

36. There are windows on both floors in the rear elevations of these houses and these are likely to contain habitable rooms. The neighbours currently enjoy a distinct sense of openness in their rear gardens and in the outlook from their windows. The introduction of a three-storey building would introduce an unacceptable sense of enclosure for anyone standing in the rear gardens of the neighbouring properties, particularly in the garden of No 77, where the rear-projecting element is closer to the boundary. Similarly, anyone standing at the rear windows of the neighbouring houses would be aware of the new building and its reduction in the openness of the back land.
37. The side elevations of the rear- projecting element would contain a number of windows on its upper two storeys. These windows would provide direct views over the neighbouring gardens. The neighbouring gardens provide the principle outdoor private amenity space for the occupiers of those dwellings. Anyone in the neighbouring gardens would experience an unacceptable increase in both surveillance and the perception of surveillance of the private gardens with a corresponding loss of privacy to the occupants of the neighbouring properties.
38. This could be resolved for non-habitable rooms, such as bathrooms, by obscure glazing for the windows. However, some of the rooms in question serve habitable rooms, and such an approach would unacceptably restrict outlook for future occupiers, thus undermining their living conditions.
39. The building would lie outside of a 45-degree line measured in both horizontal and vertical planes from the centre of the windows in the neighbouring properties: reflecting the approach recommended in the Building Research Establishment “Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice”. Therefore, the proposal will not result in a significant reduction in the interior daylighting that the windows of neighbouring properties receive.
40. In summary, I have found that the proposal would unacceptably increase the sense of enclosure and overlooking when neighbours seek to enjoy their private gardens. There would also be an increased sense of enclosure when the neighbours are standing close to their rear windows.
41. The proposal would not, therefore, provide acceptable living conditions for neighbours, with particular reference to enclosure, outlook and privacy. The proposal is, therefore, contrary to the aims of Policy DM10 of the Local Plan and Policy D3 of the London Plan, which together seek, amongst other things, to ensure that development protects the amenity of the occupiers of adjoining buildings, does not result in direct overlooking of private outdoor space and achieves indoor and outdoor environments that are comfortable and inviting for people to use.

#### *Living conditions of future occupiers*

42. The Council identify that, whilst the upper floor balconies comply with the minimum space requirements set out in the Mayor of London’s Housing Supplementary Planning Guidance (2016) (the HSPG) for private open space in terms of area, they fall short of the minimum 1.5m depth requirement. This minimum depth is reflected in the requirements for private outdoor space set out in both Policies DM10 of the Local Plan and D6 of the London Plan. I am mindful of the sub-text in paragraph

2.3.31 of the HSPG that “Minimum private open space standards have been established in the same way as the internal space standards, by considering the spaces required for furniture, access and activities in relation to the number of occupants. The resultant space should be of practical shape and utility and care should be taken to ensure the space offers good amenity”.

43. Families could occupy these flats, and the lack of depth would make the balconies unsuitable to accommodate, say, a table suitable for a family gathered around together to socialise. Thus, the balconies would not provide good quality, practicable private sitting out space for future occupiers. I note that the proposal would provide a communal garden. However shared amenity space would not provide for the same needs as private amenity space.
44. I conclude that the proposal would not provide adequate living conditions for future occupiers, with particular reference to the provision of amenity space. In failing to do so it would be contrary to the aims of Policies SP2 and DM10 of the Local Plan, and Policy D6 of the London Plan in as much as these, together, seek, amongst other things, to ensure that new residential development provides private amenity space that is of high quality design and provides functional space.

#### *Car Parking and highway safety*

45. Policy T6 of the London Plan sets out the maximum amount of car parking a development should provide, based on its accessibility to public transport. There is no dispute between the parties that the site lies within Public Transport Accessibility Level (PTAL) 1b. To accord with Policy T6, the site should provide a maximum of twelve spaces off-street.
46. The proposal provides eight spaces on site, within a parking forecourt. However, one of these would be sited adjacent to the proposed building and landscaping. This would make it impractical for use as the car doors would be obstructed when parking.
47. The proposal would, therefore, provide practicable parking for seven cars. This is less than one usable space per flat. The appellants’ Transport Statement, dated 2023, establishes that the average car ownership in the area for flatted development is low. However, it is likely, given the size of the proposed flats, lack of access to public transport and distance to goods and services, that each flat would seek to have access to one or more cars. In these circumstances it is likely that the parking demand from the proposal would spill out onto the street.
48. The appellants have provided a car parking survey to support the proposal. However, this identifies a considerable amount of on-street parking provision along Foxley Lane. However, Foxley Lane in the vicinity of the site, is a classified A road where parking is not permitted on street. Further, it is lined by advisory cycle lanes.
49. Despite this I observed considerable amounts of on-street parking along the northern side of Foxley Lane in the surrounding area. In some cases, the parked vehicles had also mounted the footway, obstructing it. This is likely to force cyclists, and, in some locations, pedestrians, into a live carriageway, undermining the provision made for walking and cycling, which are sustainable modes.
50. The identification of such space as available for parking undermines the credibility of the appellants’ parking survey as it identifies as available places to park on-street

that should not be used. Whilst parking is not allowed on Foxley Lane, from observation on site, this is demonstrably not an effective deterrent. Foxley Lane, being the closest spot, is, therefore, an attractive option for future residents. Any additional use of Foxley Lane for on-street parking would further undermine provision for sustainable modes and increase the risk of harm for cyclists and pedestrians if they are forced into the main flow of traffic.

51. If, at some future point, parking is effectively prevented on Foxley Lane, it is likely that existing demand would seek to park in nearby available spaces. The information provided within the appellants' parking surveys has made no assessment of this impact and, therefore, it has not been demonstrated that all parking could be accommodated on-street.
52. The appellants, within their Transport Statement, indicate a layout for visibility splays associated with the access to the site. Whilst the splays are suitably dimensioned, the plan is unclear as to where the visibility splays are set back from, appearing to relate to a broken line on the plan for vehicular visibility splays. On the evidence before me I cannot be certain that safe and suitable access to the site can be achieved for all users.
53. The appellant identifies that the Framework, in Paragraph 116, advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
54. Whilst it has not been argued that the residual cumulative impacts on the network would be "severe", I have identified harm relating to the effect of the proposal on highway safety. The Framework provides further advice in regard to transport, in Paragraph 117, that within that context applications for development should give priority first to pedestrian and cycle movements, both within the scheme and within neighbouring areas, and create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles. The approach within the Framework therefore extends beyond the consideration of its effect solely on highways to wider transport issues.
55. The appellant has drawn my attention to a development at 81 The Glade, which was for nine flats. However, that site lies some distance from the proposal site and its highway environment does not relate to that of the proposal before me to such a degree as to provide a direct comparison. I have, in any case, determined this proposal on its own merits.
56. In conclusion, I find that the proposal would not make sufficient provision for car parking and would have an unacceptable effect on highway safety in the area. The proposal would, therefore, be contrary to the aims of Policies DM29 and T6 of the London Plan in as much as, together, these seek, amongst other things, to ensure that development provides appropriate levels of off-street parking to meet its needs and must not have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles.

*Sustainable transport*

57. The proposal would provide eighteen cycle parking spaces, sixteen within the building for use by residents and two visitor spaces externally. In numerical terms this would satisfy current cycle parking standards.
58. The internal spaces would be provided within a store accessed through a side passage. It would be fitted with outward opening doors. The passage accessing the cycle store is of restricted width. Whilst wide enough to wheel a bicycle to the store, the outward opening doors would obstruct access with the bicycle. The cycle parking is provided in the form of two-tier cycle storage. Such systems may be difficult to use for some people and would not be usable for the storage of less conventional cycles. These would also be likely to have problems manoeuvring their machines through the open doors in the restricted space available.
59. Whilst the doors could be changed to open inwards, and this could be secured through a planning condition, the internal space would then be obstructed and it has not been demonstrated that the use of two-tier cycle parking would be practicable, nor would this make the racks usable by less conventional cycle types as required by the Mayor of London's London Cycling Design Standards (2014). The proposal would therefore fail to provide sufficient usable high-quality cycle parking for future occupiers of the dwellings.
60. The site lies within an area of poor access to public transport. Policy SP8 of the Local Plan seek to make fullest use of public transport and support the transition to electric vehicles by providing electric vehicle charging infrastructure throughout the Borough, seeking financial contributions to support such provision, where appropriate, together with car clubs and car sharing schemes and enhancements to walking and cycling routes.
61. Such aims accord with those of national policy to decarbonise the transport system and improve air quality. The proposal would increase the number of households within the site, generating additional demand for travel. There is no dispute between the parties that the provision of a financial contribution is necessary, directly related to the development and fairly and reasonably related in kind to the development and, on the basis of the evidence before me I have no reason to disagree.
62. The appellants have agreed in principle to entering a planning obligation to provide a financial contribution. However, no such obligation is before me and no mitigation can be secured to address the impact of additional transport demand in the local area.
63. I therefore find that the proposal would not make suitable provision for access to more sustainable transport. Because of this the proposal would be contrary to the aims of Policies SP8, DM29 and DM30 of the Local Plan and Policies T5 and T6 of the London Plan, in as much as these, together, seek, amongst other things, to ensure that new development includes adequate provision for cyclists, provides cycle parking provision that is fit for purpose to reduce the need for car use, and make provision to support more sustainable transport modes.

### *Biodiversity*

64. The Appellants' application was accompanied by a Preliminary Ecology Assessment (PEA). This is dated January 2022 and is out-of-date when considered against the requirements of The Chartered Institute of Ecology and Environmental Management Guidance and paragraph 6.2.1 of British Standard BS42020 'Biodiversity – Code of practice for planning and development 2013'. It is, therefore, possible that the PEA no longer represents an accurate assessment of the ecology within the site.
65. The PEA identified that the site could provide habitat within which local wildlife, including protected species could thrive. I note, particularly, that the PEA identified the two TPO trees which are discussed above, as being of moderate to high ecological value. The PEA concluded that the site could need further survey work for bats.
66. The Appellants consider that the issue of ecological mitigation could be dealt with by planning conditions. However, I am mindful of the advice provided in paragraph 99 of Circular 06/2005 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The circular further advises that the need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances. In the absence of information to determine whether mitigation is needed, possible or its scope, I cannot be satisfied that planning conditions would provide appropriate or sufficient mitigation.
67. In the absence of up-to-date evidence and the further survey work recommended by the PEA I cannot be satisfied that the development would not have an unacceptable impact upon the biodiversity of the area and so the proposed development would be contrary to Policy DM27 of the Local Plan and G6 of the London Plan, in as much as these seek, amongst other things, to conserve and enhance biodiversity and protect priority species and habitats.

### *Drainage*

68. The proposal includes considerable areas of roofing and hardstanding. It therefore has potential to generate additional runoff from the site. No drainage strategy accompanied the application.
69. Policies DM25 of the Local Plan and SI12 and SI 13 of the London Plan together seek, amongst other things, to ensure that development proposals should aim to achieve greenfield run-off rates or better using sustainable urban drainage systems that manage surface run-off as close to the source as possible. Policy SI12 of the London Plan seeks to ensure that development proposals minimise the risk of flooding from any source. Without a drainage strategy it has not been demonstrated that these aims can be achieved.
70. The appellants consider that an appropriate drainage system could be secured through the imposition of an appropriately worded planning condition. However, in the absence of information to demonstrate that a feasible drainage solution could be deliverable, such a condition would be unreasonable.

71. The proposal would, therefore, not make suitable provision for the discharge of surface water and would thereby be contrary to the aims of Policies DM25 of the Local Plan and SI12 and SI13 of the London Plan.

### **Other Considerations**

72. The Governments stated aim is to significantly increase the supply of homes. The provision of seven additional dwellings would go a modest way to achieving this. The Framework supports the development of windfall sites, particularly small-and medium sized sites as these are often built out relatively quickly. In the short term the proposal would support the local construction industry and the supply chain through increased activity. In the longer term the proposal would support local shops, businesses and social groups and activities through the increase in the local population. However, given the scale of the development these benefits would be modest. These considerations therefore weigh in favour of the proposal.

### **Final Balance**

73. The proposal would harm the character and appearance of the site and the surrounding area because of its design. It would undermine the living conditions of neighbours and fail to provide adequate living conditions for future occupiers. It would also fail to make adequate provision for car parking and would result in an increased risk of injury for users of the public highway. Further, the proposal would not make suitable provision to support sustainable transport. In the absence of information to demonstrate otherwise, it has not been shown that there would be no harm to local biodiversity nor increased risk of flood from inappropriate discharge of surface water runoff.

74. There would be conflict with policies within the Local Plan and London Plan, as identified above, and no policies have been cited that specifically support the proposal. It would therefore not accord with the development plan as a whole and this is a matter that counts significantly against allowing the appeal.

75. The Government's objective is to significantly boost the supply of homes. Other provisions of the Framework give support to the development as small sites can make an important contribution to meeting the housing requirement.

76. The policies in the Framework seek to deliver a sufficient supply of homes whilst achieving well-designed places that promote the health and wellbeing of future residents and their neighbours, supporting sustainable transport and safer transport networks, protecting the natural environment and futureproofing against flooding. However, the creation of high-quality places, providing sustainable and safe transport networks and protecting the natural environment and future-proofing communities against harm, such as flooding, are fundamental to what the planning and development process should achieve. The proposal would not succeed in these aims.

77. Although there is support for new housing in this location the benefits in terms of the overall position in the Borough would be modest. In this case the creation of high-quality places, providing sustainable and safe transport networks and protecting the natural environment and future-proofing communities against harm, such as flooding, and protecting the natural environment overwhelm the provision of seven extra windfall dwellings. Therefore, the adverse impacts of the proposal

outweigh its benefits when assessed against the policies in the Framework taken as a whole.

**Conclusion**

78. 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.

*I A Dyer*

INSPECTOR