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## Appeal Decision

Site visit made on 29 May 2025

by **David Wyborn BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

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### **Appeal Ref: APP/L5240/W/25/3361157**

### **23 Monahan Avenue, Purley CR8 3BB**

- 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 Dominic Lamb against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 24/04113/FUL .
  - The development proposed is the demolition of existing garage and erection of a detached two-storey, 4-bed dwellinghouse within the rear garden of No.23 Monahan Avenue, together with associated car parking, amenity space, landscaping, bin and cycle stores.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matters**

2. The second reason for refusal concerns the potential impact of the access on an adjoining protected lime tree. At the appeal stage, the appellant has submitted further arboricultural information that has satisfied the Council that this issue has been addressed. I have found no reason to disagree.
3. The Council has confirmed that it has very recently permitted a dwelling on the appeal site under reference 25/00679/FUL. The information indicates that, in terms of siting and the room layout, the permitted dwelling is similar to the appeal proposal, although the general design, materials and roof form are materially different.
4. The occupants of 27 Monahan Avenue have raised a range of objections to the construction of the appeal dwelling, which would be positioned beyond their rear garden. One of these issues is the interrelationship between the upper floor windows of No 27 and the first floor windows of the proposed dwelling. My site visit included looking from the central first floor bedroom of No 27 towards the rear hedge and beyond to the appeal site.
5. The recently permitted dwelling would have the same relationship between these upper floor rear windows, albeit that the bedroom windows in the permitted dwelling are smaller than that proposed in the appeal scheme. Given this approved relationship between windows, that this matter does not form a reason for refusal in this appeal and my overall conclusion, I have not needed to consider this matter further.

## **Main Issue**

6. The main issue is the effect of the proposal on the character and appearance of the area.

## **Reasons**

### *Character and appearance*

7. Policy SP4 of the Croydon Local Plan 2018 (the Local Plan) includes, amongst other criteria, that the Council will require development of a high quality, which respects and enhances Croydon's varied local character and contributes positively to public realm, landscape and townscape to create sustainable communities. This approach is further reflected in Policy DM10 of the Local Plan which concerns design and character. This policy also includes the requirement that, in the case of development in the grounds of an existing building which is retained, development shall be subservient to that building.
8. Policy DM10.7 references that, to ensure the design of roof-form positively contributes to the character of the local and wider area, proposals should ensure the design is sympathetic with its local context.
9. The approach and general requirements of these policies is also reflected in Policy D3 of The London Plan 2021 which includes that development proposals should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
10. Monahan Avenue is a well-established and attractive residential road that has a mix of often individually designed, mainly detached properties. The buildings are generally traditional in appearance and proportion, with a range of architectural features and detailing, including steeply pitched clay tile roofs, double height bay windows, dormers and tile hanging. The buildings are complemented by the mature tree and hedge planting that combine to produce an area which is visually distinctive with a pleasing identity.
11. The proposed dwelling would be accessed, following the removal of the garage, along a drive leading to the rear garden on 23 Monahan Avenue. The proposed dwelling would be set down on the lower garden level of No 23 and would also be to the rear of No 27. The immediate surroundings are all residential properties. No 23 is a reasonably substantial, detached clay tiled roofed and rendered property that sits on a higher part of the land and would be separated from the appeal property by existing landscaping.
12. Next to No 23, and at the bend in the road, is 25 Monahan Avenue. This is a substantial flatted development that is a reasonably new addition to the street scene. While the building is sizeable it has architectural features, such as the pitched roof dormers, double height gables and clay tile hanging that reference other buildings in the road.
13. Next to the proposed access to the appeal site is No 27 Monahan Avenue. No 27 is a new in-fill dwelling and is designed so it steps down the slope of the road. From the front it gives the impression of being single storey, although with it set into the land, it is two storey at the rear. The building has the character and

materials which are fairly typical of the positive design features of buildings within the street, including a pitched, clay tile roof and areas of tile hanging.

14. On the other side of the proposed access drive, 29 Monahan Avenue is again another newer property. This building has two front gables and a central dormer, and with the clay tiled roof and areas of tile hanging, is another variation on the style of many of the more positive buildings in the road and wider surroundings.
15. I have also taken into account the annex permitted to the rear of 52 Woodcote Valley Road, which has an access next to No 29. While this building has a more contemporary feel to the design, it is a modest sized, single storey building and is permitted to operate as a fairly minor and subservient addition in conjunction to the main house. This annex building, therefore, does not have the same effect or influence on the area as the other separate dwellings or two storey buildings.
16. Drawing these matters together, and based on my site visit and the other information, the new development that has taken place over recent years has generally been influenced and taken architectural reference from the well-established and distinctive features of Monahan Avenue. In that way they complement that established character and have assimilated into the area without appearing incongruous.
17. The appeal site is set back from the road, behind other buildings. The new dwelling would be positioned, after some ground works, on a level area on this generally sloping part of Monahan Avenue. While almost any form of development on this land would be largely screened from the road by the existing vegetation and other buildings, the general policy approach is still that the design should be sympathetic with its local context and the character of the area.
18. The appeal dwelling, while very largely obscured from public view, would contrast significantly with the design and appearance of nearby development. In particular, the design and bulk, with its angular and flat roof, the pattern, size and proportion of windows, the external materials with panels of render, light coloured brick and coloured aluminium windows, and the overhang section, would pay little to no regard to the characteristic features and defining built form of the surrounding area, not even in a contemporary way. The design does not appear to take clear reference from locally distinctive features, proportions or shapes, even in a reinterpreted form. Indeed, with the generally cohesive form of design and buildings within this part of Monahan Avenue, the clear lack of locally distinctive features that the building would possess would lead to it being an alien feature, that would not integrate successfully with or add positively to its surroundings.
19. While some design elements, such as the green walls and planted roof, may be interesting features in themselves, and add to biodiversity, they would not be part of a cohesive design that would respond to the positive character or identity of the area. That the building may only be barely glimpsed from public locations and adjoining properties is not a justification for development which would not meet the National Planning Policy Framework requirement that development is sympathetic to local character, including the surrounding built environment.
20. Given the size, bulk and appearance of the proposed dwelling, I am not satisfied that the proposal would appear subservient to the building at No 23 even with it set down on the site. Consequently, this requirement of Policy DM10 of the Local Plan would not be met.

21. In coming to this judgement on the scheme I have carefully considered the justification for the design set out in the appellant's submissions. Also referenced are examples of contemporary developments in the Borough of Croydon which have been permitted recently by the Council<sup>1</sup>. These examples appear to be from locations other than Monahan Avenue and the effect of the developments would have been assessed on the basis of how they fitted in with the character of those areas. A contemporary design should not be a concern in itself, providing it would be sympathetic to the local character of that area and the surrounding built environment. In all these circumstances, I place very little weight to the highlighted examples of development elsewhere in the Borough of Croydon as a justification for a proposal on this site in Monahan Avenue and which needs to be assessed in relation to the characteristic features and form of development in that locality.
22. Accordingly, I conclude that the proposal would harm the character and appearance of the area and would, thereby, be contrary to Policy D3 of The London Plan and Policies SP4 and DM10 of the Local Plan which seek, amongst other things, that development should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality.

### **Conclusion**

23. The impact of the scheme would be unacceptable in relation to the character and appearance of the area. This harm and related conflict with planning policies should weigh to a substantial extent against the scheme. Indeed, it is such that I consider that the proposal would conflict with the development plan when considered as a whole.
24. On the other hand, the scheme would provide a boost to housing supply on a windfall site within the built-up area, making effective use of the land. It is a small site that could be delivered quickly to add to the supply of housing. The Council indicate there is no objection, in principle, to the provision of a unit of accommodation on the site and indeed have permitted an alternative scheme.
25. Furthermore, the development would provide a dwelling that would help meet the strategic target for homes with 3 or more bedrooms. There would be economic and social benefits during construction and in subsequent occupation. The scheme would provide some biodiversity benefits and retain the boundary hedging and most other vegetation.
26. The site would be in a generally sustainable location with access by foot, bicycle and public transport to a wide mix of services and facilities. Occupants of the new dwelling would have suitable internal and external areas that would meet the appropriate space standards.
27. These are all worthwhile benefits of the scheme, however, as only a single dwelling would be provided, the collective benefits should merit only limited weight in favour of approval.
28. The limited weight attached to the benefits of the scheme would not outweigh the substantial weight that should be attributed to the identified harm and related policy conflicts. It follows that I find that the scheme should be determined in

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<sup>1</sup> These include those examples in the Design and Access Statement and Appendix A of the appeal statement.

accordance with the development plan and material considerations do not indicate a decision should be made otherwise.

29. Accordingly, I conclude that the appeal should be dismissed.

*David Wyborn*

INSPECTOR