



Appeal Decision

Site visit made on 27 May 2025

by A Edgington BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/L5240/W/24/3356354

8 West Hill, South Croydon, CR2 0SA

- 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 Zunikh Property Developments Ltd. against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01843/FUL.
 - The development proposed is Replacement of existing dwelling with 6 x 4 bedroom houses.
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Decision

1. The appeal is dismissed.

Applications for costs

2. The appellant has made an application for an award of costs against the Council. This is the subject of a separate decision.

Preliminary Matters

3. Since the application was determined the appellant has had a bat emergence survey carried out. This indicates that the roof space in the existing dwelling is used as a day roost. The Council is satisfied that sufficient information has been provided and the reason for refusal relating to protected species has been withdrawn. I see no reason to disagree.
4. Figure 1 in the appeal statement appears to be mislabelled. The statement's text and the address on the drawing indicate that it is the flatted development on land next to 2 West Hill. I have used the correct address in my reasoning.

Main Issues

5. The main issues are the effect of the development on:
 - The character and appearance of the area;
 - The living conditions of the occupiers of 6 West Hill with particular regard to outlook;
 - Highway safety; and,
 - Refuse storage.

Reasons

Character and appearance

6. Number 8 West Hill (No 8) is a two-storey detached dwelling with a pyramidal roof located on an elevated split level site, which appears from the underlying building pattern to be a double plot. The street scene comprises a series of large, detached early 20th century dwellings of varied design, on generous plots and with comfortable lateral separation. These step down the hill and create a pleasing rhythm. Many dwellings are partially concealed from the road by mature garden vegetation which gives a pleasant verdant appearance, particularly in the vicinity of the appeal site. Although there is more recently constructed flatted accommodation at the bottom of West Hill, these blocks have retained a degree of spaciousness in the building pattern through lateral separation and set backs from the road.
7. The development would comprise two, three dwelling, two-storey terraces with accommodation in the hipped roof space. The terraces would extend within 2-3 metres of the plot boundaries and together, would have a footprint that was both substantially larger than the existing dwelling, and which spread right across the extensive site from one side boundary to the other. Consequently, there would be a considerable increase in the height, mass, bulk and spread of built form across the plot. This would be particularly noticeable near the boundary with 6 West Hill (No 6), where the combination of the development's proximity to the boundary, and the level difference between the appeal site and No 6, would be incongruous and overbearing.
8. Moreover, the proximity of the development to the adjacent dwellings accentuates its disproportionately large scale in relation to those dwellings. There would also be uncharacteristically narrow gardens to the rear, in sharp contrast to the underlying building pattern. Although the plans show additional tree planting, these would be very close to the dwellings. The combination of very narrow gardens and the location of tree planting close to dwellings suggests that the proposed tree planting is unrealistic. My experience is that occupiers of dwellings with small gardens are intolerant of tree planting that casts shade over windows or external amenity space.
9. The plot's frontage would also be opened up with views through into a car park and beyond to retaining wall structures required associated with the car park access and the elevated level of the northern terrace. I acknowledge that other dwellings in the area have very visible hardstanding areas directly behind the footway, as well as retaining walls. However, the scale of engineering works is generally less intrusive and extensive than what is proposed here.
10. There would therefore be a considerable increase in bulk and massing on the site, as well as the loss of some existing groups of mature trees. This together with the extent of engineering works on the plot's frontage to facilitate the parking area in front of the northern terrace would be highly intrusive.
11. I appreciate that the design has to respond to a sloping site, but the existing building pattern is also a response to the topography. Even where larger flatted developments have been introduced, the distribution of massing across the plots has been sympathetic to the proximity of neighbouring buildings, and has not significantly intruded into the incremental stepping down of roof forms and heights.

12. The appellant advances the argument that the Council is being inconsistent as similar schemes have been granted consent elsewhere. Number 1 West Hill (No 1) is a large flatted development at the junction of West Hill and Sanderstead Road. However, this is separated from 1A West Hill (No 1A), another fairly recent flatted development, by a large car park. Number 1 also has gardens wrapping around the building on its corner plot which gives openness. Number 1A, is larger in scale, bulk and mass than 3 West Hill (No 3) but it is downslope of No 3, which ensures that it reflects the underlying building pattern and responds to its context. The lateral separation between Nos 1A and 3, and the elevated position of No 3, ensures that No 1A does not appear to intrude into No 3's visual envelope.
13. There is also reference to developments of 8 and 40 apartments in Purley. However, these are some distance away and sit within a different context. It is also the case that two schemes highlighted by the appellant were given consent under a different local plan. I appreciate that some weight can be given to draft policies during the examination period, depending on the likelihood of amendments. However, in the absence of the examination's timetable and the plan's objections and modifications, I am unable to discern how much weight the relevant draft policies might have carried at the time. Moreover, both those consents would have pre-dated the current Framework and in one case, by a period of some 15 years. In any case, I am required to determine the appeal before me in the context of current legislation. Furthermore, changes in the Council's approach to redevelopment since the developments referred to above, may be a consequence of many considerations and are not before me.
14. As such, I conclude that none of these examples is directly comparable to what is before me. In fact, the examples illustrate that the Council does take a pragmatic view to residential redevelopment on brownfield sites. In any case, appeals are determined on individual merit. The Council has no objection to the principle of development but it remains that what is before me would fail to reflect or respect its context or contribute to local distinctiveness.
15. The appellant has also raised that the Council failed to engage with the design process but there is no requirement for councils to do anything other than determine an application. In any case, most of the Council's concerns were set out in the pre-application advice and addressing those concerns would have required more than minor refinements.
16. The development would therefore have an adverse effect on the character and appearance of the area, and be contrary to Policy DM10 of the Local Plan (LP) which requires development to respect the development pattern, scale height massing and density, and LP Policy SP4 which requires development to respect and enhance local character and to make a positive contribution to local townscape. It would also fail to accord with Policies D3 and D4 of the London Plan which taken together require development to respond to a site's context and local distinctiveness.

Living conditions

17. The existing dwelling is on land that is several metres higher than that of No 6's plot, and No 8's roof is pyramidal roof with short front gables. However, the development would reduce the lateral separation by about one third, would be on a plot that would be slightly higher than existing, and notwithstanding the hipped roof,

would have an additional storey of accommodation compared to the existing dwelling. It would also have a nearly blank flank wall that would project well beyond No 6's rear elevation. As such, there would be a substantial increase in height, mass and bulk close to the boundary with No 6. The development would appear overbearing and visually intrusive to occupiers of No 6.

18. The appellant argues that there is similar distance between a recently constructed four storey flatted development and 2 West Hill (No 2). However, the elevation shows that that separation distance is greater than what is proposed here. In addition, that flatted development is downslope of No 2, and its height is more or less the same as No 2's ridgeline. The officer's report for that development states that overall, the mass and form of that flatted development would sit comfortably in the street scene. The relationships between that flatted development, No 2, and the underlying topography are not comparable to what is before me.
19. The appellant notes that the Council allowed amendments to the size and positioning of windows at the flatted development next to No 2, but the harm arising from this development in relation to No 6 is related to the overall form and extent of the development's outer envelope. Changes to mitigate that harm would not amount to minor amendments.
20. The development would therefore have an adverse effect on the amenities of occupiers of No 6 and would be contrary to LP Policy DM10.6 and London Plan Policy D3 in that regard.

Highway safety

21. The development would include one five car parking area in front of the northern block and a single parking bay on the boundary between Nos 6 and 8, where there is existing garage access.
22. The swept path analyses show that inbound access to three parking bays in the northern car park would require an angled approach across the footway, and one of the outbound journeys would also require an angled route. This appears to be a consequence of constrained space within the car park. This could lead to safety issues for pedestrians, depending on the height of boundary treatments. It is also apparent that manoeuvres within the car park require encroachment across part of the additional space required for the disabled bay, and that bay's additional space also extends over adjacent paving. There is no evidence before me to indicate that the Council requires access and egress to be at 90 degrees to the footway. Moreover, private land does not have to conform to usual highway standards. However, these observations reinforce my conclusion that the car park is not large enough, which is reflective of the overdevelopment of the site overall, as set out above. I conclude that there is the potential for conflict with pedestrian safety.
23. Appropriate boundary treatment could mitigate the potential conflict between pedestrians and vehicle ingress and egress, but this could have an impact on the appearance of the development when viewed from the road. As such I am unable to conclude that it could be dealt with by condition.
24. The appellant also notes that dialogue during the application could have resolved these issues but given the sloping site and other constraints I am not satisfied that this would have been possible without making fundamental design changes.

25. I conclude that there would be an adverse effect on pedestrian safety, contrary to LP Policies DM29 and DM30, and London Plan Policies T4 and T6 which are concerned with highways safety.

Refuse storage

26. Local Plan Policy DM13 requires development to integrate refuse and recycling facilities within the overall design, conveniently located and easily accessible by occupants, operatives and their vehicles, and to provide adequate space for the storage of bulky items. The bin stores for all the dwellings would be located in the gap between the terraces, which would not be particularly convenient for occupiers of the northern terrace who would have to go down a flight of steps. In addition, the pre-application advice sets out that the Council expects the distance between the footway and the bin collection point to be no more than 20 metres. It is also noted that there would not be a storage area for bulky items.
27. LP Policy DM13 does not specify a maximum distance for its operatives but Building Control Part H requires refuse containers to be within 25 metres of the collection point, which in this case I take to be the footway. The Council has calculated that the minimum distance would be 26 metres and this would require taking a short cut through the car park and crossing over the disabled parking bay. Moreover, the pre-application advice sets out that the Council expects distances to be no more than 20 metres and also sets out the area of the required bulk waste storage area. The appellant advances the argument that the scheme could have been refined to address this concern but then notes that it is unclear where alternative refuse storage areas could be. However, it is not the Council's responsibility to advise the appellant where alternative locations might be.
28. I conclude that the development would fail to accord with the local policies with regard to refuse storage and would be contrary to LP Policy DM13 in this regard.

Planning obligation

29. There is a draft planning obligation before which would secure sustainable transport contribution. However, as I have found harm in relation to the main issues, there is no need to consider this further.

Other Matters

30. Interested parties have raised other concerns but as I have found harm in relation to the main issues there is no need consider them further.
31. I have dealt with issues around the perceived lack of ongoing dialogue with the Council in the costs application.
32. It does not follow that if there is a lack of harm in relation to other developments in the Council's area, no concerns should be raised here. Moreover, even if there is harm arising from other developments elsewhere in the area, this does not warrant perpetuating a situation that is harmful.

Conclusion

33. The development would result in a net increase of five family homes which would have some public benefit and contribute to local housing supply. However, this does not outweigh the harm identified above.

34. The development would be contrary to the local development plan, the London Plan and the Framework and there are no material considerations of such weight to lead me to conclude otherwise. The appeal is dismissed.

A Edgington

INSPECTOR