



Appeal Decision

Site visit made on 2 June 2025

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/L5240/W/25/3361301

Land at The Lawns, South Norwood SE19 3TS

- 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 Crystal Palace Community Land Trust against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/03162/FUL.
 - The development proposed is construction of building for residential accommodation, together with associated car parking, cycle parking, landscaping and formation of new turning head.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Crystal Palace Community Land Trust against the decision of the Council of the London Borough of Croydon. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to light, privacy, outlook and noise and disturbance;
 - whether the proposed development would provide a satisfactory mix of housing; and
 - whether a financial contribution is necessary to contribute towards transport initiatives in the area.

Reasons

Character and appearance

4. The Lawns is a residential cul-de-sac that rises upwards in gradient away from its junction with Spa Hill. Other than the more recently constructed Verdant Mews development located part way up the street, it is characterised primarily by mid-20th Century dwellings. This includes four-storey blocks of flats with shallow pitched roofs, which are clearly evident in views of their side gables, and two-storey terraces.

5. Due to the topography, a stepped roof line is evident. This is particularly the case on the south side of the street where there are a series of short terraces sharing a common design approach. These terraces sit at a lower level, and at an angle, to the roadside and are set behind small front garden areas. Buildings on the opposite side of the street are more varied, with some terraces sitting perpendicular to the road whilst following a relatively consistent building line even as the street curves towards the head of the cul-de-sac. The majority of buildings tend to have dual pitched roofs, and there is much consistency in terms of their fenestration patterns and their footprints which tend to be narrow in depth. The predominant building materials are brick and render elevations and tiled roofs. There is also occasional use of cladding and hanging tiles.
6. Despite the variety of development, the overall consistency in development rhythm, materials and response to the slope of the street make a positive contribution to the character and appearance of the area.
7. The appeal site comprises a sloping open area of grass located towards the top of The Lawns. A number of trees, including a mature oak tree are located along, or adjacent to, the shared boundary of the rear gardens of dwellings that front onto Beauchamp Road. Number 36-46 The Lawns (Nos 36-46) is a two-storey residential building located adjacent to the lower part of the appeal site. Although not being a designated area of open space, the appeal site provides a spacious and verdant focal point for occupiers of surrounding dwellings.
8. The appellant has sought to develop a scheme that follows feedback received at the pre-application stage, including through community engagement and workshop events. Various site constraints including the site topography, relationship with neighbouring dwellings and the root protection area of trees have also been considered. This has culminated in the appeal proposal, which comprises the erection of a split-level part two and part three-storey building containing seven flats. The proposed building would be located centrally within the appeal site, with its main entrance facing towards Nos 36-46.
9. The design and bulk of the proposed building combined with its angular shape and flat roof, would not reflect the form and pattern of buildings that define the local context. Whilst the proposed flat roof would be lower than the eaves of the of the flats opposite and would vary in height, the roof form would not harmonise with the more consistent and gradual upwards stepping of pitched rooflines as seen on the majority of buildings along the street. Even though its short elevation would sit parallel to The Lawns, the building would noticeably appear as a large block that would contrast with the existing open qualities of the appeal site and narrower depth of buildings along the street. The brickwork comprising a darker tone base brick and lighter upper parts would not be sufficient to break up the mass of the building's blocky design.
10. Moreover, the irregular window alignment would not reflect the more regular patterns of fenestration in the area. Balconies are not characteristic features along The Lawns and would result parts of the building appearing cluttered, particularly if screens were to be added or domestic paraphernalia placed upon them.
11. The quality of the external areas is compromised by the varying levels necessitating the use of various retaining structures, ramps and steps. The proposed cycle and bins stores would also be highly visible to the front of the building. Furthermore, car

parking spaces and the vehicle turning area to the rear, would necessitate alterations to land levels to create level access and would dominate the space around the mature oak tree that is proposed for retention. Therefore, the building-to-plot ratio and soft landscaped garden would appear uncharacteristically small for a building of this size. Whilst vegetated wall systems would be utilised where possible, the development would appear cramped and out of place.

12. There would be limited space remaining to ensure that the additional planting proposed would be effective and it would in any event take a significant period of time to mature. Even then, it would not, sufficiently mitigate the discordant effect the appeal proposal would have on the area given that the building would be fully visible from various public vantage points along The Lawns, and from neighbouring dwellings. Consequently, the appeal scheme would fail to defer to the prevailing building forms that characterise the area and would fail to integrate successfully into its surroundings.
13. The appellant has expressed various concerns including in respect of making any further changes to the design of the proposed building including altering the roof form, the use of a different balcony types or altering the proposed housing mix. However, these matters or the viability of the scheme in this instance is not a matter which justifies the appeal proposal which does not appear to take clear reference from the layouts, proportions or shapes of the surrounding area.
14. I conclude that the proposed development would in a harmful effect on the character and appearance of the area. In this regard, it would conflict with Policy DM10 of the Croydon Local Plan (2018) (CLP) and Policies D3 and D4 of The London Plan (2021) (LP) which require proposals to be of a high quality, to deliver good design and to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
15. The Council's decision additionally refers to Policy D5 of the LP relating to inclusive design. There is no substantive evidence before me to suggest that the appeal proposal would not be accessible and inclusive in accordance with the aims of this policy. Even so, this does not overcome the harm identified.

Living conditions

16. Habitable room windows in some of the residential units within the east facing elevation of Nos 36-46 ('the existing windows'), face towards the appeal site. Even though the open space rises in gradient, there is an open outlook across it from the existing windows. There appears to be no dispute between the main parties that occupiers of these dwellings are currently afforded reasonable levels of privacy and are not subject to any particular light or noise and disturbance issues.
17. The provision of a constraints zoning diagram within the appellant's Design and Access Statement is acknowledged. However, the Council indicate that the proposed building would be located only 8 metres away from Nos 36-46 at its nearest point. Whilst I do not know precisely what types of rooms the existing windows serve, there is no dispute between the main parties that they contain habitable rooms. The two-storey part of the appeal building would be located at an oblique angle in views from the existing windows and the three-storey part of the appeal building would be located slightly further away. Even so, the scale and mass

of the appeal building, in combination with the close position and site topography, would have an imposing impact from this aspect. This would unacceptably reduce the quality of outlook for occupiers of the dwellings served by these existing windows resulting in a poor-quality living environment.

18. The appellant's Daylight and Sunlight report shows that three of the existing windows would experience a reduction in levels of daylight, with loss of Vertical Sky Component (VSC) beyond the British Research Establishment recommendations. Whilst these breaches are acknowledged by the main parties to be minor, this would further diminish the quality of neighbouring living conditions which, in combination with my concerns regarding outlook, does not reflect the requirement set out in Paragraph 135 of the National Planning Policy Framework to provide a high standard of amenity.
19. Part of the accessible community garden and landscaped green area would be located at a raised level close to the existing windows at Nos 36-46. Use of this area is more likely to be for prolonged periods of time when compared to the informal use of the existing open space due to its formalisation for domestic use. Even though low-level planting is proposed to minimise use of the parts of the garden too close to the existing windows, there would in any case be an increased likelihood of overlooking when compared to the existing situation. Again, higher level tree planting would likely take a significant period of time to establish meaning that it would not mitigate my concerns regarding loss of privacy, and could also exacerbate my concerns regarding outlook.
20. Furthermore, the balconies serving Flat 1 and 4 would be located on the nearest elevation of the proposed building closest to Nos 36-46. Whilst also located at a slightly oblique angle, occupants of these flats would be afforded views towards the existing windows. Whilst the Council suggest that balcony screening could be installed, in the absence of any specific details in this regard, this adds to the harm I have already identified.
21. Even though the use of the community garden and landscaped green area would likely be more intensive when compared to the existing use of the open space, its use for domestic recreational purposes would be unlikely to result in a material adverse effect on levels of noise and disturbance. Even so, this does not overcome the other harm identified.
22. I conclude that the proposed development would result in a harmful effect on the living conditions of neighbouring occupiers with particular regard to privacy, light and outlook. In this regard, it would be contrary to Policy DM10 of the CLP and Policies D3 and D6 of the LP which require development to ensure that the amenity of occupiers of adjoining buildings are protected, to not result in direct overlooking, to deliver key quality aspects identified within the policy, to provide sufficient daylight and sunlight and to deliver appropriate outlook, privacy and amenity.

Housing mix

23. For both market and affordable housing, Policy SP2.7 of the CLP sets a strategic target for 30% of all new homes up to 2036, to have three or more bedrooms. The Council indicate that this is because there is a recognised shortage of family sized (3 bedroom or larger) accommodation within the Borough of Croydon. The proposed dwellings would not contribute towards meeting this target as it would comprise four 1-bed flats and three 2-bed flats. Even so, I have no substantive

evidence before me to suggest that this target will not be met through other developments in the borough. Furthermore, I have not been provided with evidence to suggest that 1 and 2-bed homes are not required as part of the overall housing mix.

24. In reaching this view, I have also had regard to a number of appeal decisions referenced by the appellants including 64 Foxley Lane¹, 205 Lower Addiscombe Road² and Tudor Court³ which reached similar findings in relation to this particular matter.
25. I conclude that the proposed development would not provide an unsatisfactory mix of housing. In this regard, it would comply with Policies SP2.7 of the CLP and Policy H10 of the LP which seek to address the borough's need for homes of different sizes and for schemes to consist of a range and appropriate mix of unit sizes.

Transport

26. Policy SP8.13 of the CLP sets out a requirement for new development to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes within the borough. There is no dispute between the main parties that a legal agreement to secure a £1500 per dwelling contribution to sustainable transport initiatives in the borough is required in order to mitigate the increased strain upon the highway network that would result from the proposed development. I find no reason to disagree.
27. At the time of the Council's decision there was no legal agreement to secure this. A draft legal agreement has been submitted with the appeal. However, it has not been signed and fully executed and therefore had I been minded to allow the appeal I would not have been in a position to secure the necessary contribution. Given that I am dismissing the appeal for other reasons, it has not been necessary to consider this matter any further.
28. I conclude that a financial contribution is necessary to contribute towards transport initiatives in the area. However, in the absence of a signed and fully executed legal agreement, the proposed development would conflict with Policies T3 and T4 of the LP and Policies SP8, DM29 and DM30 of the CLP which where appropriate, require mitigation to address adverse transport impacts that are identified, require development to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes and to reduce the impact of traffic congestion and car parking.

Other Considerations

29. Paragraph 8 of the Framework emphasises the social objective of sustainable development to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations.
30. The appellant advises that the appeal site is included within the Greater London Authority (GLA) Small Site Programme, to make small, publicly owned sites

¹ Appeal ref: APP/L5240/W/19/3232852

² Appeal ref: APP/L5240/W/21/3286854

³ Appeal ref: APP/L5240/W/22/3311352

available to small developers, housing associations and community led organisations to deliver homes. There is no dispute between the main parties that the Council can demonstrate a five-year housing land supply. Even so, as a windfall site in a settlement, the appeal proposal could be built-out relatively quickly and would make a worthwhile contribution to the housing supply of the area and would support a community-led development in accordance with paragraph 73 of the Framework.

31. In addition to being a requirement of the transfer of the leasehold of the site, a draft legal agreement has been submitted indicating that all of the proposed dwellings would be discount market sale affordable housing units. Such provision would go beyond the policy requirement, and I note that this was accepted in relation to an appeal at Technology House⁴. Given that I am dismissing the appeal, it is not necessary for me to consider whether a planning obligation would meet Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and the tests set out in Paragraph 58 of the Framework in relation to the appeal proposal. Even so, there is no dispute between the main parties that affordable housing is needed in the area and I attach moderate weight to the benefits to be derived from the delivery of a community-led affordable housing scheme in this instance.
32. The appeal proposal would provide dwellings within a sustainable building utilising modern construction, heating and lighting techniques designed to achieve the highest environmental performance standards, including the provision of a wheelchair adaptable home. Other benefits include a landscape scheme to promote biodiversity and trees felled would be utilised to create ecological features or incidental play features. A larger turning head to serve The Lawns, a wheelchair accessible parking bay, electric vehicle twin-charger points and cycle parking would also be provided. Jobs would be created during construction and future occupiers would support local services and facilities, contributing towards inclusivity, diversity and stability within the local community. Even so, in the context of providing seven units, the associated economic, social and environmental benefits would be limited.
33. The appellant indicates that the Council did not raise concerns in relation to a flat roof proposed on a development on land adjoining 2 The Lawns⁵, which was refused planning permission and dismissed at appeal for other reasons. Copies of Council reports for Land and garages adjoining 39 The Lawns⁶ have also been provided. These schemes are not directly comparable to the appeal proposal in terms of their scale, design and site-specific circumstances. I attach limited weight to these schemes.
34. Taking all of the benefits of the appeal proposal into account and given that only seven additional units of accommodation would be provided, I afford them no more than moderate weight in favour of approval.
35. The appellant indicates that they amended the scheme following pre-application advice received from the Council in the past. They also highlight the revoking of detailed design guidance contained in the Council's Suburban Design Guide and raise concern that specialist design officers were not consulted on the appeal proposal. However, the Council is not bound by any informal comments made at pre-application stage. Moreover, the Council's internal consultation processes are

⁴ Appeal ref: APP/A3655/W/23/3328994

⁵ Council ref: 19/02093/FUL

⁶ Council ref: 19/02677/FUL

not a matter for this appeal and I am not aware of any statutory or development plan requirement to consult design specialists. Whilst I acknowledge the effort made by the appellant to engage with both the Council and the community, this does not overcome the harm identified.

36. I note the letters of support for the appeal proposal and the work of the appellant received from a number of interested parties. Furthermore, the Council identified no harm including in relation to highway safety, parking, flood risk, security, trees, ecology or the loss of the appeal site to new development as a matter of principle given that it does not regard it as designated open space. However, these considerations indicate the absence of harm in those respects rather than any benefit.

Planning balance

37. The harm to the character and appearance of the area and to the living conditions of neighbouring occupiers with particular regard to outlook, privacy and light and the related policy conflicts weigh substantially against the appeal proposal. In these respects, the proposed development would conflict with the development plan when considered as a whole.
38. This harm needs to be balanced with other considerations. The appeal proposal would bring a range of benefits, most notably the provision of a community-led development and the delivery of affordable housing, the principle of which is encouraged in the Framework and the development plan. There is also policy support for the development of small sites in settlements and there would be associated economic, social and environmental benefits with its delivery. However, in the particular circumstances of this case, the moderate weight to the collective benefits identified do not outweigh the substantial harm identified including the related policy conflict.

Conclusion

39. 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. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR