



Appeal Decision

Site visit made on 2 July 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/L5240/W/24/3358178

Karlyn House, 2A High Beech, South Croydon CR2 7QB

- 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 Rajash Sood of Serona Capital Partners against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/02274/FUL.
 - The development proposed is conversion of the property into 4 flats, together with the erection of a part 2, part 3 storey rear extension and alterations to the front and rear elevations with associated car parking and hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. An application for costs has been made by Mr Rajash Sood of Serona Capital Partners against the Council of the London Borough of Croydon. This is subject to a separate decision.

Preliminary Matters

3. The Procedural Guide for Planning Appeals in England clearly sets out that, in the case of the written representations' procedure, the appellant must ensure that an executed and certified copy of any required planning obligation is received at the time the appeal is made. This guidance was applicable at the time the appeal was made and was reiterated to the appellant through the start letter for the appeal. The submission of a unilateral undertaking (UU) during the course of the appeal therefore constitutes late evidence.
4. Late evidence should be disregarded unless there are exceptional circumstances. I note that the appellant is of the view that the UU is similar to an undertaking submitted with a previous appeal (APP/L5240/W/23/3325456) which was accepted by the Inspector for that case. However, I do not have full details of the timescales upon which that UU was submitted. In any case, the two schemes are materially different and therefore I cannot make the assumption that the Council or interested parties would not have comment to make on the UU which has been submitted for this appeal proposal.
5. As such, exceptional circumstances have been neither presented nor identified in this case and therefore I have not accepted the submitted UU as part of the appeal documents. The expected timetable is clearly set out within the guidance and further correspondence to both parties and to deviate from this in the absence of

exceptional circumstances would undermine the proper administration of the system.

Main Issues

6. The main issues are:

- whether the proposal would make adequate provision for any additional need for sustainable transport improvement arising from the development,
- the effect of the proposal on the character and appearance of the area, and
- the effect of the proposal on the living conditions of neighbouring occupiers, in particular 2b High Beech, with regard to outlook and privacy.

Reasons

Sustainable transport

7. The proposal would lead to the creation of four flats which would generate additional traffic to the highway network. This could individually and cumulatively place additional burden on the existing highway network. Contributions are therefore required to be secured to mitigate the impact of these additional movements. The Council have set out the planned sustainable transport improvements which include monetary contributions towards car clubs with electric charging points. I am satisfied that the contribution requested by the Council would meet the tests set through paragraph 58 of the National Planning Policy Framework.
8. In the absence of an associated legal agreement within the appropriate timescales, the proposal has failed to demonstrate that it would make adequate provision for the additional need for sustainable transport improvement arising from the development.
9. Policy SP8 of the Croydon Local Plan (2018) (CLP) states, amongst other matters that new development will be required to contribute to the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes. Policy DM30 of the CLP relates to promoting sustainable growth in Croydon and reducing the impact of car parking. Policy T6.1 of the London Plan (2021) (LP) in part recognises that car club spaces may be considered appropriate but that they should have active charging facilities. Without appropriate mitigation, the proposal would therefore be contrary to Policies SP8 and DM30 of the CLP and Policy T6.1 of the LP.

Character and appearance

10. High Beech is a residential cul-de-sac formed of detached properties of varying height, material palette and design, set within spacious plots. Landscaping, including dense landscaping in areas, is a predominant feature within the street scene giving the area a distinctively sub-urban character.
11. There is a general rising gradient within the cul-de-sac with the appeal site sitting at higher ground than the adjacent single storey neighbour. There is also a gradient within the appeal site itself falling from front to back. The appeal site features an existing detached two storey dwelling with an asymmetrical pitched

roof and projecting single storey garage and porch on the front elevation. Materials include brick and timber cladding.

12. The proposal relates to the conversion of the existing building to form four flats with associated extensions and development including the demolition of the existing garage and porch. The Council have raised concern that the proposal would create a flat frontage to the detriment of the appearance in the street scene, but this fails to acknowledge that the flat frontage of the wide front gable is already perceivable even with the existing garage and porch. Whilst window positioning and proportions would be irregular, the proposal has taken clear cues from the existing building which is a reasonable approach to a conversion scheme. The appearance of the building in the street scene would therefore not be significantly different to that experienced through the existing dwelling.
13. The Council have included photographs of other properties within the cul-de-sac, but these only serve to demonstrate how varied the character and appearance of the area is. I therefore do not consider that there is a specific design or uniformity that the appeal proposal should conform to. The materials proposed in the development would be similar to those used elsewhere in the cul-de-sac. As the Council acknowledge, there are already buildings of a more contemporary design within the cul-de-sac. There is therefore scope for contemporary elements to be incorporated at the appeal site. A lack of soft landscaping at the site frontage would also not be harmful in its own right, noting the abundance of landscaping elsewhere within the street scene.
14. Both parties have referred to a previous appeal decision at the site (APP/L5240/W/23/3325456). Full details of the associated plans and appeal decision have been provided. The previous appeal scheme related to a new build development (of greater scale than the existing building) rather than a conversion and is therefore materially different to the appeal scheme before me. Nevertheless, I have noted the conclusions of the previous Inspector in their decision who found no harm in respect to the character and appearance of the area. Having compared the two proposals, it is my view that the appeal proposal before me for consideration would have a reduced impact on the character and appearance of the area when compared to the previous appeal scheme.
15. Based on the above, I have found that the proposal would have an acceptable effect on the character and appearance of the area. Policy SP4 of the CLP requires, amongst other matters for development to be of a high quality which respects and enhances Croydon's varied local character. Policy DM10 of the CLP also requires proposals to create a high quality built environment which includes the use of durable and sustainable materials which respond to local character. Policy D3 of the LP seeks for development to take a design led approach including in the context of optimising site capacity. The proposal would comply with Policy D3 of the LP as well as Policies SP4 and DM10 of the CLP. A lack of harm in respect to this main issue does not overcome the harm that I have identified in relation to the proposal not making adequate provision for sustainable transport improvements.

Living conditions

16. Having regard to the proximity to other dwellings, it is my view that the neighbouring property most likely to be affected by the development would be the

occupiers of 2b High Beech (No 2b). Whilst the Council's reason for refusal did not specify concern in respect to privacy, it is a matter raised within the Council's statement. No 2b is a single storey bungalow set at a lower level than the appeal site. The extensions proposed to the rear of the building would introduce additional bulk and scale of built form close to the shared boundary.

17. The Council have included an illustrative comparison between the appeal proposal and the previously dismissed appeal (reference as above APP/L5240/W/23/3325456). However, the appellant has identified inaccuracies with this illustration, including reference to a raised platform which is not proposed. It is also stated that the degree of excavation has not been accurately represented. Taking these factors into account, the appeal proposal would introduce less built form along the shared boundary than the previously dismissed appeal.
18. The previous Inspector identified that, whilst the additional projection would be apparent in views from the rear garden and side passage of No 2b, these views would not amount to an enclosing effect or affect the occupiers of No 2b to a degree that would be detrimental to living conditions. I note that the previous Inspector made no reference to the neighbouring conservatory but there is nothing to suggest that this was not considered in the overall assessment and subsequent conclusions drawn.
19. Nevertheless, I observed that the neighbouring conservatory is set away from the shared boundary. It would also already have views towards the conservatory on the appeal site which could in the current scenario lead to some mutual overlooking given the land level differences. The proposal would replace this conservatory with a blank side wall which could lead to improvements in respect to neighbouring privacy. In the absence of a raised platform as alleged by the Council, I find that the appeal proposal would not lead to adverse impacts on neighbouring privacy, specifically the occupiers of No 2b.
20. The extent of the rear projection beyond the existing conservatory would be modest. Although height would be increased through the additional first floor, this element of the proposal would be a more modest projection which would only marginally extend beyond the rear elevation of No 2b. I therefore reach the same conclusions as the previous Inspector in relation to the outlook for the occupiers of No 2b. There is no doubt that the appeal proposal would be visible to the occupiers of No 2b, but this visibility would not be so dominating to create an overbearing or enclosing impact.
21. I conclude that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, in particular 2b High Beech, with regard to outlook and privacy. In relation to this matter Policy D3 of the LP states that development proposals should deliver appropriate outlook, privacy and amenity. Policy DM10 of the CLP includes support for proposals that ensure the amenity of the occupiers of adjoining buildings are protected. The proposal would comply with both Policy D3 of the LP and Policy DM10 of the CLP. A lack of harm in relation to this main issue does not overcome the harm I have identified in relation to the first main issue above.

Other Matters

22. The Council's officer report refers to the proximity of Grade II listed Croham Hurst House at 5 High Beech which forms a 19th Century building in residential use. The

proximity of the Croham Manor Road Conservation Area (CA) is also referenced, albeit the site is outside of the CA. I note that these heritage assets have also been referred to by a number of interested party representations.

23. I have a statutory duty under Section 66(1) to have special regard to the desirability of preserving listed buildings, including in respect to setting. In my judgement, given the intervening distance, and the conclusions which I have drawn above in relation to the impacts of the proposal on the character and appearance of the area, the appeal proposal would preserve the setting of Croham Hurst House, the significance of which would not be harmed. However, lack of harm in this respect does not alter my overall conclusions.
24. I acknowledge the appellant's concerns over the Council's handling of the application, specifically the discussion at the planning committee meeting. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.
25. The proposal would provide additional housing in a sustainable location. Whilst this represents a benefit of the proposal, it is not sufficient to outweigh the harm that I have identified in respect to the failure of the proposal to make adequate provision for the additional need for sustainable transport improvement arising from the development.

Conclusion

26. For the reasons given above, having regard to the development plan when read as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

L Gardner

INSPECTOR