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## Appeal Decision

Site visit made on 3 June 2025

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

an Inspector appointed by the Secretary of State

**Decision date: 10<sup>th</sup> of July 2025**

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**Appeal Ref: APP/L5240/W/24/3354973**

**Sapphire Apartments, 72 Lower Addiscombe Road, Croydon CR0 6AB**

- 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 Nowsad Gani of Ganco Assets against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 23/00255/FUL.
  - The development proposed is described as 'Enlargement of the existing building with the addition of 5 flats, comprising of 2 X 2B3P, 2 X 3B4P and 1 X 3B5P flats. Alterations to Flat 2, 10 and 11 with extant permission (ref 19/02171/GPDO). '
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Notwithstanding the description of the development set out in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details before me that the development comprises the erection of part two/three-storey side extensions to the existing three-storey building and the formation of a third floor level to provide six new self-contained flats (Use Class C3 (total of fifteen flats), associated amenity, cycle parking and waste storage spaces, and alterations including landscaping and removal of existing off-street vehicle parking spaces. The Council have dealt with it on this basis and so shall I as it more accurately describes the proposal.
3. A draft unilateral undertaking (UU) has been submitted with the appeal in respect of sustainable transport and the prohibition of parking permits. I return to this matter later in the decision.

### Main Issues

4. The main issues are;
  - The effect of the proposal on the character and appearance of the area and whether it would provide a safe and secure environment.
  - Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to noise and disturbance, and its effect on the operation and viability of the neighbouring public house.
  - Whether the proposal would provide adequate cycle parking facilities and waste storage arrangements.

## Reasons

### *Character and appearance*

5. The appeal site comprises an irregular shaped piece of land that contains a roughly rectangular shaped three storey block of flats. It sits in a backland location in an area that is characterised by a mixture of commercial and residential properties. Although these buildings contain a variety of materials, they predominantly comprise brick, cement render, tile and slate.
6. Given that the proposal would not be significantly taller than surrounding buildings the Council has not found the principle of a four storey building in this location to be objectionable and I have no reason to disagree.
7. It has been put to me that the existing building is of no architectural merit, and that the use of metal cladding for top floors of buildings is widespread. However, the use of zinc style cladding as the proposed third floor extension's main finishing material would be at odds with the prevailing masonry materials found on neighbouring properties and on the lower levels of the appeal building. This factor, in combination with its prominent siting, bulk and box-like profile would result in the introduction of a prominent feature that would appear conspicuous in its immediate surroundings. As a result, its form and design would appear disjointed and represent an incongruous form of development that would fail to integrate satisfactorily with the existing property or its local context. The contrasting maroon brown colour and vertical lines shown on the submitted plans would accentuate its visual prominence and draw the eye rather than negate this harm.
8. Despite being set back from some of the neighbouring building's facades, my site observations confirmed that the discordant effect of the proposal would be readily apparent from several vantage points, including from along Moorland Road and Leslie Park Road. Whilst some views of the site include skyscrapers, these are very much in the distance and do not form a part of the immediate local context.
9. Nonetheless, the proposed undercroft area is of limited size and scale. I am satisfied that the level of natural surveillance for this space, and the access to it, from several different vantage points, when combined with the potential to secure external lighting, and details of lower-level soft landscaping to the play area by planning conditions would overcome the Council's concerns in respect of providing a safe and secure environment.
10. I therefore find that the proposal would provide a safe and secure environment and comply with Policy DM10.10 of the Croydon Local Plan 2018 (Local Plan) and Policies D3 and D11 of the London Plan 2021 (London Plan) which seek to achieve safe, secure and inclusive environments that increases the amount of natural surveillance and avoids dark and secluded areas. No conflict would also arise with Section 8 of the National Planning Policy Framework (the Framework) in this regard.
11. However, the proposal would cause unacceptable harm to the character and appearance of the area. As a result, it would conflict with Policies DM10.1, DM10.7, DM15 and SP4 of the Local Plan and Policies D3, D4, and D6 of the London Plan. These seek, amongst other matters, high quality design that respects the local context. It would also fail to accord with the design objectives of the Framework, specifically in Section 12.

### *Living conditions*

12. Although some background noise in urban areas is to be expected, no substantive evidence to demonstrate the opening hours of the nearby public house 'The Builders Arms', or existing noise levels have been provided. Given its proximity to the appeal site the outdoor drinking area for this pub has the potential to generate noise from groups of customers, including through talking, shouting or laughing at times such as summer evenings and weekends. These times would be when the occupiers of proposed flats 12, 14 and 15 would be likely to use their balconies and private outdoor spaces. This could lead to potential noise complaints, placing restrictions on the pub, and prejudicing its operations which could threaten its continuation and future viability.
13. The appellant's willingness to accept a suitably worded planning condition for the submission and approval of acoustic screening is noted. However, I have not been provided with any details of these screens so am unable to be certain that they would mitigate the noise and disturbance identified, or not cause further harm to the design of the proposal or living conditions of future residents. A condition for internal sound insulation would also not mitigate all of the harm that I have identified above.
14. I have had regard to the photographs provided of other similar relationships between public house's beer gardens and residential properties. Nonetheless, on the evidence presented, including the lack of detail in respect of opening hours or the policies that applied at the time of their consideration, I cannot be certain that they represent a direct parallel to the proposal. It would also not be responsible planning for a likely noise nuisance issue to be left to a 'buyer beware' approach.
15. On the basis of the evidence before me I therefore find that the proposal would not provide acceptable living conditions for future residents, when having particular regard to noise and disturbance. Nor has it been demonstrated that the proposal would not have a harmful effect on the operations and viability of the public house.
16. It would thereby conflict with Policies D13 and HC6 of the London Plan. These seek, amongst other matters, to support the night time economy and mitigate impacts from existing noise and other nuisance-generating activities or uses on new noise sensitive development. They also require development to be designed to ensure that established noise and other nuisance-generating uses remain viable and can continue or grow without unreasonable restrictions being placed on them. In this respect, it would also not accord with guidance within Section 6 of the Framework.

### *Secure cycle and waste storage facilities*

17. The proposal would provide 2 short-stay cycling parking spaces and 25 long-stay cycle storage spaces. It is not in dispute between the main parties that this amount would satisfy the London Plan's minimum cycle parking standards. Nonetheless, Policy T5 of the London Plan requires cycle parking to be fit for purpose, secure and well located. This policy also notes that cycle parking should be designed and laid out in accordance with the London Cycling Design Standards 2014 (LCDS).
18. I am unaware of any development plan policy or guidance that sets a maximum limit of 75% for long stay cycle parking spaces to be provided by a two-tier stack

system. However, 24 of the required 25 long stay cycle parking spaces are proposed to be provided in the form of two-tier cycle storage.

19. The LCDS advises that two-tier stands tend not to be suitable for all users and all types of cycle and that using the upper tier, in particular, would be difficult for many people. Such systems may therefore be difficult to use for some people and would not be usable for the storage of less conventional cycles. It also appears that one of the long stay spaces would not be enclosed or weatherproof. Without considering the quality and usability of what is offered the proposal would therefore fail to provide cycle parking that is fit for purpose. This in turn would represent a harmful barrier to cycling and its associated sustainability and environmental benefits.
20. I appreciate the Council's concerns in respect of the proposed arrangements for storing, collecting and managing solid waste. However, there is nothing before me to suggest that the existing refuse collection arrangements for local residents could not be extended to future residents. I am informed that these already involve refuse vehicles stopping along Lower Addiscombe Road and that collections would remain the same. Furthermore, the proposed waste storage area is only marginally over the recommended 20m loading position threshold and closer to the stopping point than existing arrangements. I therefore have no substantive reason to doubt that this matter could not be satisfied by the imposition of a planning condition for a waste management strategy or plan.
21. Nonetheless, given the restricted and irregular shape and size of the site, and the absence of any firm details in respect of the size, design and location of any revised cycle stands, I cannot be certain that there is scope within the site to accommodate sufficient appropriate cycle parking without fundamentally altering the proposed scheme. Accordingly, this matter could not be resolved by the implementation of planning conditions.
22. Therefore, although the proposal would provide acceptable arrangements for the storing, collection and management of waste, I am unable to find that it would provide adequate cycle parking facilities. It would thereby not conflict with Policies DM10 and DM13 of the Local Plan and Policies D6, SI7 and T7 of the London Plan. These require, among other things, to ensure that development is well-designed, with refuse facilities which are easily accessible by residents and waste collection operatives. However, conflict would arise with Policies DM16, DM29, DM30 and SP8 of the Croydon Local Plan and Policies T1, T2, T4 and T5 of the London Plan. These seek, amongst other matters, to ensure that new development includes adequate provision for cyclists, cycle parking provision that is fit for purpose to reduce the need for car use and makes provision to support more sustainable transport modes.
23. The proposal would also fail to accord with advice in sections 8 and 9 of the Framework, the LCDS; and the Cambridge Cycle Parking Guide 2010 which have similar objectives.

### **Other Matters**

24. In addition to prohibiting parking permits, the Council's decision notice suggests that a financial contribution would be required to improve sustainable transport options at the site. A draft UU and the wording of a potential planning condition

has been provided with the appeal. However, given that I am dismissing this appeal on other grounds there is no need for me to consider this matter further.

25. The site is in a sustainable PTAL 4 area but is not located within a conservation area or an area subject to an Article 4 direction. The Council also found the effects in respect of scale, massing, light, outlook, privacy, internal floorspace, flood risk, fire safety and the provision of family sized housing to be acceptable. Furthermore, I am aware that a lift would be installed to ensure compliance with Building Regulations and that a green roof and other urban greening measures would be provided. Nevertheless, these matters were not contentious in the appeal and the absence of harm in these respects does not weigh in favour of the proposal.
26. I have also had regard to an earlier appeal decision at the site (Ref APP/L5240/W/21/3275309). However, for the reasons given above, I continue to find that the scheme conflicts with current local and national policies.

### **Conclusion**

27. Although I have found that there would be no adverse impact regarding the creation of a safe and secure environment and waste storage arrangements, these, and the other matters identified above, are significantly outweighed by the unacceptable harm that would be caused to the character and appearance of the area, the living conditions of future residents, the operations and viability of the public house, and the failure to provide adequate cycle parking facilities.
28. The proposed development consequently conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR