



Appeal Decision

Site visit made on 6 March 2025

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/L5240/W/24/3353536

Squares, Mayfield Road, South Croydon, Croydon CR2 0BG

- 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 Matthew Lilburn against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/01133/FUL.
 - The development proposed is erection of a four bedroom dwelling with associated parking and landscaping on land adjacent to Squares, Mayfield Road CR2 0BG
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have consulted the main parties on the revised National Planning Policy Framework December 2024 (the Framework), which was published following the submission of the appeal. Both parties have provided comments in relation to housing which I have taken into account in my assessment and I am satisfied that the Council can demonstrate a 5 year housing land supply and have proceeded on this basis.
3. An amended plan has been submitted as part of the appeal. The plan shows a window to be inserted into the rear elevation of the host building 'Squares', to provide light to a bedroom which was shown to have a window blocked up in the original plans. This relates to the second reason for refusal and is a matter of dispute. Notwithstanding this, the blocking up of the window does not form part of the description of development, and the host building is outlined in blue. As this sits outside of the appeal site, it will not form part of my assessment.
4. 'Feasibility studies' showing alternative bricks have been submitted with the appeal. However, these are artists impressions, and the plans before me and those assessed by the Council and on which interested people's views were sought, together with information in the appellant's statement of case indicate that the grey stock brick is the intended facing material. Under the principles established by the Courts in *Holborn Studios Ltd¹*, to consider such a modification would be a substantive difference and procedurally could prejudice interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. Therefore, I have assessed the scheme on the plans before the Council at the time it made its decision.

¹ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWCH 2823 (Admin)

Main Issues

5. The main issues of the appeal are:

- The effect of the proposed development on the character and appearance of the area;
- The effect of the proposed development on highway safety; and
- Whether the development would expose future occupiers to an unacceptable fire safety risk.

Reasons

Character and appearance

6. The appeal site is the side garden of a dwelling off Mayfield Road. The garden has a close boarded fence to the front and side and has a number of trees within it. The site has a large residential building to the side on the corner of Mayfield Road and Sanderstead Road, with gardens of neighbouring properties to the rear. The appeal site slopes down from the highway. The properties in the area are mainly constructed from red or brown brick, with a large amount of painted render used in the immediate area, where brick detailing exists this is predominantly in red or brown tones.
7. The appeal proposal is for a single detached four bedroom dwelling on the site. The property is three storey with dormer windows in the roof. The proposed dwelling would have provision for one car parking space to the front and would require a dropped kerb to accommodate this. The proposal includes the removal of several trees, with replacement planting proposed.
8. The proposed material palette would include a grey stock brick with zinc cladded roof and concrete detailing. In my view, the proposed brick colour would appear out of character and a stark contrast compared to buildings nearby which have warmer toned materials such as red bricks and render with red brick detailing. Due to the size and height of the proposed dwelling, the amount of contrasting material to the surrounding dwellings would be significant. Therefore, the proposed dwelling would appear incongruous and visually dominant in the street scene and I find, would cause significant harm to it, and indeed to the character and appearance of the area.
9. An example of the use of dark grey/black brick nearby has been provided in the appellant's evidence at 11 Heathhurst Road. I do not have details of this scheme except for an application number which indicates that the application was from 2014. I have no further details of the scheme or the process for approving the materials used. Based on the limited information provided, in my view it is unlikely that the proposal was assessed in the same policy context. Therefore, I am unable to make a meaningful comparison between this scheme and the appeal proposal, and the presence of this dwelling does not provide justification for development that I consider would result in harm to the character and appearance of the area.
10. The height of the proposed dwelling would exceed that of the host dwelling 'Squares' however, to my mind, many properties along Mayfield Road and neighbouring streets are of a greater height than the host dwelling. The residential building to the side on the corner of Mayfield Road is of significant height and

massing. Due to the proportions of the proposed dwelling, it would fit comfortably between the two buildings and would not appear at odds with them in terms of scale. Therefore, the proportions of the property would be appropriate for the site, and it would not appear cramped in this location due to sufficient space about the proposed dwelling including the garden area.

11. The proposed dwelling would sit in line with the existing building and would respect the building line to both the front and rear of the property. In addition, the position of the driveway would be in keeping with other dwellings along Mayfield Road.
12. Having regard to the design of the proposed property, it would be unique on the street and would be of a contemporary design with large amounts of glazing. As the property is positioned between a post war property and a more modern residential building, I am satisfied that the uniqueness of the contemporary design would not be at odds with the surrounding properties as variation of design exists in this part of Mayfield Road.
13. Having regard to the proposed landscaping of the site, the level of replacement tree planting to account for lost trees I consider to be acceptable to help maintain the landscaped character of the site.
14. Nevertheless, due to the proposed material palette, the proposal would have a harmful effect on the character and appearance of the area, and would therefore be contrary to policies SP4 and DM10 of the Croydon Local Plan (2018) (CLP) insofar as they relate to character and appearance, which between them seek to ensure that development respects and enhances local character and that materials respond to the local character in terms of texture and colour. The proposal would also be contrary to policy D3 of The London Plan (2021) (TLP) which requires developments respond to the existing character of a place and to use attractive materials.

Highway Safety

15. Mayfield Road is a suburban road, predominantly residential in character with a 20mph speed limit and is Borough classified. The proposed development would make provision for the parking of one car on site, which conforms with maximum parking standards for the authority as set out in TLP policy T6.1 which is 1 parking space for a property with more than 3 bedrooms.
16. The driveway would be located to the front of the property. An existing BT box is located beneath the pavement where the dropped kerb would need to be to accommodate the crossover onto the appeal site. The appellant has provided information regarding this, and I am satisfied that the BT box could be lowered further to ensure that the kerb could be lowered to allow the vehicle crossover to be achieved.
17. The access would also require part of the site within the blue line to achieve sightlines, however, as this area is a driveway, it is shown to be unobstructed, and therefore would not block visibility splays. In the direction towards Sanderstead Road the front garden of the appeal site would have low boundary treatments allowing for visibility. Mayfield Road is straight in this section and therefore I am satisfied that there would be sufficient visibility for vehicles egressing from the site onto the main road in a forward gear.

18. The proposal does not include space for turning of a vehicle within the site to ensure that vehicles could access and egress the site in a forward gear, therefore in order for a driver to have maximum visibility when leaving the site, they would need to have reversed into the driveway from the public highway. However, given the character of the area, which is suburban and predominantly residential, many of the properties along Mayfield Road, which is not A or B classified, have driveways and a 20mph speed limit is in place. Therefore, in my view, there would be an expectation from other road users that vehicle manoeuvring may take place along a road such as this, and that vehicles including buses would be travelling at an appropriate speed to be aware of and react to potential hazards. Furthermore, I am satisfied that adequate pedestrian visibility would likely be achieved, together with the dropped kerb that would likely indicate to pedestrians that a driveway exists. Therefore, I am satisfied that a turning area within the site would not be required due to the circumstances in this particular location.
19. Furthermore, I am satisfied that the intensification of the site by providing one dwelling would not have a severe impact on the wider road network and based on the plans before me, adequate cycle storage and refuse storage would be provided at the site.
20. Therefore, for the above reasons, the proposed development would not have a detrimental effect on highway safety, and would comply with policies SP8, DM29 and DM30 of the CLP insofar as they relate to highway safety which between them seek to ensure that developments make provision for cycle parking, that they must not have a detrimental impact on highway safety for pedestrians, cyclists, public transport users and private vehicles, and ensure that highway safety is not compromised where it requires a new dropped kerb. The proposal would also accord with policies T4, T6 and T6.1 of TLP insofar as they relate to highway safety, which between them seek to ensure that development proposals do not increase road danger and that the maximum car parking standards are applied to development proposals.

Fire Safety

21. Policy D12 of TLP requires developments to achieve the highest standards of fire safety. This includes ensuring that there is unobstructed outside space for fire appliances, appropriate fire alarm systems, design to reduce fire spread and means of escape, an evacuation strategy and access for firefighting equipment.
22. A draft fire safety strategy was submitted as part of the proposals together with a fire strategy plan drawing. The statement sets out responses to the points set out in policy D12. The fire strategy plan drawing shows the design to minimise the risk of fire spread and means of escape, including the position of smoke and heat detectors and fire doors. The plan also shows the site for fire and rescue pumping appliances to the front of the property and evacuation assembly points to the front and rear of the property.
23. Although the strategy is in draft format, I am satisfied that the strategy together with the fire strategy plan drawing address the requirements of the policy and provide clarity on ensuring fire safety for the proposed development and future occupiers, provided the plan and strategy were implemented in full.
24. Therefore, for the reasons set out, I am satisfied that given the details provided, the proposed development would not expose future occupiers to an unacceptable

fire safety risk, therefore the proposal would accord with policy D12 of TLP which requires all development proposals to achieve the highest standards of fire safety.

Other Matters

25. The appeal proposal would provide one new 4 bedroom family dwelling on a small site, which would contribute to maintaining a five year housing land supply. Housing sites such as this are encouraged through the Framework under paragraph 73 and policy H2 of TLP. Together with policies SP2.7 and DM1.2 which encourage family homes and support development that does not result in a loss of 3 bedroom homes. Therefore, the housing mix would be acceptable. However, the harm of the proposed development is considerable given the effect it would have on the street scene. Therefore, this is a matter to which I attach limited weight.
26. Based on the information before me and my observations, I am satisfied that the proposal would not have a detrimental effect on the living conditions of neighbouring occupiers. Furthermore, that the standard of accommodation of the proposed dwelling including garden space would not have a detrimental effect on the living conditions of future occupiers of the proposed development. Therefore, the proposal would accord with policies D6 of TLP and policies SP2.8 and DM10.6 of the CLP insofar as they relate to living conditions of neighbouring and future occupiers. However, this is a neutral factor that does not override the harm I have identified by the proposed development on the character and appearance of the area.
27. The proposal would include rooftop solar photovoltaic technology as a low and zero-carbon technology, whilst the energy efficiency and renewable energy production measures are a benefit of the scheme, due to the small size of the proposal this attracts limited weight and does not outweigh the harm identified to the character and appearance of the area.
28. There are no unresolved issues in relation to, the location of the development being a green area/side garden, pollution, flood risk, biodiversity or trees with no objections on such grounds from the Council or from relevant statutory bodies.
29. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity to foster good relations between people who share a protected characteristic and people who do not share it.
30. The proposal includes the provision of a ramp to make the property accessible. Having regard to my duty, I have concluded that the decision to dismiss the appeal is proportionate in view of the reasons discussed in the main issues and having taken into account the benefits of providing accommodation suitable for a person with a protected characteristic. Therefore, PSED considerations do not outweigh the harm identified in the main issues.
31. The appellant has expressed general dissatisfaction with the Council's handling of the application. However, this is a matter between those parties, and it cannot have any bearing on my determination of this appeal.

Conclusion

32. 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.

N Duff

INSPECTOR