



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: 23 July 2025

Appeal Ref: APP/L5240/W/24/3351741

1131A London Road, Norbury, Croydon, London SW16 4XD

- 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 Amit Patel against the decision of the Council of the London Borough of Croydon.
- The application Ref is 24/01211/FUL.
- The development proposed is erection of a part single/part three storey rear extension with rooflights and balconies to accommodate conversion of upper floor self-contained flat into two (2) dwellings and provision of three (3) additional dwellings for a total of five (5) self-contained flats (use class C3), associated amenity for each flat, cycle parking and waste storage spaces and associated alterations.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have consulted the main parties on the revised National Planning Policy Framework 2024 (the Framework). Both the appellant and Council have provided comments and, I am satisfied that the main parties will not be prejudiced by taking the revised Framework into account.
3. The Council's first reason for refusal argues that the scheme would fail to provide sufficient family-sized accommodation as required in this location. As part of the appeal an amended plan has been submitted which demonstrates that the proposed ground floor unit could meet the minimum size requirement for a 3 bedroom 4 person unit. The Council has considered the amended plan and has commented upon it in its statement of case. As it relates to an internal space standard, I am satisfied that other interested parties would not be prejudiced by my taking it into account. As a result of the amended plan, the Council has confirmed that it no longer wishes to defend reason for refusal one. I have found no reason to disagree, and I have determined the appeal on this basis.
4. The Council's fourth reason for refusal relates to the absence of a section 106 agreement to secure a contribution to improvements to sustainable transport and the removal of the ability for residents to apply for future parking permits. As part of the appeal a signed and dated Unilateral Undertaking has been submitted. The Council has considered this document and commented upon it in its statement of case, and due to its specific nature in relation to financial contributions and parking permits I am satisfied that other interested parties would not be prejudiced by my taking it into account. As a result of the Unilateral Undertaking, the Council has confirmed that it no longer wishes to defend reason for refusal four. I am satisfied that the obligations in the Unilateral Undertaking meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and as a consequence the

issues in the fourth reason for refusal have been resolved, I have determined the appeal on this basis.

Main Issues

5. The main issues are:

- the effect of the proposed development on the character and appearance of the host building and area; and
- the effect of the proposed development on the highway network with particular regard to car parking provision.

Reasons

Character and appearance

6. The appeal site is located on the corner of London Road and Pollards Hill South, within this built-up part of the Borough. The site is an existing three storey building with residential accommodation above the commercial floorspace at ground floor level. Parts of the rear of the existing building including servicing areas is currently visible from Pollards Hill South. The existing building is part of a long terrace of three storey buildings and on the other side of the road are three storey buildings including sizeable 3 storey blocks of flats nearby.
7. The proposed development would incorporate an extension projecting from the rear of the existing building. The combined building would provide one flat at ground floor level, two flats at first floor level and two flats at second floor level. The flats would be provided with some private outdoor space, including balconies for the upper floor flats and outdoor space and storage at ground floor level.
8. The proposal would extend behind part of the existing building and extend along Pollards Hill South, extending the building line around the corner of London Road and Pollards Hill South. The proposal would create an active frontage with front doors to the development, where the rear of the existing building is currently visible and would conceal the rear of the existing building from view which comprises of servicing areas.
9. The proposed extension would be a sizeable addition to the host building. However, given the location on this corner plot with some space around the building there is space to accommodate the proposed extension without it appearing overly dominant or unreasonable in the context of its surroundings. There are other examples of fairly large buildings along London Road and the combined mass of the proposal would not appear unusual or out of place. The extension would be visible from some angled views from London Road where it would be experienced in conjunction with the long terrace, however there would be sufficient space between the proposed development and housing along Pollards Hill South for it to not appear incongruous. I find the proportions to be complementary to the host building, particularly the height, and are in my view, required to be similar in scale to the host building, in order to provide a building to turn the corner, and the scheme would be seen as a complimentary addition to the host building.

10. The proposal would therefore accord with policy SP4 of the CLP which requires development to respect local character and contribute positively to the public realm.
11. The extension would incorporate the provision of areas of intricate brickwork and areas of relief to the front and rear façades together with detail in the fenestration at second floor level. These would be attractive features providing variation to the external appearance and in a way that was sympathetic to the host building and the better examples of buildings in the local area. The proposed extension would tie in architecturally with the existing building, respecting the character, form and materials of the building. Therefore, I find that the proposed design of the extension is acceptable, together with the proposed materials and fenestration.
12. In terms of other elements of the design and layout, the proposed refuse storage and bicycle storage areas, together with garden area to the rear of the building, are of an acceptable design and location, as these are concealed behind a boundary wall and sets of double doors.
13. An appeal decision at Addiscombe Road¹ has been brought to my attention by the Council. The appeal decision related to proposed extensions to a semi-detached dwelling. Based on the information before me, it appears that the decision was very much case specific relating to how visible that proposal was in relation to its surroundings, and how important design is notwithstanding how visible a proposal is from a public view. Nevertheless, having considered the decision, due to the differing surrounding context and proposals themselves, the proposals are not directly comparable and in light of my reasoning above, this does not lead me to a different conclusion.
14. Therefore, for the reasons mentioned, the proposed development would have an acceptable effect on the character and appearance of the host building and area. In particular, the scheme would have a height, mass, scale and design that was appropriate for its setting and surroundings and would complement the host building in this location. Accordingly, the proposal would accord with Policy DM10 of the Croydon Local Plan (2018) (CLP) insofar as it relates to character and appearance which seeks to ensure that proposals should be of a high quality and respect the scale, height, massing, appearance, and existing materials of the area.
15. The proposal would also accord with Policy D3 of the London Plan (2021) (LP) insofar as it relates to character and appearance, which seeks to ensure that development proposals deliver buildings 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.
16. Based on my conclusions relating to the character and appearance of the area, I am satisfied that the proposal would accord with paragraph 129e of the Framework which states that decisions should support development that makes efficient use of land taking into account the importance of securing well designed places.

¹ Appeal Ref: APP/L5240/D/23/3328283 Dated: 16th May 2024

Car parking

17. The development proposes no on-site car parking and the provision of 5 flats in total. The plans before me show that a two-storey 4 bedroom unit currently occupies the first and second floors of the part of the appeal site. Therefore, there would be a net increase in residential units. The site has an existing area of hardstanding car parking space for approximately two cars, therefore there would be a reduction to zero car parking spaces on site as a result of the proposed development.
18. Policy T6 of the LP states that car-free development should be the starting point for all development in places that are well-connected by public transport. The site is within Public Transport Accessibility Level (PTAL) 2 which demonstrates relatively poor accessibility to public transport. Therefore, Policy DM30 of the CLP applies, which states that, in order to promote sustainable growth in Croydon and reduce the impact of car parking, new development must provide car and cycle parking spaces as set out the LP. Table 10.3 of Policy T6.1 of the LP relates to residential parking and sets out maximum residential parking standards. This requires a maximum of 0.75 spaces per unit. Based on this, the Council in its evidence has stated that 4 car parking spaces should be provided, and I have no reason to disagree with this reckoning.
19. In this location and accessibility level, I consider that some future residents would likely need to rely on private vehicles to access services and facilities, this is evident given that the host property and many properties along Pollards Hill South have private car parking. Due to the absence of proposed car parking provision on the site, on-street car parking would need to be relied upon for future residents should they own a car. Therefore, without adequate on-street car parking, illegal parking or obstructive parking could take place which could negatively affect the highway network and the amenities of residents in the area.
20. The appellant has provided a Parking Stress Survey (PSS) which has analysed the amount of available on-street car parking on surrounding streets including Pollards Hill South, where the proposed development is located. On Pollards Hill South closest to the site, the PSS calculated that the lowest number of available spaces observed was 9 with an average parking stress of 67%.
21. I have carefully considered the PSS which states that the parking stress levels vary from street to street. The Council has questioned the methodology stating that it should be presented in the correct format as per the Richmond Methodology and has stated that certain parking spaces should not be included in the survey due to their circumstances. These include various spaces subject to restrictions such as 1 hour stay, resident permit only parking areas, and pay and display spaces. Consequently, the Council has concluded that parking stress levels overall, including Pollards Hill South would be higher than indicated in the survey, based on figures obtained during daytime hours, with stress levels at 87%.
22. Residents of the proposed flats would usually wish to be able to park on a longer term and regular basis than that provided for a 1 hour stay and, generally in my view, would not wish to pay regularly for pay and display places because of the likely cost. Consequently, I place weight on the Council's concerns with aspects of the PSS and that the parking stress situation is likely to be higher than that recorded.

23. Therefore, I cannot be certain that the proposed development would be adequately served in terms of its parking demand by on-street provision, in lieu of parking on site. Consequently, I cannot be certain that the proposal would not have an unacceptable impact on the highway network through additional car parking generated by the proposed development, which would likely spill onto neighbouring roads.
24. The adjoining road is not within a Controlled Parking Zone (CPZ). The Unilateral Undertaking submitted with the appeal would remove residential parking permit entitlement for future residents of the proposed development, should a controlled CPZ come into effect in the area. However, that is not the case at the present time and residents of the development would be entitled to park in some adjoining roads where there is no CPZ and this would add to parking stress locally.
25. In addition, the Unilateral Undertaking makes provision for financial contributions towards improving sustainable transport such as provision of electric vehicle charging points, highway changes, car clubs, highway transport initiative measures, pedestrian and cycling improvements, which contribute towards mitigating against the proposal not providing on site car parking.
26. However, taking the above matters into consideration, including the proposed mitigation, the absence of on-site car parking, together with the concerns with the robustness of the PSS in relation to on-street car parking availability. I am not assured that the proposed development would not create additional parking stress in the area, which could lead to increased numbers of cars potentially parking in an unsafe or illegal manner or obstructing the highway, which could cause harm to the highway network.
27. Given my concerns over impacts on the highway network and my uncertainty relating to the elements of the robustness of the PSS, I consider that I need to take a precautionary approach. Therefore, I cannot be certain that the proposal would not cause unacceptable harm to the highway network and thereby highway safety, by not providing adequate levels of car parking. Therefore, in my view, the proposal would not accord with Policies SP8, DM29 and DM30 of the CLP which between them seek to promote sustainable travel, reduce the impact of traffic congestion, and provide car parking spaces as required. The proposal would also be contrary to Policies T6 and T6.1 of the LP which between them seek to apply maximum parking standards and set out the requirements for residential parking standards.
28. Policy T4 of the LP is referred to in reason for refusal 3, however, this relates to mitigation of transport impacts. Following the submission of the Unilateral Undertaking with the appeal which requires such contribution, I am satisfied that the proposal accords with this policy only insofar as it relates to mitigation, even if the mitigation proposed does not overcome my concerns.
29. Policy T5 of the LP has been referred to in the reason for refusal, however this relates to cycling. I am satisfied that the proposal provides adequate cycle parking, furthermore this is not disputed by the main parties. Therefore, I am satisfied that the proposal accords with Policy T5 of the LP.

Other Matters

30. Policies DM19 and DM28 of the CLP have been listed by the appellant in relation to the proposal and relate to loss of or support for community facilities and use, and trees. Together with, Policy D1 of the LP which relates to London's form, character and capacity for growth which refers to wider strategic aims and the preparation of development plans. These policies are not directly related to the harm identified in the main issues and therefore I find no specific conflict with them when reaching my conclusion on the proposal.
31. The appellant has expressed general dissatisfaction with the consistency of the Council's decision making. However, this is a matter between those parties, and it does not have any material bearing on the key planning issues in the determination of this appeal.

Planning Balance

32. A benefit of the proposal is that it would contribute to housing land supply by creating at least 3 additional residential units. Correspondence from the appellant relating to changes to the Framework indicates that the Council can demonstrate a five year housing land supply. However, the appellant has stated that several neighbouring authorities cannot demonstrate a five year housing land supply which relates to the guidance within the Framework. The scheme would provide housing to boost housing supply in this wider area of London, and is a worthwhile benefit that would make a small contribution to maintaining a housing land supply in accordance with Policy SP2 of the CLP and Policies GG4 and H1 of the LP only insofar as they relate to the delivery of new homes.
33. The proposal would be a smaller site and would therefore align with the aims of the Framework which states that it is essential for Small and Medium Enterprise housebuilders to build new homes and would speed up delivery. The proposal would bring associated economic benefits during construction and subsequent occupation by residents and through community infrastructure levy payments.
34. Further benefits of the scheme would be the design of the development providing an active frontage on Pollards Hill South, new planting and landscaping and green roof which would enhance biodiversity, drainage and air quality.
35. In this case, there are benefits associated with the urban location of the proposed development, which is of an appropriate density and would demonstrate an efficient use of the land, and therefore I find no specific conflict with Policy GG2 of the LP only insofar as it relates to making the best use of land.
36. The appellant's evidence relating to the Framework, refers to redevelopment of brownfield land, and states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and that proposals should be approved unless substantial harm would be caused. I agree that the proposal would utilise brownfield land which would relieve pressure on more sensitive areas and would be a benefit of the proposal.
37. There are no unresolved issues in relation to, housing mix, living conditions, flooding, drainage, ecology, biodiversity, refuse provision, energy or fire safety with no objections on such grounds from the Council or from relevant statutory bodies

and therefore I find no specific conflict with regard to policies SP6, DM1, DM13, DM23, DM25, DM27 of the CLP.

38. There would be undoubted benefits of the scheme, in particular by providing housing in a built-up area, making efficient use of the land, with an acceptable design and providing a boost to housing supply. However, due to the small number of units provided, the benefits are only afforded limited weight in terms of approval.
39. On the other hand, I have found that the scheme would not provide the required car parking that would be necessary to serve the development and would see the loss of existing private car parking. This is a serious shortcoming of the proposal in this location because of the likely effects on parking in the area and the related safety and amenity issues. This is a matter that weights to a substantial extent against the scheme. Indeed, I consider that the harm and related policy conflict would be such that the development would conflict with the development plan when considered as a whole.
40. It follows that the benefits of the scheme should be afforded limited weight and would be outweighed by the substantial weight that I attach to the harm and policy conflicts of the development.

Conclusion

41. The proposal conflicts with the development plan when considered as a whole 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