



Appeal Decision

Site visit made on 7 July 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/L5240/W/25/3364395

3 The Spinney, Purley, Croydon CR8 1AB

- 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 Nutley against the decision of the Council of the London Borough of Croydon.
 - The application ref is 24/01276/FUL.
 - The development proposed is a new dwelling
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area, including protected trees; and
 - the effect of the development on the living conditions of the occupiers of 32 Warren Road (No 32) with particular regard to outlook, overbearingness and sense of enclosure.

Reasons

Character and appearance including protected trees

3. The Spinney comprises a cul-de-sac of detached houses with a variety of designs. Dwellings are organised in an irregular arrangement with properties set back from the road located mostly centrally within spacious plots.
4. The area is heavily vegetated with mature hedges and trees which provides a strong canopy and an attractive verdant character and appearance, with the residential plots nestled within the vegetation. The ground levels rise as you travel away from Warren Road along The Spinney towards the appeal site.
5. The proposed plot would be notably smaller than other plots within the area in both its width and depth which would appear considerably out of keeping with the established pattern of development. The proposed dwelling would also appear cramped and contrived within its small plot compared to the other spaciouly located properties within the area. Whilst the surrounding trees would screen much of the site, this harm would be perceptible from views within the streetscene at the end of The Spinney cul-de-sac. This harm would be despite the dwelling itself not

- being out of keeping with the external appearance of other properties within the area.
6. The trees within the appeal site and The Spinney are subject to Tree Preservation Order 57 (TPO). On my visit I observed that there were a number of mature trees and hedgerow present at, or, on the boundary of the site that positively contributed to the mature canopy and verdant character and appearance of the plot and wider area.
 7. An Arboricultural Method Statement (AMS), Arboricultural Impact Assessment, Tree Protection Plan (TPP) and Arboricultural Survey¹ was submitted in support of the planning application. The evidence identifies that the development would result in an incursion to the root protection areas (RPA) of three trees. The incursion into the common horse chestnut (T03) and whitebeam (T05) is assessed as being a 0.1% and negligible incursion. Given the minor incursion into these RPA's, I do not consider that this would materially put the health and longevity of these trees at risk provided work is undertaken in accordance with the submitted AMS and TPP.
 8. However, in relation to the common yew tree (T04) the evidence identifies that the development would incur into its RPA by 13.7% in relation to hard surfacing, which I note includes a parking space, and 6% by the proposed dwelling. The tree survey assesses that T04 is a mature category B tree with a 40+ year life expectancy. Based on my observations on site, I have no reason to disagree with this assessment and it is clear the tree positively contributes to the established canopy of The Spinney and would continue to contribute to the canopy for years to come.
 9. The evidence before me identifies potential methods for the construction of the hard surfacing and foundations for the proposed dwelling. However, it does not commit to which construction methods would be used or what the effect on T04 would be as a result.
 10. Works would be under the supervision of the project arboriculturist. However, given the level of incursion into the RPA of T04 by the development and lack of clarity over the effect this would have, I cannot be certain that a future scheme could avoid materially damaging the roots of this tree. Damage to the roots of T04 could result in a detrimental effect on the future health and longevity of this protected tree which positively contributes to the character and appearance of the area. I therefore do not have the certainty that a condition securing detailed construction methodology would ensure the long-term health of the tree and could make the development acceptable.
 11. Furthermore, the proposed dwelling and its external spaces which includes a parking space and garden would be in close proximity to, or under the canopy of a number of trees. The evidence shows these trees include a semi-mature category C whitebeam with 20+ year life expectancy (T05), two mature category B sycamore trees with a 40+ year life expectancies (T06 & T07) and tree T04. I have no reason to disagree with this assessment. On my visit, I observed that they were well-established trees that currently, and would for many years, positively contribute to the verdant character and appearance of the area.
 12. Given the proximity to the trees and their canopies, the proposal would introduce post-development pressure from future occupiers to undertake works to address

¹ By Arbtech dated August & October 2024

potential safety issues, shading and leaf fall. Of particular note, the canopy of T04 would partially cover a proposed parking space which could lead to pressure due to undesirable leaf fall. T05 would partially cover the side of the house which could also lead to undesirable future leaf fall to the roof and gutters. The canopies of T06 and T07 would cover much of the proposed garden area which could lead to pressure owing to a shading effect and leaf fall.

13. A separate consent regime exists that would require the Council to approve works to these protected trees. However, the proximity of the development to these trees would introduce a much-increased pressure for these consents than otherwise would not be present, particularly in relation to matters of safety, damage to the building or living conditions of future residents. This would significantly increase the likelihood of harm to the character and appearance of the area through incremental post-development works to these trees that positively contribute to the area.
14. I therefore cannot be certain that the development would not have an adverse effect on the health and longevity of trees on, and nearby, the site which are subject to a TPO. Harm to these protected trees would result in harm to the verdant character and appearance of the area.
15. Accordingly, I conclude that the proposed development would result in significant harm to the character and appearance of the area, including to protected trees. The development would conflict with Policies G7, D3 and D4 of the London Plan (2021) (LP) and SP4, DM10 and DM28 of the Croydon Local Plan (2018) (CLP). These policies, amongst other matters, seek to require development to be of a high quality which respects and enhances Croydon's varied local character and contributes positively to the public realm, respects the development pattern and not permit development that could result in avoidable loss or excessive pruning of preserved trees where they make a contribution to the character of the area.

Living conditions

16. The development would introduce a dwelling of two storey stature within close proximity of the boundary with No 32. The proposed dwelling would have a depth where its side elevation would extend along much of the width of the neighbouring plot. There is boundary vegetation, and the property would have a roof that pitches away from No 32. However, the garden at No 32 which the rear windows of this property would have outlook across, has limited depth and the development would be in close proximity to the shared boundary. As such, the height, bulk, mass and siting of the dwelling would result in an enclosing and overbearing effect above the shared boundary fence which would restrict the outlook of the occupiers of No 32. Whilst both parties have referred to the ground levels between No 32 and the proposed dwelling, they would not be so significant to materially contribute to or mitigate the harm that I have identified.
17. The proposed development would therefore result in considerable harm to the living conditions of the future occupiers of No 32 by virtue of a loss of outlook, overbearing effect and sense of enclosure. The development would therefore conflict with Policy D3 of the LP and Policies SP4 and DM10 of the CLP. These policies, amongst other matters, seek to ensure development is high quality and ensures that the amenity of the occupiers of adjoining buildings are protected.

Other Matters

18. The development would provide an additional dwelling which would contribute to the supply of housing within the borough. However, given the small scale of the proposal, this at most attracts moderate weight in favour of the development.
19. The evidence before me shows the site lies within an archaeological priority area due to its proximity to a Roman Road. There is very limited evidence before me regarding the significance of the heritage asset. Comments from Historic England confirm their view that the development is unlikely to have a significant effect on heritage assets of archaeological interest and that no conditions are necessary. In any case, I have found harm in relation to both the main issues, so it is not necessary to consider this matter further.

Conclusion

20. 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.

C Housden

INSPECTOR