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## Appeal Decision

Site visit made on 25 July 2025

**by Gary Deane BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 August 2025**

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**Appeal Ref: APP/L5240/W/25/3364773**

**14 Hook Hill, South Croydon, Croydon CR2 0LA**

- 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 M Deragon against the decision of the Council of the London Borough of Croydon.
  - The application reference is 24/03948/FUL.
  - The development proposed is the construction of a 5-bedroom detached dwelling with integral garage on land to the rear of number 14 Hook Hill.
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### Decision

1. The appeal is dismissed.

### Procedural and preliminary matters

2. While the appellant has described the proposal as in the above heading, the Council has additionally referred to the creation of a new vehicular access. From my inspection of the plans, I consider that the Council's description more fully reflects the development sought. I have assessed the appeal on that basis.
3. Since the proposed development relates to the setting of a listed building, I have had special regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. Interested parties raise concern that Hook Hill, which is a Public Right of Way (PRoW) as it passes one side of the site, is incorrectly referred to as a private road with sections that are narrower than as shown on the plans. I have taken these concerns into account in my assessment of the proposal, which is based on all the evidence before me, including the appellant's rebuttal, and an inspection of the site and its surroundings. Overall, I am satisfied that the details of the appeal scheme as shown on the drawings and detailed in the written evidence allow a reasonable assessment of the development sought.

### Main Issues

5. The main issues are the effect of the proposed development firstly, on the setting and significance of 14 Hook Hill, which is a Grade II listed building; secondly, on highway safety for users of Hook Hill; and thirdly, on the character and appearance of the local area.

## Reasons

### *Setting and significance of the listed building*

6. The appeal property is a substantial, detached house with a steep pitched roof, tile hung, half-timbered gables and tall chimneystacks. According to the listed building description, the dwelling dates from the early 20<sup>th</sup> Century and is a good example of domestic revival architecture. It stands within a large, landscaped plot, which is commensurate with a dwelling of this status.
7. The long rear garden of No 14 is tiered to reflect the notable change in ground levels. External steps lead from beyond the back of the main house to the upper terrace, which is an area that was formerly used as a tennis court and is now a well-kept lawn with border planting. Beyond that is an unkempt grassed area with trees at a lower level that was previously used as a kitchen garden. It is within this rearmost section of garden, or the 'lower terrace', that the new dwelling would be placed. The site would also be subdivided between the existing and proposed dwellings, with a new access from Hook Hill to serve the new addition.
8. Because the existing rear garden of No 14 is free from significant built development and includes extensive mature vegetation there is a spacious feel and a verdant quality at the rear of the listed building. The size and stepped arrangement of the garden reflects the high social status of the house, as well as providing an attractive setting for the building which is of significant architectural quality. To my mind, the upper and lower terraces both have historical links with the main house and maintain a close physical and visual connection with each other despite their contrasting appearance. As such, both terraces form an integral part of the rear garden of No 14 and its setting. For the same reasons, the terraces both positively contribute to, and assist in revealing, the significance of the heritage asset notwithstanding the presence of suburban style housing beyond the site.
9. The proposal has been carefully designed to minimise its visual impact with the new built form set into the sloping ground and the inclusion of a flat green roof. Nevertheless, the new dwelling would be a substantial addition. It would be more than 30 metres in length on the ground floor and include a sizeable retaining wall that would be visible well above the lawn on the upper terrace. The introduction of a 2-storey building and retaining wall of such scale and massing would seriously erode the openness of the rear garden by curtailing its length, reducing its tiers and altering its spacious character. Moreover, the subdivision of the garden in the manner proposed, and the introduction of a separate, unrelated unit of living accommodation, would sever the historical connection of the lower terrace to the main house. It would also diminish the importance of the rear garden as a visual cue to the social status of the listed building.
10. Additional and reinstated planting would screen the development in views from the rear of No 14 and from public vantage points. However, new planting would take time to become established and soft landscaping, in any event, is not permanent. Moreover, screening harmful development in this way does not make it justifiable.
11. While I have carefully considered the appellant's Supplementary Assessment of Significance and Impact Assessment, I am unable to agree with its key finding that the proposal, while visible, would not significantly harm the setting of No 14. My view is that the appeal scheme would unacceptably erode the spaciousness provided by the rear garden of No 14. As a result, the proposal would undermine

the status of the listed building, materially harm and so fail to preserve its setting, and thus diminish its significance as a heritage asset.

12. Accordingly, the proposal is contrary to Policies DM10 and DM18 of the Croydon Local Plan 2018 (CLP) and Policy HC1 of The London Plan (TLP). These policies aim to ensure that development preserves and enhances the character, setting and appearance of heritage assets. It is also at odds with the policies of the National Planning Policy Framework (the Framework) with regard to protecting designated heritage assets and with the statutory duty.
13. The harm caused by the proposal on the significance of No 14 would be less than substantial. In those circumstances, the Framework states that the harm should be weighed against any public benefits, which is a matter to which I shall return later.

#### *Highway safety*

14. The plans show visibility splays of 2.4-metres by 25-metres in both directions from the proposed access. However, the splay to one side the new access, which is towards the adjacent property called Holmwell, includes land outside the red line boundary and beyond the responsibility of the Council. On that basis, it does not fall within the ownership or control of the appellant or the Council. While the splay may also avoid land within the demise of Holmwell, I am unable to conclude that the area would be kept from obstruction given the uncertainty over its ownership.
15. The PRoW is not a through route. It is likely to be lightly trafficked and it has a good safety record. The total number of extra vehicles generated by the appeal scheme would be modest. Nevertheless, drivers exiting the site may not have a clear view of oncoming PRoW users given the planting on the highway frontage of Holmwell, which could be within the splay area. Motorists turning out of the new access may need to edge forward into the PRoW to improve their view of others. In doing so, these vehicles might create an obstruction, which may only become apparent at short notice to other users. Given the obvious danger presented by an emerging or obstructing vehicle to others, it is important at this stage to establish that drivers using the new access would not pose a significant safety hazard.
16. The Council raises several additional concerns including on-site parking provision and the practicality of using a turntable to ensure that vehicles enter and exit the new driveway in forward gear. From my inspection of the plans, the level of on-site parking would be appropriate, and I have no reason to conclude that drivers would necessarily need to reverse into or out of the site if the proposed turntable were to be already occupied by a parked vehicle.
17. Nevertheless, I consider that there is insufficient information to conclude that the site could be accessed safely with adequate driver visibility. Therefore, the proposed development would be prejudicial to highway safety. Of the policies cited by the Council that are most relevant to this issue, it conflicts with TLP Policy T4 and CLP Policy DM29, which aim to ensure that development does not have a detrimental impact on highway safety.

#### *Character and appearance*

18. The site lies within a predominantly residential area wherein mostly detached dwellings of individual design predominate with those along Hook Hill typically occupying generous plots with spacious, mature landscaped gardens.

19. The new dwelling itself is well designed and its modern style would add to the diversity of existing built form in the local area. Although the new plot would be smaller than that of some nearby properties, the appeal scheme would not be out of keeping with the varied size of residential curtilages in the local area. The position of the new addition relative to other properties would be consistent with the pattern of existing development in which houses are sited and orientated differently within their plots with some closer to neighbouring buildings than others.
20. The proposal would lack a rear garden that would differentiate it from most other nearby properties and have a relatively large built footprint relative to the size of the new plot. Even so, there would be a good-sized roof terrace, patio and side garden provided with ample space retained around 3 sides of the proposed building. The overall site coverage of the built development would not compare unfavourably with other properties nearby. Most trees within the site would be retained with only those of lower quality removed notwithstanding the extensive excavation works required to take place. That the proposed access would be along a short driveway with trees retained along the frontage of the PRow would largely shield the new dwelling from public view. All in all, the proposed development and its access arrangements would not be an uncharacteristic addition.
21. By retaining a reasonably sized plot, most tree cover, and respecting the varied pattern of development, the proposal would be in keeping with the character and appearance of the local area. As such, it does not conflict with TLP Policy D3 and CLP Policies SP4 and DM10 insofar as they aim to ensure that development respects local character.

#### *Public benefits*

22. To briefly recap, the harm caused to the setting and significance of No 14 as a heritage asset would be less than substantial. In those circumstances, the Framework states that such harm should be weighed against the public benefits.
23. The supply of one dwelling to boost housing supply may, in the broadest sense, be a public benefit. There would be some economic and social gains from the sale of materials and provision of jobs during the construction phase and from spending by future occupiers. The new addition would be energy efficient and include measures such as a green roof and additional planting to enhance biodiversity. It would make efficient use of land within the site. However, the Framework states that great weight should be afforded to the conservation of heritage assets, which includes their setting. The Framework also requires development to achieve safe and suitable access. Any public benefits are limited and are significantly and demonstrably outweighed by the harm caused to the setting of the listed building.

#### **Conclusion**

24. Overall, the proposed development conflicts with the development plan, when read as a whole. There are no material considerations, including those of the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR