
Appeal Decision

Site visit made on 24 July 2025

by **N Unwin BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 September 2025

Appeal Ref: APP/L5240/W/25/3364657

Garages Rear of 50, Chipstead Avenue, Thornton Heath CR7 7DG

- 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 Chipstead Garages Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 24/04035/FUL.
 - The development proposed is described within the application form as: Demolition of existing garages and erection of terraced homes with associated hard and soft landscaping, boundary treatments, bicycle, and bin storage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook and external living space.

Reasons

3. The appeal site comprises a narrow section of land formed of a row of garages behind dwellings adjoining Chipstead Avenue and Quadrant Road. The rear gardens of these dwellings adjoin the appeal site with a narrow access lane running along the front of the garages and connecting to Chipstead Avenue. A tall fence extends along the rear boundary of the dwellings adjoining Chipstead Avenue with a high retaining wall adjacent to the rear boundary of the properties adjoining Quadrant Road. The narrowness of the appeal site combined with these substantive boundary treatments gives it an enclosed and confined character.

4. The proposed dwellings would be relatively deep and orientated such that the front and rear elevations would be close to the high boundary fence and tall retaining wall respectively. Whilst the ground floors would be open plan, the living area would be located to the rear of each dwelling. The windows serving the rear elevations of the proposal would be close to the elevations of one another and the sizable boundary treatment. As such, outlook from the ground floor openings within the rear section of the proposed dwellings would be severely restricted with views primarily limited to the surrounding development including boundary treatment, which would appear domineering and oppressive. In addition to the open plan layout, compared to a previous scheme, the proposal would include larger window openings and oriel windows. Nevertheless, the depth of the proposed properties combined with the close relationship of the front elevation to the tall boundary fence would offer little in the way

of outlook for the users of the living areas to the rear. As such, even if the proposed living area was moved to the front of the dwelling, outlook would continue to be poor.

5. Outlook from the rearmost bedroom of the first floor of unit two would be largely limited to that from a single window facing and close to the gable of unit 3. Due to its location on a small section of corner wall, this window would be narrow, offering occupiers a constrained view dominated by the blank wall of unit 3. I note the appellant refers to the 25.23% Vertical Sky Component calculation for this opening and the Waldrum diagram demonstrating the outlook within the submitted Daylight and Sunlight Assessment (March 2025). Nevertheless, a Vertical Sky Component calculation relates to the assessment of daylight and sunlight. Further, the Vertical Sky Component calculation is the amount of sky visible from the centre of a window and does not reflect the narrowness of the window and its limited horizontal field of view at eye level.

6. The appellant has suggested increasing the size of the rearmost bedroom window of the first floor of unit two. Nonetheless, given the narrowness of the section of wall within which it is located, there is little scope to increase the width and therefore the field of view at eye level. Any vertical increase in the window would not improve the horizontal field of vision and therefore the effect on outlook would remain limited.

7. A high level window would be located in the eastern elevation and a roof light would facilitate additional daylight and sunlight to this bedroom. However, the position of these windows would mean that they would not align with the primary viewing angle of occupiers standing or sitting within this space. As such, their contribution to outlook would be limited.

8. The London Plan - Spatial Development Strategy for Greater London (2021) (the London Plan) requires a minimum of 5 square metres of private outdoor space to be provided for 1-2 person dwellings and an extra 1 square metre for each additional occupant. It goes on to say that such private outdoor space should be practical in terms of its shape and utility.

9. The appellant calculates the external outdoor space of the proposed dwellings to be in excess of the standards required within the London Plan. Even if this is the case, the close relationship of the proposed dwellings to the appeal site boundary and one another confines these external living areas to small, narrow sections surrounding the properties. Further, this external space would primarily be adjacent to tall boundaries and the two storey form of the proposed dwellings. This would create constrained sections of land that are impractical in terms of their use as private external space.

10. The appellant contends that the proposed turning-table for the garage adjoining the site could be utilised as communal external living space as they consider this unlikely to be in use as the garage is small and used for storage. Nevertheless, no evidence is before me to qualify this assertion. Further, even if this area was utilised infrequently, this would result in potential conflict between vehicles and occupiers of these dwellings. Therefore, I do not consider the turning-table to be useable external living space.

11. Whilst the proposal is located within a reasonable walking distance of public outdoor spaces including playgrounds and parks, this is not comparable to private external living space and I therefore afford this limited weight.

12. The appellant contends that in local and regional planning policies, balconies of 1.5 square metres for flats are considered sufficient. Whilst this may be true, the nature

of balconies is such that they provide a high level of outlook for their occupiers through generous separation distances with neighbouring development. Given the constrained nature of the proposed external space, I do not consider these comparable.

13. Whilst the proposed residential units may meet the minimum internal space standards for new dwellings set out within the London Plan and Building Regulation requirement M4(2), this does not justify the above identified harm to the living conditions of future occupiers.

14. For the above reasons the proposed development would fail to provide acceptable living conditions for future occupants, with regard to outlook and external living space. As such the proposal would conflict with the relevant provisions of Policies D3 and D6 of the London Plan (2021), and Policies DM10 and SP4 of the Croydon Local Plan (2018) which, when read together require new development to deliver appropriate outlook and achieve indoor and outdoor environments that are comfortable and inviting for people to use.

Other Matters

15. The appellant raises a number of planning approvals made by the Council including that at 196 Sydenham Road and 132 Norbury Court Road, where there are limited external living space of a constrained nature and windows with a limited outlook. Nevertheless, these examples do not justify the unacceptable effects that would arise to the living conditions of future occupiers. Further, rather than providing justification for the developments in question, if anything, their presence points to a need for such proposals to be carefully controlled if the living conditions of future occupiers are to be safeguarded.

16. The appeal site is not located within a controlled parking zone, a conservation area, or within the setting of a listed building. It is additionally located within Flood Zone 1. Nevertheless, these are neutral points and weigh neither for nor against the proposal.

17. Whilst the pedestrian access to the rear of the dwellings along Chipstead Avenue would be upgraded, there is no evidence before me to suggest that the proposal is required to facilitate this.

18. The proposal would create an additional three dwellings located on brownfield land, forming a windfall site. Further the appeal site is within a sustainable location, surrounded by local amenities, services, and transport links. However, given the small scale of the proposal I attribute modest weight to these combined benefits. This would not outweigh the above identified harm which would be caused to the living conditions of future occupiers.

19. I note the proposal forms a reduction in the number of units compared to a previous scheme and the third storey element has been removed. Nonetheless, this does not justify the above identified harm which would be caused to the living conditions of future occupiers.

Conclusion

20. The proposal is contrary to the development plan as a whole and there are no other considerations which indicate planning permission should be granted. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR