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## Appeal Decision

Site visit made on 29 July 2025

by **P Burley BA(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 September 2025

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**Appeal Ref: APP/L5240/W/25/3367086**

**2a More Close, Purley CR8 2JN**

- 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 Ian Austin (Gemini Property Holdings) against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 24/04019/FUL.
  - The development proposed is described as 'new 3-bedroom dwelling together with 1 parking space and bins and bike storages'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. At the appeal stage the appellant submitted an amended plan to increase the amount of soft landscaping on the site. I am satisfied that no party would be prejudiced by me taking the amended plan into account in my determination of this appeal and I am proceeding on that basis.

### Main Issues

3. The main issues are:
  - the effect of the appeal scheme on planning permission 18/03342/FUL;
  - the effect of the appeal scheme on the character and appearance of the area; and
  - whether there is a suitable mechanism to restrict future occupiers of the appeal scheme from applying for parking permits and to promote sustainable transport options.

### Reasons

*The effect of the appeal scheme on planning permission 18/03342/FUL*

4. The appeal scheme involves the construction of a single dwellinghouse on part of a site which was granted planning permission under reference 18/03342/FUL (the approved development), comprising a block of flats with associated parking and landscaped areas. Four of the Council's five reasons for refusing the appeal scheme refer to the appeal scheme inhibiting the implementation of the approved development.

5. There can be any number of planning permissions covering the same area of land. Where there is an extant permission on the land, there is nothing to preclude the decision-maker from reaching a decision on another proposal for all or part of that land as it would be for the landowner(s) to decide which permission to implement.
6. Thus, where there are overlapping development proposals, the grant of planning permission for one cannot affect the other. However, and according to the longstanding 'Pilkington Principle'<sup>1</sup>, where development carried out under a new permission makes it physically impossible to implement the original permission, the validity of that original permission may be compromised.
7. Accordingly, and notwithstanding that I have not been provided with all relevant information in relation to 18/03342/FUL to enable me to understand the effects of the appeal scheme on that development, the implications of the appeal scheme for the approved development are not for me to take into account in deciding whether or not the appeal scheme is acceptable in its own right. Rather, the implications – including whether the implementation of the appeal scheme would affect the validity of the extant permission for the site and the consequences arising from such a situation – are risks that sit with the landowner(s).
8. I must emphasise, however, that the absence of any further discussion in this decision in relation to issues that could be created for the approved development by the appeal scheme should not be taken as a dismissal of the concerns that the Council set out in its reasons for refusing the appeal scheme.

#### *Character and Appearance*

9. The appeal site is located in an established residential area which generally has a spacious, verdant character. The western end of More Close is typified by large detached dwellinghouses which are set in attractive, mature gardens. More recently, three blocks of flats have been built at the eastern end of More Close, including to the south and to the west of the appeal site. A single dwellinghouse has been constructed to the immediate north of the appeal site. Whilst these developments have increased the amount and density of development in the part of More Close around the appeal site, the approved development to the immediate south of the appeal site included an area of landscaping which would have created a green buffer between the block of flats and the existing dwellinghouse to the north of the appeal site, helping to maintain the verdant character of the area.
10. However, the approved development has not been built out in accordance with the approved plans. The approved development included a car park for the flats along with part of the aforementioned area of landscaping on the land that is the subject of this appeal. As noted in the appellant's Statement of Case and as I saw when I visited the site, a reconfigured car parking area has been built between the appeal site and the flats and the approved landscaping has not been delivered.
11. Together with the relocated and reconfigured car parking area, the appeal scheme would result in a largely unrelieved run of built development with very little landscaping, creating a sense of a crowded built environment which would be at odds with the prevailing character. The brick southern elevation of the proposed dwellinghouse, which would not include any fenestration and which would be

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<sup>1</sup> Pilkington v SSE & Lancashire CC [1973] 1 WLR 1527

visible across the adjacent parking area, would add to the dominance of hard materials over soft landscaping.

12. Whilst the appellant has submitted a revised plan which reduces the amount of hardstanding around the proposed dwellinghouse, the front garden of the appeal scheme would not be significantly different from the narrow area in front of the dwellinghouse to the immediate north of the appeal site which I observed during my site visit and, therefore, I consider that it would do little to address the change in character that would result from the appeal scheme. Similarly, the removal of the proposed hard surfacing around the on-site car parking space as shown on the revised plan would result in a relatively small amount of additional green space / soft landscaping but would not redress the marked change in character that would result from the construction of a dwellinghouse on this site.
13. Overall, I consider that the appearance of the appeal scheme would not make a positive contribution to the townscape of More Close and would result in a large degree of harm to the character of the local area. Therefore, I consider it to be contrary to Policy DM10 of the Croydon Local Plan 2018 (CLP) and Policy D3 of the London Plan 2021 (LP) which seek to achieve high-quality development and to respond to the existing character of a place.

#### *Parking and Sustainable Transport*

14. The Council also refused the appeal application on the basis that there was no legal agreement to restrict future occupiers from applying for parking permits or to promote sustainable transport options and, therefore, the appeal scheme would have an unacceptable impact on parking stress and highway safety in the locality.
15. The appellant has submitted a unilateral undertaking (UU) which would restrict future occupiers of the appeal scheme from applying for parking permits. The Council has noted that the UU does not include a monitoring fee but has not stated how much the fee should have been which would have enabled the appellant to respond. Therefore, I do not consider that the absence of a monitoring fee should count against the appellant.
16. In relation to sustainable transport options, the Council's officer report says that had its recommendation been for approval, a financial contribution of £1,500 towards encouraging sustainable modes of transport in the area would have been requested. However, I have not been provided with details of any policies or guidance to justify such a contribution and as such I have no evidence before me to demonstrate that a contribution is necessary.
17. On the basis that the UU would support the aim to address parking stress and highway safety, I consider that the appeal scheme complies with LP Policies T4 and T6 and CLP Policies DM29 and DM30 which seek to manage parking provision and transport impacts.
18. The Council has also said that the appeal scheme conflicts with CLP Policy SP8 which relates to transport schemes and LP Policy T7 which relates to deliveries, servicing and construction. However, I do not consider these policies to be of direct relevance to this issue.

### **Planning Balance**

19. The appeal scheme would result in the delivery of a single dwellinghouse, a benefit to which I attach significant positive weight. I accord neutral weight to the UU which is intended to avoid potential issues associated with off-site car parking. However, I consider that the positive weight that I have identified is outweighed by the harm that the appeal scheme would cause to the character and appearance of the area and, therefore, that the appeal scheme conflicts with the development plan when taken as a whole.

### **Conclusion**

20. For the reasons given above the appeal should be dismissed.

*P Burley*

INSPECTOR