



Appeal Decision

Site visit made on 15 September 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th October 2025

Appeal Ref: APP/L5240/W/25/3369651

Land Adjacent to the rear of 47 Byres Road, South Croydon CR2 0PY

- 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 John Davies against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/01315/FUL.
 - The development proposed is the erection of a new attached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of 47 Byres Road, with particular reference to outlook and parking provision; and
 - whether the proposal would result in the net loss of residential land.

Reasons

Living conditions

Outlook

3. The appeal site is a small parcel of land located to the rear of 47 Byres Road (No 47). It comprises a detached outbuilding which accommodates two self-contained garages, as well as a parking space which is located between the outbuilding and the wooden fence which encloses the rear garden of No 47. This is a modest garden with a limited depth.
4. The proposed garage would attach to the existing outbuilding and would sit directly adjacent to the rear garden of No 47. It would extend across the full width of this garden and would be taller than the existing fence. Because of this, in combination with the small size of No 47's rear garden and its limited depth, the size and bulk of the proposed garage would appear intrusive from the rear garden of No 47. Therefore, irrespective of its flat roof design, the proposal would harm the outlook of these residents while using their garden, to the detriment of their living conditions.

5. No 47 has two windows and a door on its rear elevation. The appellant advises that one window is obscure glazed and serves a shower room, whereas the other window and door serve a kitchen, which the appellant does not consider to be habitable rooms. The Council has not provided substantial evidence to demonstrate otherwise. On this basis, the proposal would not unduly harm the outlook from these windows. Nevertheless, this would not justify the poor outlook within the rear garden.

Parking provision

6. In granting planning permission for the use of the ground floor of No 47 as a flat¹, the Council attached a condition securing the retention of the parking arrangements as long as the development remains in place. The appellant on the other hand advises that the parking space is no longer in the same ownership as the ground floor flat. I note that the red line shown on the site location plan does not include No 47. In any event, planning permission runs with the land and matters relating to land ownership are beyond the remit of this appeal.
7. Nevertheless, since the proposal seeks to construct a new garage, it would not result in the loss of a parking space. Even if the existing parking space is not currently being used in connection with No 47, there is little evidence before me to suggest that on-street parking would not be available to these residents. As such, I see no reason why the proposal would be harmful to the living conditions of these residents.
8. In light of the above considerations, while the proposal would be acceptable in terms of parking provision, it would have a harmful effect on the outlook of the residents of No 47 while using their garden. Therefore, the proposal would be contrary to Policies D3, D6 and T6 of The London Plan 2021 (LP) and to Policies SP4, SP8, DM10 and DM30 of the Croydon Local Plan 2018 (CLP). Amongst other things, these policies address car parking, support development that is of the most appropriate form for the site, is of a high-quality design, and seek to protect the amenity of the occupiers of adjoining buildings.

Residential land

9. CLP Policy SP2 sets out that in order to provide a choice of housing for people in Croydon, developments which will result in a net loss of residential land will not be permitted.
10. The planning permission for the use of the ground floor at No 47 as a flat included the provision of a parking space on land where the proposed garage would sit. On this basis, the Council considers this land to be ancillary to a use class C3 (dwelling houses).
11. The application form records both the existing and proposed uses of the site as use class B8 (storage or distribution). However, in their Appeal Statement, the appellant clarified that this was selected as a plausible option, and the application does not seek to change the use of the land; rather, it seeks to replace the existing parking space with a garage, so the land would continue to be used for car parking. This is consistent with the description of development, which does not include any reference to a change of use. The Council has not addressed the points made by

¹ LPA Ref 89/03424/P

the appellant in their appeal submission. Therefore, there is limited evidence before me to demonstrate that the use of the land would change.

12. As such, the proposal would not result in a harmful net loss of residential land. It would therefore accord with CLP Policy SP2, which amongst other things seeks to preclude developments which will result in a net loss of residential land.
13. The Council's first reason for refusal refers to CLP Policy DM1. However, there is limited evidence before me to suggest that these policies would be relevant in the context of this appeal.

Other Matters

14. I acknowledge the lack of an objection from the residents at No 47. However, a lack of objection does not necessarily equate to a lack of harm.
15. While it may be that the proposal would have an acceptable effect on the character and appearance of the area, this would not overcome the harm to the living conditions of the residents at No 47 as I have identified above.

Conclusion

16. 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.

P Terceiro

INSPECTOR