



Appeal Decision

Site visit made on 4 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 14 October 2025

Appeal Ref: APP/L5240/W/25/3364839

Garages south-east of Eagle Hill, Upper Norwood, London SE19 3LJ

- 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 S Jalil of SET Architecture against the decision of the Council of the London Borough of Croydon.
 - The application ref is 24/04300/FUL.
 - The development proposed is demolition of existing garages and erection of a mews-style development comprising 6No houses with associated cycle parking, refuse storage facilities and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, it was identified that land subject to a long leasehold to the UK Power Networks (UKPN) was included within the red line. Accordingly, the appellant served notice on UKPN who were given the opportunity to provide comments on the appeal. Although no comments were received from UKPN, I am satisfied that I can determine the appeal without there being any procedural unfairness to parties with an interest in the land.
3. As part of their appeal submissions, the appellant has included some additional plans relating to the refuse storage arrangement. These plans do not amount to a fundamental change to the scheme that would lead to a different application than what was considered by the Council. As such, there would be no substantive reason not to accept the plans. Furthermore, the Council was given the opportunity to comment upon these plans and therefore there would be no procedural unfairness as a result of accepting these plans. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal would provide adequate cycle storage facilities; and
 - whether the proposal would provide adequate refuse storage facilities.

Reasons

Character and appearance

5. The area comprises a mix of flats and two storey terraced properties with consistent architectural features. The ground levels steeply decline as you travel away from Dover Road along Eagle Hill. The existing site comprises of a number of single storey flat roofed garages which are in various states of dilapidation.
6. The existing terraced properties within the area front onto the various roads and are set in long and narrow plots providing modest frontages and longer rear gardens. The proposed development would be set between two existing terraces. As a result, the proposed properties would not front directly onto Eagle Road, and the proposed plots would have very shallow rear gardens and frontages. As a result, the proposal would appear as a cramped development which would be out of keeping with the wider pattern of development.
7. Furthermore, the side elevation of unit 1 which fronts onto Eagle Road features a timber herringbone pattern which would be out of keeping with the architectural detailing of the area, and the bulk and mass of the side profile would appear far greater than other properties within the area owing to the width of the proposed dwellings. This would result in the development appearing unduly prominent within the streetscene, the proposed dwellings being overbearing within their plots and would result in the development failing to integrate with the other terraces within the area. The proposed glazing on the rear elevations and roof slopes would also be excessive compared to the modest glazing seen within other nearby properties and would further cause the proposed dwellings to be out of keeping with the character and appearance of the streetscene.
8. Unit 6 is proposed as a single storey dwelling and would feature a mono-pitch with a large flat roof element. This would be out of keeping with the design of other properties within the area. However, views of unit 6 would be predominantly from private views so the harm to character and appearance of the area would be limited in this regard.
9. The proposal would utilise brown and orange bricks and tiles which would be in keeping with the palette of materials used in the wider area and would remove the existing dilapidated garages. However, this would not overcome the harm that I have identified.
10. Overall, the development would result in significant harm to the character and appearance of the area. As such, the development would conflict with Policies SP4 and DM10 of the Croydon Local Plan (2018) (CLP) and Policies D3 and D4 of the London Plan (2021) (LP). These policies, amongst other matters, seek to ensure that development is of a high quality that respects and positively responds to the local distinctiveness of the area through the developments layout and appearance.

Cycle storage

11. The appeal scheme proposes two cycle parking spaces for each property, which the evidence shows would comply with the overall number of cycle storage spaces required for each property.
12. However, Policy T5 of the LP requires the development to demonstrate how the cycle parking facilities will cater for larger cycles, including adapted cycles for

disabled people and to provide visitor spaces, along with helping to remove barriers to cycling. The development relies on vertical stands in each property and does not propose any visitor spaces. The proposal would therefore not cater for larger and adapted cycles by relying on vertical stands and would not be readily accessible to future occupiers who may have physical limitations or mobility issues. The development would therefore not remove barriers to cycling for future occupiers.

13. It has been suggested that the rear gardens and general storage rooms contained within the ground floors of each of the proposed dwellings could be used to store larger and adapted cycles. However, this would be at the expense of internal storage space and external amenity space. A reliance on these spaces would not demonstrate the development caters to larger and adapted cycles or remove the barriers to cycling as required by Policy T5 of the LP and could undermine the overall function of the dwellings.
14. In relation to visitor cycle spaces, the evidence shows that two spaces would be required. The appellant has suggested that the site could accommodate these visitor spaces in two separate locations within the site which could be secured by a condition. However, one of these locations is situated directly outside bedroom 2 of unit 6 which could lead to issues relating to the living conditions of these future occupiers. The other is situated directly opposite the bin storage area where there would be limited space and may result in issues accessing the bin storage area. Both proposed locations would also result in the loss of green spaces within the development.
15. As such, I do not have convincing evidence which demonstrates that adequate visitor cycle parking could be secured by a condition. In accordance with paragraph 56 of the National Planning Policy Framework (the Framework), I therefore do not consider that this otherwise unacceptable visitor cycle storage arrangement could be made acceptable through the use of a condition.
16. Therefore, the proposed development would not provide adequate cycle storage facilities which would attract considerable harm against the development. The proposal would conflict with Policies T4 and T5 of the LP and Policies SP8, DM29 and DM30 of the CLP. These policies, amongst other matters, seeks to ensure that the development contributes to the removal of barriers to cycling and promotes measures to increase cycling. They also seek to ensure that appropriate levels of fit for purpose cycle parking is provided that caters for larger cycles, including adapted cycles for disabled people.

Refuse storage

17. The parties agree that the future occupiers of units 5 and 6 would be required to travel over 30m with their waste to reach the refuse storage area. This would be a considerable distance for these residents meaning the proposed site layout would result in inconveniently located and not easily accessible refuse storage for these future residents.
18. The appellant has suggested that future occupiers of these units would be aware of, and buy into this arrangement, and that a servicing and delivery plan secured by a condition could be used to control the arrangement. However, neither suggestion overcomes the fundamental issue relating to the layout of the scheme resulting in an extensive distance from units 5 and 6 to the refuse storage area.

19. The appellant has referred to a previous development at the site, where purported similar distances to the refuse storage area was approved by the Council. However, I have very limited details of this case before me so I cannot be certain the situation is directly comparable. Furthermore, the evidence also shows this scheme was granted planning permission before the adoption of the CLP and LP. In any case, each proposal is assessed on its own merits which I have done so in this case.
20. Furthermore, the submitted Waste Management Plan confirms that there is insufficient space for a bulky storage area, and that the solution is a chargeable bulky waste collection service for future residents to use. This would be an inadequate and inconvenient solution which would be contrary to Policy DM13 of the CLP which seeks to ensure that adequate space is provided for the storage of bulky waste. It is also unclear how this chargeable collection service would be secured for future residents.
21. In relation to the collection of the bins, the appellant has provided additional information which demonstrates that the slopes the bins would be required to navigate would fall within the maximum allowable gradient meaning that future refuse operators would not be required to push the bins uphill. The evidence before me therefore shows that refuse operators would be able to safely collect the refuse from the development.
22. Whilst I have found the refuse provision would be safe for future refuse operators, the development would provide inadequate and inconvenient refuse storage provisions through the lack of a dedicated bulky storage area and the distance the future occupants of units 5 and 6 would need to travel to access the storage facilities. This would attract considerable harm against the development. The proposal would therefore conflict with Policy DM13 of the CLP. This policy, amongst other matters, seeks to ensure that refuse facilities are safe, conveniently located and easily accessible, along with ensuring that adequate space is provided including for bulky waste.

Other Matters

23. The third refusal reason relates to a lack of a signed legal agreement to secure a sustainable transport contribution and the removal of the proposed dwellings from being able to apply for parking permits and contracts in car parks run by the Council. I have been supplied with a signed unilateral undertaking which secures both the financial contributions and the restriction of the properties from parking permits. As I am dismissing the appeal on other grounds, I do not need to discuss this matter further.
24. The appeal site is situated adjacent to the Harold Road Conservation Area (CA). The Harold Road Conservation Area Appraisal and Management Plan (2015) sets out the special character of the conservation area lies in the architectural merits of the well-preserved 19th century townscape which contains substantially sized, late Victorian, elaborately detailed villas set in generous gardens, laid out on wide sweeping roads and tree lined slopes.
25. The existing site contains dilapidated flat roof garages which do not contribute positively to how the CA is experienced as part of its setting. Whilst I have found that the proposal would be out of keeping with the character and appearance of the area, the development would be viewed from the CA in the context of, and as part

of, the existing terraces and flats situated outside of the CA. For this reason, the significance of the CA would not be harmed by the proposal. Therefore, the appeal proposal would preserve the setting of the CA.

26. I note that pre-application discussions took place with the Council prior to the submission of the planning application. However, pre-application discussions are informal and not binding on any future decision the Council may make once a proposal has been subject to the formal planning process and I have assessed the appeal on its individual planning merits.
27. The Government's objective is to significantly boost the supply of housing, including through small and medium schemes. The proposal would make use of brownfield land in an urban area to provide six new dwellings. However, given the scale of the scheme, this would attract at most moderate weight in favour of the proposal. The development would also provide a benefit in developing a site which has been subject to fly tipping resulting in negative impacts for surrounding neighbours. However, this would only attract limited positive weight given this benefit is not reliant on this specific scheme. The identified benefits would not outweigh the harms that I have identified.

Conclusion

28. 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. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR