



Appeal Decision

Site visit made on 6 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/L5240/W/25/3370267

111 South Norwood Hill, London SE25 6DD

- 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 Maia Ltd against the decision of the Council of the London Borough of Croydon.
 - The application ref is 24/04165/FUL.
 - The development proposed is demolition of the existing building and the erection of a replacement building comprising six flats, with associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended elevation plans have been submitted which alter the roof materials showing red/brown tiles rather than a slate roof. An amended site plan and ground floor plans have also been submitted to reflect an updated landscaping scheme. This includes additional hedgerow, the retention of an existing tree previously proposed for removal and the reduction in hardstanding at the front of the site. These changes are also reflected in an updated design and access statement.
3. I consider that the proposed amendments would be small in scale and would not result in substantial differences or fundamental changes which would ultimately result in a different application to that considered by the Council. Furthermore, based on the evidence before me, I do not consider that accepting these amendments would deprive those who were entitled to be consulted on the application of the opportunity to make any representations that they may have wanted to make on the application as amended, given the limited nature and extent of the changes proposed. Furthermore, the Council has been given an opportunity to comment upon these plans.
4. Therefore, in this instance, I am satisfied that there would be no substantive or procedural reason not to accept the amended plans, and I have made my decision on this basis.
5. A signed unilateral undertaking was submitted two days after the start date for the appeal. The Council has objected to the late submission on the basis of appeals guidance¹. This guidance sets out that for appeals following the written representations procedure, the appellant must ensure that an executed and certified copy of the planning obligation is submitted at the time of making their

¹ Procedural Guide – Planning appeals – England paragraph 18.2.2

appeal. Furthermore, an Ecological Assessment², Biodiversity Gain Plan³ and Statutory Metric Calculator also accompanies the appeal submission.

6. Whilst I note the content of the appeals guidance, the planning obligation and ecological information would not evolve the development or fundamentally change it from what was originally under consideration by the Council. Furthermore, the Council has had the opportunity to comment upon these documents as part of the appeal. I am satisfied that there is no procedural or substantive reason not to accept the obligation and ecological information. I have made my decision on this basis.

Main Issues

7. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether the proposal provides adequate living conditions for future occupiers of the ground floor properties;
- whether a planning obligation would be required to secure a financial contribution to sustainable transport initiatives and to restrict future occupiers of the development from applying for parking permits; and
- ecology, with specific regard to the effect of the proposal on protected or notable species and habitats, and whether the proposal would achieve a biodiversity net gain.

Reasons

Character and appearance

8. The appeal site comprises a detached two storey building, finished in a white render with a generous verdant frontage. It is located within a corner plot on South Norwood Hill, a well trafficked road with residential buildings lining both sides of the road. Whilst the area contains a variety of built form including flats, the appeal site visually appears to form part of a row of detached and semi-detached two storey buildings which share a strong sense of visual harmony through similar architectural features and proportions of the plots, including being set above the street level and established vegetated frontages. In particular the adjacent properties of 113 and 115 South Norwood Hill (Nos 113 and 115) share a nearly identical appearance to the appeal building, and they appear as a positive grouping within the streetscene.
9. The ground levels steadily increase as you travel up South Norwood Hill going away from the junction with Whitehorse Lane and the row of properties step up with the increasing ground levels giving a distinct appearance to the area.
10. The development proposes a three-storey building with roof accommodation and excavates the ground levels of the site below street level. However, even with the excavation of the site, the ridge of the proposed building would exceed that of No 113 and would therefore appear excessive in height and out of keeping with the

² Greenspace Ecological Solutions dated July 2025

³ Greenspace Ecological Solutions dated 28 July 2025

stepped appearance of the properties along South Norwood Hill. Furthermore, the flattened excavated frontage would starkly contrast with the adjacent properties which feature rising verdant frontages.

11. The excavated ground levels would also not mitigate the significant bulk, scale, width and massing of the three storey building which would appear far greater than the adjacent two storey properties making the built form of the proposed development appear dominant and intrusive within the streetscene. The bulk and massing of the building would be further emphasised by its prominent corner plot where the bulky three storey side elevation would also be exposed within the streetscene.
12. This harm would occur even with the proposed design taking some architectural cues from the immediate surrounding area including the white render, facing brick, hipped roof, front facing gable and projecting bay window.
13. I note that the appeal scheme has been designed to seek to address the criticisms of the previous Inspector⁴ who found the previous proposal to be intrusive and prominent due to the proposed form and design of the development. The appeal before me has been designed to remove some of the previously proposed contemporary features such as the flat roof and cantilevered front facing balconies which the previous Inspector found to be harmful to the character and appearance of the area. However, the previous Inspector also found harm in the proposed block of flats breaking up the composition of the streetscene, particularly with the adjacent properties at Nos 113 and 115. Harm to the character and appearance of the area would still occur in this regard for the reasons I have given.
14. The appellant has also referred to a previous approval⁵ made by the Council at the site for extensions to the appeal building to form five flats. However, this case is not directly comparable as the previous scheme was for extensions and retained much of the existing property rather than demolishing the entire appeal building and replacing it. Furthermore, the evidence before me shows that this permission has since lapsed. For these reasons, the previous scheme would only carry very limited weight as a fallback position or precedent at the site.
15. My attention has also been drawn to a number of developments within the area which the appellant considers to be similar to the appeal proposal. This includes a block of contemporary flats at 139 South Norwood Hill (No 139), which I observed on my visit. However, this development is visually separated from the appeal site and would be viewed within a different context. Other developments within the area have also been brought to my attention, but these are similarly located well outside the immediate context of the appeal site. As such, the presence of these examples, including at No 139, would not mitigate or otherwise justify the specific harm that I have identified which would result from the appeal proposal.
16. The development would therefore result in considerable harm to the character and appearance of the area. The proposal would conflict with Policies SP4.1, SP4.2 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 design that respects the varied local character whilst positively responding to local distinctiveness.

⁴ PINS ref APP/L5240/W/23/3323117

⁵ LPA ref 20/02944

Living conditions

17. Apartments 2 and 3 would be situated on the ground floor and would be set well above the ground levels internally within the site frontage and externally along South Norwood Hill. The rear of these flats would be enclosed by their own private garden area. As such future occupiers of the flats on the ground floor would not be subject to any adverse overlooking from within or outside the site which would result in a lack of privacy. Furthermore, occupiers of these flats would also have direct outlook outside of the site boundaries through the proposed windows on the front façade and down the private gardens through the rear windows. As such, future occupiers of the ground floor flats would have adequate outlook.
18. Apartment 1 would be set on the lower ground floor and would be situated below the existing street level. However, future occupiers would nevertheless have outlook across the site frontage and above the site boundary which would ensure that future occupiers would not feel constrained or oppressed by the living environment and therefore would have sufficient outlook. I am satisfied that in relation to outlook of future occupiers of Apartment 1, the removal of the balconies situated above the lower ground floor windows, as previously proposed, would adequately address the concerns of the previous Inspector regarding a limited outlook for these future occupiers.
19. In relation to privacy, the lower ground floor windows on the front elevation would face towards the frontage of the appeal site, which the appellant confirms would be in the control of future occupiers of Apartment 1. As such there would be no internal overlooking towards Apartment 1 which could compromise privacy. Furthermore, I am satisfied that hard and soft landscaping measures along the boundary would adequately address any potential overlooking from passers-by on the footway of South Norwood Hill to ensure the privacy of future occupiers of Apartment 1.
20. Specifically in relation to the side window of bedroom 2 of apartment 1, this would be situated directly adjacent to the visitor cycle storage area and the entrance of the flats. As this window is at a high level, I am satisfied that there would be no impact on the privacy of this bedroom from overlooking from within the site. This window is situated directly adjacent to shared areas which would likely be frequently used by future occupants. However, given the small scale of the proposed development and limited number of future occupants accessing the flats, if I was minded to allow the appeal conditions relating to the acoustic performance of the window could be attached to ensure adequate internal living conditions for the future occupiers of bedroom 2 was achieved. The main window serving bedroom 2 would be orientated away from the shared service areas which would ensure that there would be no overlooking or disturbance to future occupiers of this room.
21. The development would therefore provide adequate living conditions for future occupiers of the ground floor units. The appeal proposal would therefore comply with Policies SP2.8 and DM10 of the CLP and D6 of the LP. These policies, amongst other matters, seek to ensure new homes meet the needs of residents with comfortable and functional layouts.
22. Whilst the Council has referred to Policy D7 of the LP in its associated reason for refusal, this relates to accessible housing so is not directly relevant to this reason for refusal. It follows that I find no conflict with it in relation to this issue.

Sustainable transport contributions and parking permits

23. The Council contends that a contribution of £1,500 per unit is required in order to mitigate the impact of the development on parking stress and traffic generation by contributing towards sustainable transport initiatives within the borough. It is stated that the contributions would go towards traffic orders, car clubs with electric vehicle charging, and enhanced walking and cycle routes.
24. The Planning Obligations: good practice advice (Section 2) sets out the evidence that is likely to be required in order to enable an assessment as to whether any financial contributions provided through an obligation meets the relevant tests of the Community Infrastructure Levy Regulations (2010) (CILR). This includes development plan policies, quantified evidence of additional demands likely to arise, up-to-date and quantified evidence of the extent that existing facilities or infrastructure cannot meet the additional demands, the methodology for calculating any financial contribution and details of what the financial contribution will be spent on.
25. I have very limited details before me to justify the sustainable transport contributions. Policies SP8.3, SP8.12, DM29 and DM30 of the CLP and Policy T6.1 of the LP seeks to actively manage urban growth, promote the use of public transport, enable the delivery of electric vehicle charging infrastructure and appropriately manage parking space within the borough whilst also expressing support for sustainable transport initiatives. I have also been provided with a list contained within the Council's statement of case as to what the money could be spent on, however this is high level with no specific details of what specific schemes the money would be spent on. I therefore lack any specific, up-to-date and quantified evidence on the methodology for calculating the contribution and exactly what it would be spent on.
26. Furthermore, the substantive evidence before me shows that the surrounding area could sufficiently accommodate the parking of the additional vehicles introduced by the proposed development without undue parking stress. This is not in dispute between the parties. It is therefore unclear what harmful parking stress and traffic generation the contributions are required to mitigate.
27. Based on the evidence presented, it is not shown that the contributions to sustainable transport initiatives would be necessary to make the development acceptable in planning terms, directly related to the development or that it would be fairly and reasonably related in scale and kind to the development. It follows that the obligation would fail to meet Regulation 122(2) of the CILR.
28. The Council has also set out that in the absence of controlled parking zones (CPZ) near to the site, should one be introduced due to an increase in parking stress an obligation is required to ensure that future occupiers of the development could not apply for permits. However, given the evidence shows that the existing on-street capacity can accommodate the parking of the additional vehicles, if the nearby streets become over-stressed, this would not be as a direct result of the appeal proposal. Therefore, the removal of future occupiers from being able to apply for permits, should a CPZ be introduced, would not be necessary to make the development acceptable in planning terms, not directly related to or fairly and reasonably related in kind to the development. As such, it would not meet the tests set out in paragraph 58 of the Framework.

29. I have been referred to a legal judgement⁶ by the Council, where in that case it was found that the sustainable transport contributions met the relevant tests as set out in Regulation 122(2) of the CILR. Nevertheless, I do not have all the evidence of that case before me and it is not shown that the circumstances are directly comparable to the appeal. I must assess whether the sustainable transport contributions would be required for the specific development based on the evidence before me. For the reasons set out, the information provided fails to show they meet the requisite tests.
30. Whilst a unilateral undertaking (UU) was submitted by the appellant, Regulation 122 of the CILR makes it unlawful for any planning obligation to be taken into account as a reason to grant planning permission if it does not meet the three tests set out in the Regulation. As such, I have not attributed the obligations contained within it favourable weight.
31. Even so, given my findings above, the proposal would not conflict with Policies SP8.3, SP8.12, DM29 and DM30 of the CLP and Policy T6.1 of the LP.

Ecology

32. An Ecological Assessment has been submitted in support of the appeal which has analysed the conditions of the site and evaluated the suitability of habitats for notable or protected species, including bats. In particular this has found that subject to various mitigation and enhancement measures, the appeal proposal would not result in harm to any notable or protected species and habitats. A Biodiversity Gain Plan and Statutory Biodiversity Metric has also been submitted. This provides a baseline habitat calculation and sets out that the proposal would result in an on-site biodiversity net gain (BNG) of 0.09 habitat units (12.22%) and 0.06 hedgerow units (252.83%).
33. A response from the Council's ecological adviser⁷ has been subsequently submitted as part of the appeal. This sets out that the Council's ecological adviser is content with the submitted documents and that they are satisfied for "ecology to fall away from the appeal". However, the Council have not confirmed itself that it is no longer defending this reason for refusal, although no additional evidence has been submitted within their statement of case to contest the two related reasons for refusal.
34. The evidence before me shows that the development would not result in adverse impacts to any notable or protected species and habitats and would provide the required levels of BNG.
35. The development would therefore comply with Policy DM27 of the CLP and Policy G6 of the LP. These policies, amongst other matters, seek to ensure that development has no adverse impact on species or habitat and seeks for development proposals to secure a biodiversity net gain.

Other Matters

36. The appellant has raised concern regarding the Council's handling of the planning application. However, this is a matter that lies outside the scope of my determination as it does not affect the planning merits of the proposal.

⁶ Stephen Whiteside v The Council of the London Borough of Croydon [2022] EWHC 3318 (Admin)

⁷ Place Services dated 11 September 2025

37. A supporting representation has also been made by the managing agent for the property. This highlights a number of matters including a lack of cavity wall in the existing property, old water pipes situated at the front of the property leaking into the nearby gas lines, drainage pipes getting blocked, the location on a hill posing accessibility issues including for tenants carrying bicycles, prams and shopping, the age of the building restricting actions that can be taken to deterring rodents and a lack of on-site storage space for the required number of bins leading to fly tipping. It also highlights difficulty in meeting energy and rental regulations likely to affect the property.
38. Whilst the demolition of the existing property and construction of the appeal scheme could resolve most of these matters, it is not reliant on the specific design before me and therefore carries very limited weight in favour of the proposed development. Furthermore, most buildings are subject to maintenance works and the dismissal of this appeal would not affect the appellants ability to ensure the existing property complies with any relevant energy or accessibility requirements in the future.
39. The development would provide a net gain of three dwellings within an existing residential area which would contribute to the supply of housing within the borough. Furthermore, the proposal would secure some on-site ecological enhancements. However, given the small scale of the development, these benefits would attract limited weight in favour of the proposal. The benefits would be insufficient to outweigh the harm that I have identified.

Conclusion

40. 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, the appeal should be dismissed.

C Housden

INSPECTOR