



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: 05 November 2025

Appeal Ref: APP/L5240/W/25/3369438

24 Church Hill, Purley, Croydon CR8 3QN

- 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 Curzon Property Assets Ltd against the decision of the Council of the London Borough of Croydon.
 - The application ref is 25/01095/FUL.
The development proposed is alterations and extensions to provide: 1 x 1 bed flat, 2 x 2 bed flats, and 2 x 3 bed flats all with associated parking and amenity area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Highways Technical Note¹ (HTN) was submitted in support of the appeal. The HTN proposes an amended scheme compared to what was under the consideration of the Council at the time the planning application was determined. The HTN proposes four on-site parking spaces instead of five, a larger cycle store with a Sheffield stand and a tiered cycle rack instead of semi-vertical stands and alters and moves the bin store further back into the site away from the access.
3. This amended scheme as set out in the HTN and its accompanying appendices would involve fundamental changes to the scheme which I am concerned would deprive those entitled to be consulted the opportunity to make a representation and would prejudice the position of the Council. Furthermore, the appeal process should not be used to evolve a scheme² which accepting these plans would do. Therefore, for these procedural and substantive reasons, I have based my decision on the plans which were before the Council when the application was determined.

Main Issues

4. The main issues are:
 - the effect of the proposal on highway and pedestrian safety, with particular regard to the access and parking arrangements;
 - whether the proposal would provide adequate cycle facilities;
 - whether a planning obligation would be required to secure a financial contribution to sustainable transport initiatives; and

¹ By Motion dated 03/07/2025

² Procedural Guide: Planning appeals – England paragraph 16.1

- the effect of the proposal on the character and appearance of the area.

Reasons

Highway and pedestrian safety

5. The HTN provides a swept path analysis for four parking spaces which is not reflective of the scheme before me. I therefore have no evidence demonstrating how the vehicles parked within the proposed five on-site parking spaces would exit the site in forward gear. Based on the site plan before me, which shows a compact parking area, it is unclear whether vehicles could leave the site safely in forward gear without making excessive manoeuvres or potentially being required to reverse out. I therefore cannot be certain that the parking arrangement would not lead to harm to the safety of other users of the appeal site, road users and pedestrians.
6. Furthermore, the evidence before me shows that visibility splays of 1.5m x 1.5m with no obstructions higher than 0.6m are required for vehicles exiting the appeal site. This is to ensure there is sufficient visibility of pedestrians using the footpath outside the appeal site. Whilst visibility splays have been provided within the HTN, this is based on a different site layout with the bin store set back further into the site. Based on the information before me, whilst the boundary vegetation within the splay is proposed to be below 0.6m, I cannot be certain that the bin store as shown on the proposed site plan would not obscure the required 1.5m x 1.5m visibility splay for vehicles exiting the site. I therefore cannot be certain this arrangement would not result in harm to the safety of pedestrians.
7. Whilst the appeal scheme reduces the number of cars parked on-site compared to the previously dismissed appeal, this would not overcome the lack of evidence submitted with this appeal to give me the confidence to confirm that the specific scheme before me provides adequate visibility splays and that vehicles could safely exit the site in forward gear.
8. In its third reason for refusal, the Council mentions that there is a lack of legal agreement to secure highway works to provide appropriate access. However, it is unclear what works to the highway the Council is referring to, as an existing access is proposed for retention to serve the development. Having regard to the tests set out in paragraph 58 of the National Planning Policy Framework (the Framework), an obligation to secure works to the highway would not be necessary or directly related to the development. No harm to highway and pedestrian safety would occur in this regard.
9. Whilst I have found that a planning obligation is not required to secure highway works, I cannot conclude that the proposal would not have a detrimental impact on highway and pedestrian safety which would carry significant weight against the development. The proposal would therefore conflict with Policies DM29 and DM30 of the Croydon Local Plan (2018) (CLP) and Policy T4 of the London Plan (2021) (LP). These policies, amongst other matters, seek to ensure that development does not have a detrimental impact on highway safety and ensures that it is not compromised by the provision of car parking.
10. Whilst Policy T6 of the LP has been referred to by the Council in its associated reason for refusal, this relates to the quantum of parking rather than highway and pedestrian safety so is not directly relevant to this main issue.

Cycle facilities

11. Policies DM29 and DM30 of the CLP seek to promote sustainable growth, with Policy DM29 specifically requiring development to promote measures to increase the use of cycling.
12. The proposed development relies upon semi-vertical stands situated close together within the cycle store. This arrangement would not adequately promote cycling given it would not allow for the storage of larger cycles and would exclude, rather than promote, future occupiers who would rely on larger cycles or those who could not operate a vertical stand from utilising the proposed storage facilities.
13. Whilst the appellant has sought to address a number of criticisms raised by the Inspector in the previous appeal in relation to cycle storage, including locating the store to the front of the building and allowing all properties access to the cycle storage facilities, harm would still occur for the reasons that I have identified.
14. The cycle facilities would therefore not promote sustainable growth and measures to increase the use of cycling which would carry considerable weight against the development and would result in conflict with Policies DM29 and DM30 of the CLP.

Sustainable transport

15. The Council sets out that £1,500 per unit is required in order to contribute towards sustainable transport initiatives within the borough to mitigate the impacts of the development. This includes contributions towards traffic orders, car clubs, electric vehicle charging infrastructure and extensions and improvements to walking and cycling routes.
16. 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 tests set out in Regulation 122(2) 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.
17. Policies SP8.3, SP8.15, SP8.16 and DM30 of the CLP and Policy T6.1 of the LP seeks to promote sustainable growth, the use of public transport and limit parking space within the borough whilst also expressing support for sustainable transport initiatives. I have also been provided with a high-level list, as previously described, contained within the Council's officer report as to what the money could be spent on.
18. However, I lack any specific, up-to-date and quantified evidence on the methodology for calculating the contribution and sufficient detail of exactly what it would be spent on. Furthermore, the Council has not substantiated what specific impact arising from the development the contributions are required to address.
19. Accordingly, I cannot be certain that the contributions sought would be necessary to make the development acceptable or that they would be directly related to the development and fairly and reasonably related in scale and kind. Consequently, I am unable to conclude that a planning obligation seeking to provide contributions

to sustainable transport initiatives would comply with Regulation 122(2) of the CILR. In these circumstances, the absence of a planning obligation does not weigh against the development, and I do not find any conflict with Policies SP8 and DM30 of the CLP and T6.1 of the LP.

Character and appearance

20. The appeal site is situated within Church Hill, a residential street with predominantly large two storey properties of a variety of architectural styles that are set within spacious plots. The appeal property is set forward in its plot, and due to the spacious gaps between its neighbours much of the proposed rear extension, particularly above ground floor level, would be visible from within the streetscene.
21. The proposed two storey rear element of the proposal would be set down from the ridge of the existing property, which then would further step down to a single storey extension. I am satisfied that visually the length, bulk, scale and massing added by the proposal would appear subservient to the host property, coherent in design and would be in keeping with the proportions of the wider plot and properties within the area. The first floor side addition would extend the existing gable and would appear balanced and in keeping with the host property and properties within the wider area. The introduction of small flat roof dormers on the front elevation would be in keeping with the wider area where these style of dormers are a feature within the streetscene. The dormer and balconies to the rear would be of limited prominence within the streetscene and would not cause any harm to the character and appearance of the area by virtue of their domestic and proportionate appearance to the host building. The spacious character and appearance of the appeal site and area would be retained by the proposed development.
22. I am satisfied that the appeal proposal would appropriately address the findings of the prior Inspector who found the previously proposed scheme to be lengthy, bulky and disproportionate to the host property.
23. The proposal would therefore comply with Policies DM10 and SP4 of the CLP and Policies D3 and D4 of the LP. These policies seek to, amongst other matters, ensure that development is of a high quality that respects the scale, height, massing and appearance of the surrounding area.

Other Matters

24. Concern has been raised by the appellant regarding the general handling of the case by the Council. However, the procedural handling of the planning application is a matter between the parties which does not affect the planning merits of the appeal before me.
25. The development would utilise a site within an existing residential area to provide two additional dwellings which would contribute to the supply of housing within the borough. However, given the small scale of the proposal, this attracts limited weight in favour of the development. This would be insufficient to outweigh the harms that I have identified.

Conclusion

26. The proposal conflicts with the development plan as a whole 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