



Appeal Decision

Site visit made on 17 December 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/L5240/W/25/3373925

83-85 High Street, Croydon CR0 1QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Riyaz Janson of Janson Wholesale Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/00423/OUT.
 - The development is described as 'proposed 3 storey rear extension to provide 3 new apartments and the conversion of the existing roof space to create an enlarged top floor apartment, with the provision of refuse storage, cycle storage and private amenity, including the retention of 4 apartments and existing commercial areas'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal with access and landscaping reserved for future consideration. Appearance, layout and scale are the matters to be considered at outline stage, and I have dealt with the appeal on that basis.
3. The evidence indicates there have been two relevant planning permissions granted at this site. The first 2019¹ permission included 5 dwellings and a restaurant, which it is agreed has not been implemented, and is now time expired. A second 2020² permission included, amongst other things 5 flats. The appellant indicates this has been part-implemented and consequently remains extant.
4. The Council dispute that the 2020 permission has been lawfully implemented and point to unauthorised works having taken place. It is not my role in determining this appeal to make a finding on the matter. During my site visit, which was limited to its external areas, I noted that some of the flats appeared to be present. It is not clear from the evidence or my site visit whether all five flats previously granted exist. Had I been minded to allow this appeal, it would have necessitated inviting comments on whether the description of development adequately reflects the proposal, noting that it is not possible to retain apartments that do not exist. However, as I am dismissing the appeal, I have not sought to do so.
5. The existing plans that accompanied the application show five existing apartments in situ. As I cannot be sure of their accuracy, I have disregarded them.

¹ Ref: 18/03527/FUL – Extensions at second floor and roof level, change of use and construction of a 3 storey plus basement extension to the rear of the site, to provide 5 self-contained dwellings (Use Class C3) and restaurant (Use Class A3), residents gym, roof terraces, cycle parking and bin stores. Approved June 2019

² Ref: 20/03346/FUL – Proposed rear additions and other external alterations to facilitate the use of the lower ground and part of the ground floor as retail space with a total of five flats at ground and on upper levels. Approved November 2020

6. A completed Planning Obligation has been submitted during the appeal process. The Council have been given the opportunity to comment, and my acceptance of it would not unfairly prejudice any party. I return to this later in my reasoning.

Main Issues

7. The main issues are:

- the effect of the proposal on the locally listed building (LLB);
- the effect of the proposal on the living conditions of future occupants with particular regard to outlook and daylight;
- the suitability of the proposed cycle parking facilities;
- the effect of the proposal on highway safety with particular regard to parking and whether it is necessary for the proposal to provide a contribution towards sustainable transport; and
- whether the proposal makes adequate provision for refuse storage facilities.

Reasons

Effect on LLB

8. The appeal site comprises a three-storey building with basement, located on the corner of High Street and Robert Street in Croydon Metropolitan Centre. Built in red brick and finished with decorative stonework that surrounds the central windows and the side entrance, it boasts a decorative turret-like feature of art-deco influence on the upper half of its north-west corner. Brick and stone parapet style upper gables, front both High Street and Robert Street which obscure pitched roofs. At its rear, the scale of the extended building drops to two storey then single storey as it projects east, where land levels also slope gently upwards. This hierarchy allows for the evolution of the building to be appreciated.
9. The building appears to have modern dark grey windows. Despite these and the modern shopfront that has replaced the original form of the building facing the High Street, it is relatively well preserved. It retains many architecturally significant features including those noted above, its prominent chimneys, fenestration with a vertical emphasis, transoms and mullions. Owing to its corner position, the original three storey element of the building is prominent from the High Street frontage, where the most significant architectural features remain.
10. As the appeal building is a LLB it is regarded as a non-designated heritage asset as termed in the National Planning Policy Framework (the Framework). Limited specific information is offered in respect of the significance of it. However, as is required by Policy DM18 of the Croydon Local Plan (2018) (CLP), I have had regard to the Local List of Buildings of Architectural or Historic Significance Supplementary Planning Document No. 1 (2006) and the Local List Part 2/B and from what I have seen and read, its significance derives from its architectural interest and its role in the evolution of Croydon High Street.

11. Following the removal of the single storey projection, the two storey off shoot would be extended at a continuous roof height along Robert Street, with the addition of modestly proportioned flat roofed dormers facing north that would maximise the new and existing roof space. This would culminate in a copper clad three storey flat roof addition at the rear, which would project above the ridge-line of the adjacent extension. When viewed from Robert Street, its width would be similar to the gables of the original three storey building fronting High Street. As such, whilst no longer subservient to the host building, it would offer a balancing component that has taken design and scale cues from the host building, making best use of land to optimise site capacity, as expected by Policy D3 of the London Plan 2021 (LP).
12. However, from the south side, the large box-like dormer style extension would protrude from the roof pitch, dominating the rear projecting wing of the southern elevation. The bulky size and scale of the flat roof element would starkly contrast and jar with the more traditional roof form of the original three storey building facing High Street, causing direct harm to the locally listed building. This would also adversely affect the way in which the evolution of the building is experienced.
13. Whilst lacking full details, the majority of the proposed fenestration shares the same vertical emphasis as the host building. On its south side, the two wider oriel and ground floor windows do not fully follow the vertical rhythm, and the ratio of brick to glazing would give rise to a somewhat incongruous appearance, which is not in keeping with the rest of the LLB.
14. Visibility of these harmful elements would be possible from the elevated Croydon flyover to the south and from Fell Road. I am cognisant that the proposal would be read visually amongst a backdrop of modern flat roof buildings of greater scale. Given this context I find the harm from the rear extension would be diminished but nevertheless, it would still be harmful.
15. Although not all new ground floor windows are at the same level, given the rising land levels there is good reason for this. These windows are not prominent, and I do not find this to be fatal to its design.
16. Noting the concerns around a reduced landscaping provision, and the requirement to incorporate hard and soft landscaping within proposals, I note the floor plans show some indicative landscaping, including a green roof. Owing to the site constraints, I am satisfied that this space for provision could meet the broad policy objectives of CLP Policy DM10 whilst being mindful that landscaping is a reserved matter in any event.
17. In accordance with CLP Policy DM18, substantial weight should be given to preserving and enhancing the character, appearance and setting of Locally Listed Buildings and that alterations and extensions should enhance the building's character, setting and features and must not adversely affect the significance of the building. Paragraph 216 of the Framework requires the effect of an application on the significance of a NDHA to be taken into account, requiring a balance judgement having regard to the scale of any harm or loss and the significance of the heritage asset and I will undertake an overall balanced judgement later in my decision.
18. Overall, I find the proposal would cause a moderate level of harm to the significance of the appeal site, arising from the rear flat roof extension for the

reasons I have set out. Therefore, it conflicts with the objective of conserving the significance of the LLB expected by CLP Policy DM18 and London Plan Policy HC1. It also conflicts with LP Policy D3 and CLP policies DM10 and DM18 which, amongst other things, expect high quality design.

Living conditions

19. Flat 2 would have a deep, open plan living area with its kitchen towards the rear. It would be served by one north facing window adjacent to the living space, with a second obscure glazed opening facing into an enclosed and covered lobby. As such the window facing the lobby would offer no natural light.
20. The 2020 approval showed Flat 2 to be in an equivalent position with a similar layout. However, unlike the appeal before me now, in addition to the similar north facing window fronting Robert Street, it also benefitted from two windows facing east into an open external courtyard. As such, light penetration was far superior to the scheme before me, yet it still fell short of aspirational daylight requirements as concluded in the Daylight and Sunlight Assessment that supported that scheme. It follows that with regard to light penetration to Flat 2, the appeal scheme would be materially worse.
21. This appeal is not supported by an updated, specific Daylight and Sunlight Assessment. However, the evidence suggests Flat 2 would not be provided with good levels of light and there are no compelling reasons why an inferior scheme in this regard, should be accepted. As an important space where residents are likely to spend the majority of their waking hours, the lack of light would make this main habitable room feel gloomy and oppressive, placing an unsustainable reliance on artificial light given this and its layout. Whilst I find that outlook alone is not decisive in this case, the lack of light does not provide for a high-quality home, with a comfortable or functional layout for the occupiers of this flat.
22. Only one window and door to the balcony would serve the open plan living kitchen of Flat 5, albeit I am cognisant that this unit lies within the front part of the LLB that is most architecturally significant. This provides justification for taking a more flexible approach in order to preserve those features. A number of bedrooms rely on light from windows facing an internal lightwell, and thus have a somewhat compromised outlook. In these instances, I am mindful that the 2020 permission showed similar arrangements that were deemed acceptable. Given that no development plan policy changes have been drawn to my attention since that time, I see no reason why this should be considered differently now and I afford it substantial weight.
23. A modest sized dormer window serves bedroom 1 of Flat 8, but as a room mainly for sleeping, in my judgment its modest size need not be fatal. Two modest north facing dormers serve the open plan living kitchen within Flat 6. However, it also benefits from full width bifold doors to its balcony to the south side, such that I find it would be afforded sufficient light.
24. Notwithstanding, in my judgement the effect of the proposal on the living conditions of future occupants of Flat 2, with particular regard to daylight would be unacceptably compromised. I attribute this harm significant weight.
25. In this regard the proposal runs counter to CLP Policy DM10 which supports proposals that provide adequate sunlight and daylight to potential future

occupants. Although not cited in the reason for refusal, it also conflicts with LP Policy D6 that expects development to be of high quality, providing adequately sized rooms with comfortable and functional layouts. It follows that it also fails to accord with the Framework insofar as it does not create places that promote health and well-being, with a high standard of amenity for future users.

Cycle parking

26. LP Policy T5 expects development to remove barriers to cycling and create a healthy environment, through securing the provision of appropriate levels of cycle parking. These should be fit for purpose, secure and well located in accordance with the minimum standards set out in its associated Table 10.2 and Figure 10.3. It goes on to state that it should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (LCDS). Development proposals are also expected to demonstrate how cycle parking facilities will cater for larger cycles, including adapted cycles for disabled people.
27. Policy DM30 of the CLP seeks to promote sustainable growth and reduce the impact of car parking. New development must provide cycle parking as set out in Table 10.1, which defers back to the LP minimum cycle parking standards.
28. There is agreement between the parties that the minimum cycle storage provision should be 13 spaces for the residential units and 1 space for the commercial element.
29. The LCDS sets out guidance for minimum cycle parking based on multiple bays of Sheffield stands in a parallel arrangement. These include a minimum 2m bay width to allow for the length of a cycle parked on a stand, and 1.2m spacing between stands. As these design standards are embedded in policy, I attribute them significant weight.
30. The Council also refer to the Cambridge Cycle Parking Guide (CCPG). This indicates minimum spacing of 2m in bay length, a bay width of 0.5m per bike, plus spacing of at least 1m between stands. Access aisle width should be at least 1.8m notwithstanding extra space necessary to accommodate trailer bikes, or wider bays for those with heavy shopping or young children. This is also a material consideration, although attracts lesser weight as guidance rather than policy.
31. The proposed plan depicts residential cycle provision of 14 cycles arranged in parallel within an enclosed lobby area of 9.5 sq. m. Full dimensions are not annotated and neither are details of the specific type of cycle stands to be provided. The entrance into the lobby appears to be a standard width door which could make access for users and their cycles difficult. Moreover, the spacing of the stands is evidently less than the minimum standards of either guidance I have been referred to.
32. A dedicated cycle store accessed externally is proposed for the commercial use. At 1.2sq m in floor area, this is shown on plan as accommodating two cycles. Although the depth of the space internally is not annotated, it is evident that it falls significantly shorter than the cycles depicted within the adjacent lobby and the minimum bay width of 2m specified in the LCDS.
33. However, the appellant points to a smaller cycle storage area granted permission previously at this site, which is a semi-vertical solution. The approved plans show

a rack making provision for 12 cycles, 1150mm deep (equivalent to bay width) at 350mm spacings, in an overall footprint of 1143mm by 4160mm. The details, including photographic images, indicated this could be an effective solution within a constrained area.

34. Even though the proposal is for a more intense scheme, with a more confined internal space than the previous courtyard approach, this type of solution could be adapted to an increased provision for the proposed cycle lobby. Whilst the lobby entrance appears to be of standard width, noting that access is reserved, there is scope for this to be enlarged at reserved matters stage and in any event, I am mindful that a similar arrangement was approved on the previous scheme at this site.
35. However, it has not been adequately demonstrated that this solution would be fit for purpose within the highly constrained area for the commercial parking. Furthermore, neither the residential nor commercial cycle parking makes any provision for larger cycles, including adapted cycles for disabled people. Based on the plans I am not satisfied that there is space to allow for this, such that a condition would be inappropriate and brings the scheme into conflict with LP Policy T5.
36. For the reasons I have set out above, the proposal would not meet the cycle parking needs of all users. I afford this conflict moderate weight. This scheme conflicts with LP Policy T5 and CLP Policy DM30, the objectives of which I have already set out.

Highway safety and transport contributions

Car free development

37. LP Policy T6 sets out the expectation that car free development should be the starting point for all proposals in places that are well connected by public transport. The supporting text for this policy highlights that the dominance of vehicles on streets is a significant barrier to walking and cycling, such that new parking provision must be carefully controlled. Policy SP8 of the CLP also encourages car free development where there are high levels of Public Transport Accessibility Levels (PTAL) and requires new development to contribute towards the provision of electric vehicle charging infrastructure, car clubs and car sharing schemes.
38. Promoting sustainable travel and reducing congestion is a key aim of CLP Policy DM29, whilst CLP Policy DM30, amongst other things seeks to reduce the impact of car parking and on-street parking stress.
39. The appeal site is located within a Controlled Parking Zone (CPZ), indicating on-street parking pressures in the area. The proposal would increase the number of residents in the area. Therefore, they could exacerbate parking pressure if future occupants were to own cars. The proposal advances a car-free scheme. The appeal site has a PTAL rating of 6b, indicating an excellent level of public transport accessibility. For these reasons, a car-free development would be appropriate in principle, in accordance with the aforementioned policies.
40. Car-free developments are only effective in areas that are within a CPZ where parking without a permit is usually time-limited and/or expensive, making it impractical. The absence of local on-street parking controls should not by itself, be

a barrier to new development, as is set out in LP Policy T6. However, the development plan and the Framework require proposals to safeguard highway safety, and that is the key issue here.

41. To deliver car-free development, a mechanism is required to ensure that those living there, would not be eligible to apply for a residents parking permit and add to parking pressures. Accompanying the appeal is a completed Planning Obligation in the form of a Unilateral Undertaking (UU) which seeks to make provision to secure this.
42. However, my attention is drawn to paragraph 2.2 of Schedule 3. This states that '...the obligation does not affect the entitlement of the Host Property to one Parking Permit.' 'Host property' is no longer defined within the UU. Even so, this superfluous statement casts sufficient doubt on the integrity of the UU such that I am not satisfied that it would adequately achieve its objective of achieving a car free development.
43. The appellant suggests that this could alternatively be secured by condition. However, the Planning Practice Guide³ advice is that a negatively worded condition to require a planning obligation to be entered into before development can commence should be used in exceptional circumstances, where there is clear evidence that the delivery of the development would otherwise be at serious risk. This is not the case here and that approach is not appropriate.
44. It is not clear why an obligation was not entered into for the previously granted 2020 permission. Nevertheless, based on the requirements of the development plan policies and the uplift in the number of dwellings, which could further add to parking pressures, I afford this conflict moderate weight.

Sustainable Transport

45. The submitted UU also makes provision for a financial contribution towards sustainable travel measures and to reduce congestion, albeit the appellant disputes the need for it. No details have been provided by the Council as to what the contribution would be spent on, where, or how it has been calculated.
46. As such I cannot be certain that this would be necessary to make the development acceptable in planning terms. Neither can I be satisfied that the contribution would be fairly and reasonably related in scale and kind to the development. While such a contribution could be directly related to the development to promote means of travel other than by the private car, I am not satisfied this obligation meets all of the statutory tests set out in the Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Consequently, in this instance, it has not been demonstrated that such a financial contribution is necessary, and I cannot take it into account.
47. In light of the above, I find that the effect of the proposal on highway safety, with particular regard to parking would be unacceptable. Therefore, the proposal would not fully mitigate the transport impacts of the development in accordance with the thrust of LP Policy T6.1 and CLP Policies SP8, DM29 and DM30, the objectives of which I have outlined above.

³ Paragraph 010 Reference ID: 21a-010-20190723

48. As it has not been adequately shown that a financial contribution towards sustainable transport is necessary, insofar as is relevant to this specific element only, I do not find harm in respect of CLP Policy SP8.

Refuge storage

49. The plans show four separate bin stores each comprising 1.5 sq.m. of floor space, accessed externally from the rear elevation. The Council indicate a bagged collection facility would operate, with residents presenting them on the pavement on collection days, negating the need for the bin stores. Whilst it is asserted that a 10 sq. m area is required for the storage of bulky goods, I have not been pointed to any policy or guidance that points to where this requirement is set out and to what purpose it would serve. Nor has the harm from its apparent lack of provision been clearly articulated.
50. The policy cited in the reason for refusal, CLP Policy DM13, is clear on expectations that refuse and recycling facilities should be fully integrated into the design of developments to ensure they are not visually intrusive and are appropriately screened. The bin stores would be set behind false windows and solid timber doors with a vertical emphasis within the building, at its rear. These would add visual interest and break up the ground floor elevation. In this regard, I find the bin stores would be appropriately designed and integrated, such that I identify no conflict with this policy. Therefore, without compelling evidence to demonstrate otherwise, I find that the proposal makes adequate provision for refuse storage facilities. It follows that I do not find conflict with CLP Policy DM13.

Planning balance and conclusion

51. The scheme would provide for additional homes within a highly sustainable location where occupants would be able to readily access local services and facilities, including public transport. Indeed paragraph 73 of the Framework requires great weight to be given to the benefits of using suitable sites within existing settlements for homes. Additionally, I am mindful that the dwellings would provide associated economic benefits from construction and future spend by occupiers.
52. Whilst these matters weigh in favour of the proposal, their extent would be modest given the scale of the development and they do not outweigh the totality of the harms I have identified with regard to the harm to the local listed building, the unsatisfactory living conditions of future occupiers, harm from inadequate cycle parking and achieving a car free development and its consequential adverse effects on highway safety.
53. Drawing everything together, the proposal would conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan.
54. For the reasons set out above, the appeal should be dismissed.

C Walker

INSPECTOR