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## Appeal Decision

Site visit made on 1 December 2025

by **A Phillips MPlan BA CertHE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 January 2026

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**Appeal Ref: APP/L5240/W/25/3373286**

**6 Purley Rise, Purley, Croydon CR8 3AU**

- 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 Alex Mark against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 25/00986/FUL.
  - The development proposed is demolition of existing building and redevelopment of site to provide 8 residential units (Use Class C3) (4x1 bedroom, 3x3 bedroom, 1x2 bedroom) comprising of a 3 storey building together with associated cycle provision, amenity space, external landscaping and refuse storage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant provided a Unilateral Undertaking (UU) dated 10<sup>th</sup> September 2025 with their appeal. However, they acknowledged that the wrong transport contribution figure was added. On this basis they submitted a new UU dated 28<sup>th</sup> November 2025 with their final comments. It is common ground between both parties that the revised contribution in the 28<sup>th</sup> November 2025 UU is the correct figure. Therefore, in this case I have accepted the revised UU dated 28<sup>th</sup> November 2025 and I will not take into consideration the UU dated 10<sup>th</sup> September 2025.
3. With the acceptance of UU dated 28<sup>th</sup> November 2025 there are now two signed UUs for this appeal. However, I find that UU dated 10<sup>th</sup> September 2025 no longer would comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 as if it was enforced as well, it would lead to an overpayment towards off site sustainable transport improvements. Therefore, it does not meet with Regulation 122 2(a) and 2(c), as it not necessary to make the development acceptable in planning terms or fairly and reasonably related in scale and kind to the development.
4. It is common ground between both the Council and the appellant that by virtue of new information submitted with the appeal that reasons for refusal 4, 5 and 6 are no longer in dispute and I have not dealt with them as main issues in the appeal.
5. The 7<sup>th</sup> reason for refusal on the Decision Notice I have viewed as an informative and therefore does not form a main issue.

## Main Issues

6. The main issues are:
  - Effect on the character and appearance of the local area.
  - The effect of the proposed development on the living conditions of the occupiers of 5 and 7 Purley Rise, with particular reference to outlook.
  - Whether the proposed development would provide acceptable provision of private amenity space for units 5 and 8, as well as does the proposal provide acceptable outlook for unit 8.

## Reasons

### *Character and appearance*

7. The existing building is a two storey detached dwelling, set back and on higher land than the road. Many of the houses within this street scene follow the same architectural principles and are of similar scale. There are some exceptions to this architectural style, most notably the adjacent building of 7 Purley Rise (No.7) that has built form adjacent the public highway and is a two and a half storey building. There are other examples of two and a half storey buildings within the street scene.
8. The Council points out that No.7 was approved under a recently revoked Suburban Design Guide and that the proposed development would be larger than the block of flats of No.7. However, it does acknowledge that the overall height of the proposal of 10m is similar to No.7, though states the eaves of the proposal are 0.7m higher than that of No.7.
9. With No.7 being immediately adjacent to this site, I have given moderate weight to its overall scale and architectural appearance. Whilst I acknowledge that that it is based on the revoked Suburban Design Guide, the fact remains it now helps to define the street scene. I have also given moderate weight to the other two and a half storey dwellings that I noted within proximity to the site. Given the presence of these other buildings of similar scale in the surrounding area and the variation in design, the proposed development would not appear incongruous or harmful in this setting.
10. I note the Council has provided two appeals. However, these refer to different streets and scales of proposed buildings. In addition, I have noted on Purely Rise that there are other two and a half storey dwellings and therefore this proposed building's scale would not be at odds when considering the wider street scene. Therefore, I have only attributed these other appeal decisions limited weight against the proposal.
11. The Council's concerns regarding the brickwork and use of narrow windows on the front elevation would overall add to the bulk of the design is noted. If the appeal was to be allowed conditions would be required to ensure high quality brickwork, which might entail using an alternative bond to running/stretcher. In addition, the window frames would be required to be as slim as possible to maximise the size of the glass.
12. I have also noted the Council's concern on landscaping, though this could be overcome as the Council has stated by way of a suitable landscaping condition.

13. I have considered that subject to conditions the proposal would provide a high quality addition to the street scene that would overall preserve the character of the local area.
14. On this issue I conclude that the proposal would be an acceptable addition to the character and appearance of the local area. On this basis, the proposal complies with policies D3 and D4 of The London Plan March 2021 (London Plan), which seek that development provide the best use of land via a design led approach, respond to existing character and be of high quality. In addition, the proposal complies with policies DM10 and SP4 of the Croydon Local Plan 2018 (Local Plan) that seek high quality design that respects the character of the area and seek to achieve three storey where appropriate.

*Living condition on occupants 5 and 7 Purley Rise*

15. The proposal is located between 5 Purely Rise (No.5) and No.7. The submitted drawings show how the design of the proposed building ensures that there is no part of the built form within 45 degree view lines from the nearest rear facing windows of No.5 and No.7. From the drawings that have been provided it appears as if the built form would be directly adjacent to the single bedroom windows of Plot 2 and Plot 4 at No.7. However, given the distance of approximately 7m and the change in land heights, there would unlikely be any significant harmful impact from the proposed building on the outlook of these bedroom windows.
16. The positioning of the proposed building is approximately in line with the front elevations of No.5 and No.7 and this would prevent the proposal significantly affecting the outlook of any front facing window of either No.5 or No.7.
17. I conclude therefore on this issue that the proposal would not cause significant harm to outlook that the occupants of No.5 and No.7 currently benefit from. On this basis the proposal complies with policy D3 of the London Plan that seeks both optimising the land while ensuring this is done with careful design. The proposal also complies with policy DM10 of the Local Plan that seeks to protect the amenity of occupants of adjacent dwellings.

*Private amenity space of units 5 and 8, outlook for unit 8*

18. Unit 5, also referred to as A.01.03, and Unit 8, also referred to as A.02.03, are one bedroom properties located on the front side of the proposed building. Unit 5 does not benefit from a balcony and unit 8 has access to a very small balcony, although due to the outward opening doors its use would be severely limited. Both Units 5 and 8 do have access to what is described as a winter garden, enclosed within the building's envelope.
19. It is noted and accepted that the winter gardens would provide a space that can be enjoyed all year round. However, these spaces do not grant the same benefits of private outdoor amenity space in terms of lighting and ventilation and would be more akin to internal rooms. This is specifically true for Unit 5 as the winter garden amenity space is entirely enclosed. These winter gardens might also end up being just alternative living room or dining room spaces and would not form good quality amenity spaces for occupants of these units. Therefore, while I accept there are some benefits to a winter garden, the lack of private outdoor amenity space weighs significantly against the proposal.

20. Unit 8's bedroom would only benefit from a high level rooflight that would provide very limited outlook for the occupants of this room. This is one of only two habitable rooms serving Unit 8 and the potential future occupants of this unit deserve the same standard of treatment as any other occupant. Given the size of Unit 8, its single aspect only to the front of the building and as outlook from the main living area would be limited by the intervening amenity space, it would have unacceptable outlook overall. This would contribute to oppressive living conditions for future occupants. The lack of outlook for this habitable room weighs significantly against the proposal.
21. I conclude on this issue that the proposal does not provide acceptable living conditions for future occupants. On this basis the proposal does not comply with policy D6 of the London Plan that requires at least 5sqm of private outdoor space, as well as ensuring high quality design with comfortable and functional layouts. In addition, the proposal would not comply with policy DM10 of the Local Plan that also requires 5sqm of private outdoor space for 1-2 person units.

### **Other Matters**

22. The appellant has raised that the Council can only just maintain its 5 year supply of deliverable sites and that the delivery of these 8 units should strongly be supported. With the Council having a five year land supply paragraph 11d of the Framework is not engaged. However, I have granted limited weight in the overall increase in dwellings that the proposal would bring, though this does not overcome the harm I have identified above.
23. The UU includes a financial contribution to transport and an obligation to prevent future occupiers applying for parking permits, to mitigate the effects of the development. As the appeal is to be dismissed on other substantive issues, it is not necessary to look at it in further detail, given that the proposal is unacceptable for other reasons.

### **Conclusion**

24. 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.

*A Phillips*

INSPECTOR