



Appeal Decision

Site visit made on 6 January 2026

by **G Dring BA (Hons) MA MRTPI MAUDE**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/L5240/W/25/3375665

20 Bishops Road, Croydon CR0 3LD

- 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 T Sheldrake against the decision of the Council of the London Borough of Croydon.
- The application Ref is 25/00463/FUL.
- The development proposed is erection of a roof extension to existing detached garage and conversion of resultant building to a 2 bedroom self-contained dwelling together with associated landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has confirmed on the appeal form that the description of development has changed since that provided on the application form and has provided a description which matches that used by the Council on its decision notice. As it is more precise, I have used the description provided on the appeal form in the banner heading above.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of 19, 20 and 21 Bishops Road with regard to privacy;
 - the effect of the proposal on highway safety;
 - whether the proposal would provide adequate cycle and refuse storage facilities; and
 - the effect of the proposal on fire safety.

Reasons

Character and appearance

4. The appeal site comprises an existing single storey outbuilding with a flat roof. The outbuilding is set back from the road, located in the rear garden area of 20 Bishops Road, a two storey semi-detached dwelling with frontage onto the road. Buildings in commercial use that are accessed from Handcroft Road are adjacent to the outbuilding to the north and east. Whilst the initial part of Bishops Road at the

junction with Handcroft Road is mixed in use, the remainder of the road is predominantly residential in character, characterised by two storey semi-detached and terraced dwellings with pitched roofs with frontage onto the road and rear gardens behind. Several properties appear to have outbuildings located in their respective rear gardens. No 20 currently contributes positively to and reflects these prevailing characteristics.

5. Whilst no additional footprint of built form is proposed, the conversion and upward extension of the outbuilding would result in an intensification of the use of the building and the subdivision of the garden through the erection of a boundary fence. The proposed dwelling would not respond positively to the prevailing pattern of development as it would result in a dwelling located in a backland position without frontage onto the road. The proposed dwelling would also be situated on a much more constrained plot than is common in this area. The rear elevation of the dwelling would be in very close proximity to the rear boundary of the plot which is uncharacteristic of dwellings in this area.
6. Whilst certain permitted development rights may allow the erection of boundary treatments without the need for planning permission, the introduction of such a boundary treatment in the location proposed would clearly read as the creation of a separate plot. In my view, the location and size of the plot along with the arrangement of the proposed dwelling within the plot would be an obvious and harmful departure from the existing pattern of development along this part of Bishops Road.
7. The proposed dwelling would not reflect the general design or two storey scale and massing of most dwellings that exist along Bishops Road. However, given the siting to the rear of properties and its subservient scale compared with No 20, it would not be seen alongside the existing dwellings. I also acknowledge that the use of sympathetic materials is proposed. These factors would minimise the visual impact on the streetscene. Nevertheless, the presence of a dwelling in such a backland location and its incongruity with the established pattern of development would be readily apparent from the neighbouring properties. I witnessed the presence of commercial buildings adjacent to the appeal site, nevertheless, these do not form residential development and therefore do not contribute to the prevailing characteristics set out above.
8. I therefore find that the proposal would result in harm to the character and appearance of the area. It would be contrary to Policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP) and Policies D3 and D4 of The London Plan March 2021 (TLP). These policies seek, amongst other things, that developments deliver good design and that they respect local character, including the development pattern. For the same reasons I find that the proposal would not comply with paragraph 135 of the National Planning Policy Framework (the Framework) which also seeks that development is sympathetic to local character.

Living conditions

9. The appeal site sits to the rear of 20 and 21 Bishops Road and the access runs adjacent to the side boundary with 19 Bishops Road. Three windows are proposed in the southern roof slope. Whilst one of those windows would serve a bathroom and would therefore be obscure glazed, the remaining two would serve bedrooms.

10. Whilst Policy DM10 of the CLP does not set out specific separation distances between a development and neighbouring dwellings, it does state that proposals will be supported where a development ensures that the amenity of the occupiers of adjoining buildings are protected and that they do not result in direct overlooking at close range or habitable rooms in main rear or private elevations.
11. The Council state that the supporting text to Policy DM10, at paragraph 6.80 of the CLP does set out a minimum separation of 18-21m between directly facing habitable room windows on main rear elevations as a best practice 'yardstick' in common usage which should be applied flexibly dependent on the context of the development. Whilst explanatory text cannot add to the wording of a policy, it can provide useful explanation, and I note that it refers to the need for flexible application of such measurements.
12. The appellant's figures detail that separation distances between the appeal building and the rear bedroom windows at first floor level in these neighbouring properties would be between 11m and 16m. Having witnessed the more intimate relationship between the appeal site and the rear of Nos 19, 20 and 21, I find that these more limited separation distances would not be sufficient to avoid issues of overlooking. I do not find that the angle of the windows would restrict the potential for overlooking significantly enough to limit the harm to an acceptable degree. I therefore find that the level of privacy currently attributed to the occupants of Nos 19, 20 and 21, would be significantly eroded and the proposal would lead to a harmful effect on the living conditions of the neighbouring occupants as a result.
13. I note the information provided on the possible shift in policy wording in this respect. Nevertheless, the emerging local plan is not at a stage where the policies referred to can be given any significant weight. In any case, based on the information before me, the emerging policy would still require that developments are designed to avoid unacceptable harm to the amenity of existing neighbours, which is in general consistency with the current approach.
14. As such, I find that the proposal would result in harmful effects on the privacy levels currently enjoyed by the neighbouring occupiers of Nos 19, 20 and 21. The proposal is therefore contrary to Policies SP4 and DM10 of the CLP and Policies D3 and D6 of TLP. These policies seek, amongst other things, that developments are of high quality, that the amenity of the occupiers of adjoining buildings are protected and that they deliver appropriate privacy.

Highway safety

15. The proposal includes the retention of one existing off street parking space for No 20. In terms of visibility, the existing arrangement means that a driver already accesses the driveway either by reversing onto it from the road, or egressing from it by reversing out onto the road. This appears to have been a longstanding arrangement and there is no evidence before me that this has resulted in any significant highway safety issues. There would be no difference to this existing arrangement in terms of access and visibility and therefore I do not consider that it would be unacceptably harmful to highway safety.
16. Whilst quite a tight arrangement, the information provided in the Transport Statement (TS) demonstrates that a vehicle could be reversed down the existing driveway and park whilst ensuring a suitable pathway could be left clear to provide pedestrian and cycle access to the proposed dwelling. Occupants of the proposed

dwelling would need to share the initial section of the driveway with those driving into the parking space. Given the limited number of vehicular movements that would be associated with one parking space, I do not find this would be an unacceptably harmful arrangement.

17. No off street parking is identified for the proposed dwelling. The Council did not raise objection to this in its Officer Report. However, the TS states that the proposal would not be a car-free arrangement as future residents would still have the option to apply for parking permits.
18. The Council assert that it has not been demonstrated that there is sufficient on street parking availability, such that parking stress would not be exacerbated. Equally, I have not been provided with evidence that there is unacceptable parking stress in the vicinity of the appeal site. Whilst only a snapshot in time, during my site visit I witnessed three available on street parking spaces within a short walk of the appeal site. In addition, I note that the submitted TS identifies that whilst the site is located within an area identified as Public Transport Access Level (PTAL) 3, at the junction with Handcroft Road, which is a short walk from the appeal site, the PTAL rating is 5, which demonstrates that public transport accessibility and connectivity options improve within a very short distance of the appeal site.
19. I therefore find, based on the evidence before me, that the proposal would not be likely to result in harm to highway safety. The proposal would therefore comply with Policies SP8, DM29 and DM30 of the CLP and Policies T3 and T6 of TLP. These policies seek, amongst other things, that developments do not have a detrimental impact on highway safety, that the movement of pedestrians and cyclists is not impeded and that car parking is restricted in line with levels of existing and future public transport accessibility and connectivity. Policy T3 of TLP is also referred to by the Council, but this relates to transport capacity, connectivity and safeguarding and is therefore not directly relevant to this main issue.

Cycle and refuse storage facilities

20. Policy DM30 of the CLP identifies that cycle parking spaces should be provided in accordance with the requirements of the London Plan. Table 10.2 set out under Policy T5 of TLP states that for dwellings that provide accommodation for more than a two person one bedroom dwelling, two spaces should be provided for each dwelling. Therefore, two cycle parking spaces are required for both the existing and proposed dwellings.
21. I have found above that it is possible for a sufficient pathway to be maintained to allow access to the appeal site with cycles. The submitted TS also shows that a cycle could be manoeuvred into the private garden area identified for the existing dwelling. Whilst the proposed external space would be more limited for both the proposed and existing dwellings, it does appear that there would be space to provide cycle storage for two cycles for both dwellings. Further details of the storage facilities could be secured by planning condition.
22. Policy DM13 of the CLP identifies that refuse and recycling facilities need to be conveniently located and easily accessible. The Council state that 30m is the maximum walking distance that is appropriate to deposit waste. The appellant asserts that the distance does not exceed 30m and when visiting the site, I did not find that the distance from the existing outbuilding to the area identified for bin storage to the front of No 20 would be particularly inconvenient.

23. Whilst enough bins are not shown on the proposed site plan to serve both the existing and proposed dwellings, there is additional space to provide further bins to the front of No 20. The Council refers to the need for an area of 10 square metres for the temporary storage of bulky waste, but this specific number is not identified in the policy extract provided. Whilst not demonstrated on the submitted drawings, I consider that it would be possible to use the area to the front of No 20 for the collection of bulky waste for both dwellings, when required. I find that these matters could be suitably addressed by planning condition.
24. I therefore find that subject to further details, which could be secured by planning condition, adequate cycle and refuse storage facilities could be provided. I therefore find that the proposal would comply with Policies SP4, SP8, DM13, DM29 and DM30 of the CLP and Policies D6, T5 and SI 8 of TLP. These policies seek, amongst other things, that developments are of high quality, that they remove barriers to and promote cycling, provide sufficient cycle parking spaces and provide adequate refuse storage.

Fire safety

25. Part A of Policy D12 of TLP sets out that all development proposals must achieve the highest standards of fire safety, taking into account factors which include fire risk reduction, fire escape and evacuation and provision for firefighting. A Fire Risk Statement was submitted with the application. It sets out the use of smoke and heat detectors, the construction materials and where the escape routes from the proposed dwelling would be located. It also states that the pavement on the opposite side of the road would form a suitable assembly point. It also identified that the proposal would be completed in accordance with the relevant Building Regulations.
26. The Council identify concerns with the accessibility of the appeal building, in terms of firefighters and fire appliances being able to access the site and those needing to egress from the site in the event of a fire, particularly if a car were parked on the existing driveway to the side of No 20. Nevertheless, this is an existing situation, a car could be parked there when access might be required to the rear of the property under the current circumstances. In addition, the appellant refers to Approved Document B of Building Regulations which requires access for a pumping appliance within 45m. A fire engine sited on Bishops Road outside of No 20 would be within this distance and I have found above that it has been demonstrated that suitable pedestrian access would be provided to the appeal site from the road.
27. Given the building already exists in the current location, and based on the evidence provided, I am satisfied that any further information required with regard to fire safety provisions could be adequately resolved by planning condition. Therefore, I find that the proposal would not have a harmful effect on fire safety, and it would accord with Policy D12 of TLP, the aims of which are set out above.

Other Matters

28. The proposal would provide an additional dwelling, re-using and adapting an existing building on a small site in an urban area where occupants would have access to services, facilities and public transport options. It is identified that some soft landscaping would be introduced on the site as a result of the scheme. There would be economic benefits during the construction phase and after with future

occupants supporting the local economy. However, given the proposal would be limited to one additional unit, these benefits would be limited.

29. The appellant asserts that the proposal would not be at undue risk of flooding and that sufficient internal accommodation and external space would be provided for the occupants of the proposed dwelling as well as sufficient external space being retained for the occupiers of No 20. However, a lack of harm or policy compliance in these respects would be neutral considerations that would weigh neither for nor against the proposal. I note the appellant's concerns about the level of engagement offered by the Council during the application process. Nevertheless, this is not a consideration that I can take into account in deciding the appeal.

Planning Balance

30. The appellant asserts that the Council cannot currently demonstrate a sufficient housing land supply. There is very little information provided on this matter from either party. In circumstances where a local planning authority does not have a sufficient supply of deliverable housing sites, the Framework indicates that planning permission should be granted for applications involving the provision of housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
31. The proposal would provide one additional dwelling which would make a small contribution to the housing land supply and to the governments overall aim to boost the supply of housing. It would also amount to the development of a small site in a sustainable location which is supported by the Framework. In this respect I have given the associated housing delivery moderate weight in the overall balance.
32. However, I have identified above that the proposal would cause harm to the character and appearance of the area and the living conditions of the occupiers of Nos 19, 20 and 21 Bishops Road. The harm would be significant and thus I assign significant weight to that harm.
33. Even if I were to take a precautionary approach and find that there was a significant shortfall in housing land supply, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the Framework, taken as a whole, having particular regard to securing well designed places.

Conclusion

34. Whilst I have not found conflict with the development plan in relation to highway safety, cycle and refuse storage facilities and fire safety, I have found conflict in relation to the character and appearance of the area and the living conditions of neighbouring occupiers in relation to privacy. Consequently, I find that the proposal would be contrary to 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. Having considered all other matters raised I conclude that the appeal should be dismissed.

G Dring

INSPECTOR