



Appeal Decision

Site visit made on 13 January 2026

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 February 2026

Appeal Ref: APP/L5240/W/25/3375448

Land rear of 9 Morland Avenue, Croydon CR0 6EA

- 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 Erban Gap Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/01903/FUL.
 - The development proposed is erection of 3 No. dwellings at a land at the rear of 9 Morland Avenue, with provision of associated facilities, parking and amenity spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted an External Daylight, Sunlight and Overshadowing Study, Fire Strategy Statement (FSS) and Transport Assessment (TA) in response to the Council's reasons for refusal. The Council and interested third parties have had the opportunity to comment on these documents during the appeal proceedings. I have therefore taken them into account in reaching my decision.
3. A unilateral undertaking (UU) was submitted in support of the appeal. The UU secures the payment of financial contributions, including a sustainable transport contribution and associated monitoring and legal costs, and imposes restrictions on future occupiers' eligibility for on-street parking permits, together with associated notification requirements. This document was subsequently updated during the appeal proceedings to provide a signed and dated version, upon which the Council have had the opportunity to comment. The UU constitutes a material planning consideration and, accordingly, I have accepted and considered it as part of my decision.

Main Issues

4. The main issues are:
 - the effect of the proposal upon the character and appearance of the area; and
 - the effect of the proposal on the living conditions of neighbouring occupiers of 1 Landmor Mews (No.1), with particular regard to daylight and sense of enclosure; and

- the effect of the proposal on highway safety and whether the proposal would make adequate provision for any additional need for sustainable transport improvement arising from the development; and
- whether the proposal makes adequate provision for matters relating to fire safety.

Reasons

Character and appearance

5. The appeal site forms part of the former rear garden of No.9 Morland Avenue (No.9), a semi-detached building divided into flats. No. 9 has since been physically separated by fencing. While I understand that it has been used informally as an overflow parking area, the site remains largely undeveloped and retains an open, garden-like character.
6. The surrounding area is predominantly residential and is largely characterised by semi-detached dwellings with reasonably sized rear gardens and a clear hierarchy between principal buildings and ancillary garden development. Although 1-3 Landmor Mews represents an example of backland development in the vicinity, it is relatively modest in scale, carefully contained, and has not resulted in neighbouring properties being left with uncharacteristically shallow or constrained rear gardens.
7. The proposal would comprise a terraced block extending continuously for approximately 20 metres across a substantial proportion of the appeal site. Notwithstanding the separation distances to neighbouring properties, the uninterrupted built frontage, combined with the depth and overall mass of the building and the associated siting of external cycle and refuse storage structures, would result in an unduly cramped form of development. The proposal would fail to read as a subordinate or ancillary addition to No.9. In this context, a comparison with the building footprint of No.9 is of limited value, as the identified harm arises from the proposal's siting, continuous frontage, depth and massing, rather than site coverage alone.
8. Its position, scale and form would be incongruous with the more fragmented and low-density pattern of development that characterises the immediate surrounding rear-garden environment, failing to respond positively to local context. The use of materials or the incorporation of roof forms found elsewhere in the area would not overcome the harmful impact identified.
9. The appellant contends that the land has been physically separated from the host property for a number of years. However, I have insufficient evidence before me to conclude that the subdivision and use of the original garden is lawful for planning purposes. In any event, the planning merits of the proposal must be assessed on the basis of the development now proposed. I find that the position, scale and form of the proposal would appear incongruous and overbearing within its setting.
10. The appellant has referred a number of other backland developments in the area. While such examples indicate that backland development can be acceptable in principle, I do not have the full details of the circumstances that led to all of the examples put to me being accepted or sufficient detail to conclude that they are directly comparable in all material respects. In this case, the harm I have identified arises from the particular siting, scale and continuous terraced form of the appeal

proposal and its relationship with neighbouring properties. I have, in any event, determined the appeal based on its own planning merits.

11. For the reasons set out above, I conclude the proposal would harm the character and appearance of the area. Therefore, it would conflict with Policies D3 and D4 of the London Plan (2021) (LP) and Policies SP4 and DM10 of the Croydon Local Plan (2018) (CLP), which require high-quality design and respect for local character.

Living conditions of neighbours

12. The submitted External Daylight, Sunlight and Overshadowing Study demonstrates that the proposed development would not result in an unacceptable impact on the levels of daylight and sunlight received by occupiers of 1 Landmor Mews (No.1) a conclusion which the Council accepts. I have carefully considered this evidence and agree with its conclusions.
13. Nevertheless, the siting and scale of the proposal would materially increase the sense of enclosure experienced by occupiers of No.1. The close proximity of the built form, together with its near-continuous massing across the shared elevation, would present as a dominant feature when experienced from this property. This would significantly diminish the quality of outlook from what appear to be the principal habitable room windows and the private garden, resulting in an overbearing relationship that would be harmful to the living conditions of the occupiers.
14. I therefore conclude that the proposal would harm the living conditions of occupiers at No.1, contrary to Policy D6 of the LP and Policies SP4 and DM10 of the CLP, which seek to protect neighbouring amenity.

Highway safety and sustainable travel

15. The proposal would rely on a shared access route via Landmor Mews for both vehicular and pedestrian movements. Vehicle tracking diagrams have been submitted to demonstrate that the proposed parking space could be suitably accessed.
16. While the TA does not set out detailed measures to manage potential pedestrian and vehicular conflicts along the access, a concern echoed by interested third parties, the access is already in use, would serve a limited number of dwellings, and is short in length. Given the provision of only one additional parking space, and based upon observations on my site visit, I do not consider the proposal harmful to highway safety.
17. Notwithstanding this, the proposal would be likely to give rise to increased parking demand in the surrounding area. However, the mitigation secured through the UU, including the restriction on future occupiers' eligibility for on-street parking permits and the provision of sustainable transport contributions, is necessary to address this impact. Subject to these measures, the proposal would not result in an unacceptable increase in parking stress and would make adequate provision for sustainable transport improvements arising from the development.
18. The proposal would therefore not conflict with Policies T3, T4, and T6 of the LP and Policies SP8, DM29 and DM30 of the CLP, which seek to promote sustainable transport, manage parking and travel demand, and protect highway safety.

Fire Safety

19. The Council also refused permission on the grounds that insufficient information had been submitted to adequately consider fire safety and concern has also been raised by interested third parties. The appellant has responded with the submission of a FSS, which has been prepared by a suitably qualified specialist and which the Council has since confirmed it accepts.
20. The FSS identifies a range of passive and active fire safety measures. I have no substantive reason to disagree with the conclusions reached, and I am satisfied that the recommended measures could be secured through the imposition of appropriately worded planning conditions. I therefore find that the proposal would make adequate provision for matters relating to fire safety and would not conflict with Policy D12 of the LP, which seeks to ensure that development is designed to be safe, with appropriate fire safety measures incorporated.

Other Matters

21. While I note the concerns raised by interested third parties in respect of site ownership and management arrangements, these are civil matters between the parties concerned and are not material planning considerations. Accordingly, they have not been determinative in my decision.
22. The appellant contends that the proposal would optimise the potential of a brownfield site and the proposal would contribute to the supply of housing in the area and reflect the aim of the National Planning Policy Framework (the Framework) to significantly boost the supply of housing. However, given the limited scale of the proposal such benefits would be modest and therefore the weight to be attributed to them is limited.
23. Even if the proposal would accord with various development plan policies, including those in relation to the location of new development, daylight, amenity standards, sustainability and greening the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.

Conclusion

24. Although I have found that there would be no adverse impact regarding highway safety, sustainable transport or fire safety, these, and the other matters identified above, are significantly outweighed by the unacceptable harm that would be caused in respect of the impact upon character and appearance and to the living conditions of neighbouring occupiers.
25. The proposal would conflict with the development plan taken as a whole. Material considerations, including the provisions of the framework, have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

SJ Desai

INSPECTOR