



Appeal Decision

Site visit made on 19 January 2026

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 February 2026

Appeal Ref: APP/L5240/W/25/3375718

37 Stoats Nest Road, Coulsdon CR5 2JJ

- 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 Lui Prendi against the decision of the London Borough of Croydon.
 - The application Ref is 25/00330/FUL.
 - The development proposed is the use of the existing annexe as a self-contained residential dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the existing annexe would be suitable for occupation as an independent dwelling with particular regard to the: -
 - character and appearance of the area;
 - the living conditions of the occupiers of No.37 with particular regard to privacy;
 - the access and parking arrangements; and
 - refuse storage.

Reasons

3. The existing annexe building is located at the end of the garden of No.37 Stoats Nest Road. Running alongside the property is a narrow access serving a number of garages to the rear of Nos. 29 - 43 Stoats Nest Road. From the planning history, the existing annexe building replaced the garage at No.37¹ and was conditioned to preclude its use as a separate dwelling. The annexe building is taller than the range of garages and other outbuildings to the neighbouring rear gardens, with a large box-style dormer window to the rear and roof lights to the roof slope facing towards No.37. It also has an entrance door onto the access drive.
4. The proposal would create an independent dwelling. No additions are proposed to the building; however, the existing garden to No.37 would be subdivided, and the proposed garden space for the new dwelling would also accommodate a parking space.

¹ 22/03655/HSE - Demolition of the existing garage and outbuilding. Erection of detached single storey annex with accommodation in the roof space with new dormer window. Alterations to boundary treatments and landscaping.

Character and Appearance

5. Stoats Nest Road is a residential area of traditional form with semi-detached properties to the road and relatively lengthy gardens to the rear. There is a consistency in style and the pattern of development. Beyond the appeal property and the garage area, to the rear is an open area of allotments.
6. The backland location of the proposed dwelling is at odds with the prevailing layout and form. The development would not alter the street scene as there are only limited, partial views of the building from Stoats Nest Road along the access. It would, however, lack a direct relationship with Stoats Nest Road, be poorly legible from the road, and its scale and form do not reflect the residential character and appearance of the area. There are structures in a similar position, but these are subservient in scale and ancillary or incidental in use to the main two-storey dwellings.
7. Whilst recognising the need to make the best use of land, the size of the retained garden for No.37 would also be less than the minimum length of 10m required by Croydon Local Plan 2018 (CLP) policy DM10.4(e). Consequently, both No.37 and the proposed plot for the new dwelling would be considerably smaller than those of the neighbouring properties, and the location of the proposed dwelling would be incongruent with the character of the area.
8. Accordingly, the proposal would fail to respect the character and appearance of the area and would be contrary to CLP policies SP4 and DM10, and policy D3 of the London Plan 2021(London Plan). Together and amongst other things, these policies seek to ensure that development respects and enhances local character, including through the pattern, layout and siting of development, to achieve a high-quality design, provide appropriate amenity space and be street-based with clearly defined public and private environments.

Living Conditions

9. No.37 has been extended to the rear and also has the addition of dormer windows within the roof. With a separation between the two buildings of approximately 15m, it is below the minimum separation distance of 18-21m, indicated as a yardstick in the supporting text to policy DM10. I did not visit the existing annexe internally, but it was originally designed² with a first-floor mezzanine with the rooflights over the void. The proposal would create a full first floor, enabling a direct outlook from the rooflights, positioned approximately 1m - 1.9m above the internal floor level, towards No.37.
10. A level of mutual overlooking is expected within an urban area. However, the location of the proposed dwelling is at odds with the prevailing form and is directly aligned with the house of No.37. Due to the limited separation, there would be intervisibility between the two properties, including over the garden. As such, the proposal would have an adverse impact on occupiers' living conditions due to the proximity and overlooking.
11. The existing physical separation between the buildings would not change as a result of the proposed development. Nevertheless, due to the internal layout and

² Plan 812.25 rev B submitted as part of the appendix to the Council's Appeal Statement

the change in occupancy from ancillary to a separate residence, this would result in an unacceptable loss of privacy for the occupiers of No.37.

12. The proposal would therefore be contrary to CLP policy DM10, which, amongst other things, requires that the amenity of the occupiers of adjoining properties is protected. Notably ensuring that proposals do not result in direct overlooking of habitable rooms in the main rear elevation (DM10.6b) or the private outdoor space within 10m of the dwelling (DM10.6c).

Access and Parking

13. The access is an established private vehicular route that currently serves a number of garages. The surface is unbound, with wheel tracks and grass along the centre. It is narrow, with boundary fencing on each side, and adjoins Stoats Nest Road, close to a bend. No details of the visibility splays or tracking have been provided to demonstrate safe interaction with other road users, including pedestrians, or to show that a vehicle could appropriately manoeuvre into and out of the proposed parking space within the garden area accessed via a sliding gate.
14. The access is below current standards for the width of access roads. The full length is only sufficient to accommodate the width of a car with no pedestrian refuge, passing points or surveillance. Whilst the number of vehicle movements associated with the property is likely to be limited, and No.37 previously had a garage in the same location, it would be the only access to the proposed dwelling for its occupiers, visitors, and deliveries, including those on foot.
15. The proposal therefore fails to demonstrate a safe, convenient, and attractive access to the proposed dwelling, nor ensures highway and pedestrian safety. It therefore conflicts with CLP policies SP8, DM29 and DM30, and the London Plan policies T4, T6 and T6.1, which require that proposals do not increase road dangers, promote a positive impact on highway safety, not impede pedestrian movements, provide adequate provisions for efficient deliveries and servicing and provide appropriate levels of parking.

Refuse Storage

16. The proposed dwelling is set a substantial distance back from the highway for refuse collection. A revised plan has been provided by the appellant (no. 105/2005/5rb) proposing an alternative location for the refuse storage within the garden and a collection point within the front garden of No.37. Whilst there is potential to agree the exact arrangements, they would require the occupier to move their bins along the length of the access drive on collection day. The policies cited by the Council in the reason for refusal do not set out specific carry distances. Nevertheless, given the length and surface of the access route, it may pose a challenge for occupants, though not necessarily insurmountable. There is capacity within the site for refuse storage, and, on its own, it would not be a reason to dismiss the appeal. However, it is a further matter that adds to concerns regarding its siting and integration of the proposed development with the design and character of the surrounding area.

Conclusion

17. For the reasons set out, the proposal would fail to provide an appropriate environment for an independent dwelling. It would be out of keeping with the

prevailing pattern of development, with poor access arrangements, and would adversely impact the amenities of No.37. The proposed development would be contrary to the development plan as a whole, and there are no other reasons before me that outweigh this conflict. The appeal is therefore dismissed.

G Ellis

INSPECTOR