



Appeal Decision

Site visit made on 4 February 2026

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 February 2026

Appeal Ref: APP/L5240/W/25/3376252

Garage and Store adjoining 1 Grecian Crescent, Upper Norwood, Croydon, London SE19 3HQ

- 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 Bruce Thompson of Thompson Garages Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/01530/FUL.
 - The development proposed is the demolition of existing garage and store, and erection of a two-storey residential dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development used in the heading above from the Council's decision notice and the submitted appeal form. This accurately describes the proposed development.
3. During the appeal proceedings the appellant provided amended plans to remove a roof dormer. However, I am mindful that the appeals process should not be used to evolve a scheme to overcome the Council's reasons for refusal. Whilst, in certain circumstances, a proposal can be amended through revised plans during an appeal, in line with the Wheatcroft principles¹, I can see that there are substantial differences between the appeal proposal and that of the revised scheme. In this case, it is my view that the appeal must be determined on the basis of the plans as originally submitted to the Council and upon which it based its decision, and which have been subject to consultation. To do otherwise would prejudice the interests of the Council, interested parties and consultees, who have not been consulted on the revised scheme and who may have observations to make. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted. For the same reasons, such changes could also not be ensured through a planning condition if the appeal were to be allowed.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

- the effect of the proposed development on the living conditions of neighbouring occupiers at 270 and 272 Beulah Hill, with regard to privacy; and
- whether the scheme would provide an acceptable standard of outdoor amenity space, with regard to the provision of sunlight.

Reasons

Character and appearance

5. The appeal site relates to a small parcel of land along Grecian Crescent. It is occupied by a single storey garage and store. The wider area is predominantly characterised by residential development however there is a small parade of commercial units on the corner of Grecian Crescent and Beulah Hill.
6. Whilst I acknowledge that there is some variation in plot size in the surrounding area, residential development is generally characterised by properties set back from the highway, with long rear gardens. The proposed dwelling would however occupy a small plot, with a constrained rear garden of minimal depth. The plot would be substantially smaller than surrounding residential plots, contrasting with the pattern of residential development in the area. Whilst the proposed dwelling's front building line would be relatively in line with that of 1 Grecian Crescent (No.1), this property benefits from a long rear garden that is in keeping with surrounding development.
7. The proposed dwelling would be of a reduced height, with accommodation in the roof. The appellant contends that the scale of the dwelling would allow it to appear subservient. However, sat amongst mainly two storey residential properties, its small scale would appear awkward and incongruous. This would be exacerbated by the proposed zinc roof which is not reflective of surrounding development where more traditional materials such as tiled and slate roofs are mainly used. Although facing brick would be used on the walls of the property, this would not outweigh the harm identified.
8. The proposed cycle store would be sited to the front of the dwelling, adjacent to the footpath. Its positioning would be out of keeping with surrounding development and would further exacerbate and demonstrate the contrived nature of the scheme and overdevelopment of the site.
9. The appellant has drawn my attention to the dwelling at 37a Grecian Crescent which is of a modern design and sat on a smaller plot. However, I do not know the circumstances under which this was constructed or its status with regard to planning permission. In addition, rather than providing justification for the development in question, if anything, its presence points to a need for such proposals to be carefully controlled if the character and appearance of the area is to be safeguarded.
10. Overall, for the reasons set out above, the scheme would be out of keeping with the surrounding pattern of residential development in the area. As such, it would result in unacceptable harm to the character and appearance of the area. This would be contrary to Policies SP4 and DM10 of the Croydon Local Plan (CLP) and Policy D3 of the London Plan (LP). Collectively, amongst other things, these

policies seek to ensure high quality design that responds to the character of an area.

Living conditions of neighbouring occupiers

11. The Council contend that the rear garden of 270 Beulah Hill (No.270) is 10 metres in length, whilst the appellant states that the rear elevation of No.270 is positioned approximately 10.2 metres from the appeal site boundary.
12. Nonetheless, the proposed bedroom window of bedroom 2 would be positioned in proximity to the rear boundary of No.270. It would have direct views into the rear garden area of this property, resulting in unacceptable levels of overlooking and a loss of privacy to the occupiers of No.270.
13. The window of bedroom 2 would also have views of the communal rear garden of 272 Beulah Hill (No.272). Although the views would be at an oblique angle, given the proximity of the window to the garden of this property, it would result in an unacceptable level of overlooking and loss of privacy to the occupiers of the flats at No.272.
14. There is a garden room, garage lock-up and trees between the appeal site and No.270. However, given the size of these features, they would not sufficiently mitigate any overlooking from the bedroom window of bedroom 2. Additionally, any mitigating effect from the trees may be lesser in winter when trees may not be in leaf. The trees and buildings are also not situated within the appeal site or under the ownership of the appellant. They could therefore be removed at any time, which would result in the loss of any mitigation they provided.
15. Whilst No.1 has a similar relationship to properties along Preston Road, the evidence states that the side elevation windows of No.1, facing the rear boundaries of properties along Preston Road, serve a stairwell and bathroom. Such rooms are not considered habitable and would therefore not result in unacceptable levels of overlooking. There are no first-floor windows on the side elevation of No.1, facing the properties along Beulah Hill. The first-floor rear windows of No.1 would directly face the properties garden, rather than neighbouring gardens. Whilst windows from individual flats at No.272 may overlook the communal garden area, this is not comparable to overlooking from a separate, independent property.
16. I am not satisfied that additional vegetation would overcome the harm identified above. Any vegetation would have to be substantial in size to meaningfully mitigate any loss of privacy. Given this, I cannot be sure that it would not result in other issues such as loss of light to the windows of the proposed dwelling. Additionally, it would take some time to become established and provide mitigation.
17. Overall, for the reasons outlined, the scheme would result in unacceptable levels of overlooking and a loss of privacy to the rear garden areas of No's. 270 and 272. This would result in harm to the living conditions of the occupiers of these properties. The scheme would therefore be contrary to Policies SP4 and DM10 of the CLP and Policies D3 and D6 of the LP. Collectively, amongst other matters, these policies seek to ensure high quality design that protects the living conditions of neighbouring occupiers.

Outdoor amenity space

18. Private outdoor amenity space would be provided to the rear of the dwelling. However, on two sides it would be bordered by the walls of the proposed dwelling. It would also be partially bordered by the summerhouse to the rear of No. 270 on another side. These boundary treatments, coupled with the orientation of the garden area would mean the area would likely receive little sunlight throughout the day. There is no substantive evidence before me to demonstrate that the garden area would receive adequate amounts of sunlight. I am therefore not satisfied that the rear garden area would provide an acceptable standard of private outdoor space.
19. The appellant contends that the scheme would also provide private outdoor amenity space to the front of the dwelling. If used as the main garden area, this area would likely contain domestic paraphernalia such as a washing line, seats for sitting outside and possibly children's play equipment, amongst other items. This would be out of keeping with the surrounding pattern of development, where areas to the front of dwellings are generally not used as garden spaces. Additionally, to ensure privacy, the area would need to be enclosed by a large fence which could appear unsightly. As such, I am not satisfied that the outdoor space to the front of the property would offset the need for an acceptable standard of private outdoor space to the rear of the property.
20. Whilst the scheme would exceed the LP requirements regarding the amount of private outside space to be provided, this does not outweigh the need for such spaces to be provided with an adequate amount of sunlight. The dwelling, which would be triple aspect, may also meet other requirements regarding floor space and ceiling height. It may also provide ventilation and natural light in the internal spaces. These are however neutral factors and would not weigh in favour of, nor against, the appeal.
21. Overall, for the reasons set out above and based on the evidence before me, I am not satisfied that the scheme would provide an acceptable standard of outdoor amenity space, with regard to the provision of sunlight in the rear garden area. The scheme would therefore be contrary to Policies SP4 and DM10 of the CLP and Policy D6 of the LP. Collectively, amongst other matters, these policies seek to ensure that new residential development provides high quality private outdoor space.

Other Matters

22. The appeal site is not located in a conservation area and the existing garage and store are not listed. Waste storage would be provided, and the schemes fire safety measures may adhere to building regulations. The scheme may also meet other various regulations and requirements regarding access points and accessible and adaptable dwellings. These are however considered neutral factors and do not weigh in favour of, nor against, the appeal.
23. The scheme would utilise a small site, and contribute towards the ten-year target for housing, as set out in LP. The scheme may also mitigate parking stress by creating an additional on street parking bay. Nonetheless, given the small scale of development, these benefits would be minor and would not outweigh the harm identified.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

S Burch - INSPECTOR