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## Appeal Decision

Site visit made on 13 January 2026

by **G Bayliss BA (Hons) MA MA MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> February 2026

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**Appeal Ref: APP/L5240/W/25/3375019**

**Karlynn House, 2a High Beech, South Croydon CR2 7QB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr Rajesh Sood, Serona Capital Partners, against the Council of the London Borough of Croydon.
  - The application Ref is 25/02314/FUL.
  - The development proposed is the conversion of the property into 4 flats, together with the erection of a part 2, part 3 storey rear extension and alterations to the front and rear elevations with associated car parking and hard and soft landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the conversion of the property into 4 flats, together with the erection of a part 2, part 3 storey rear extension and alterations to the front and rear elevations with associated car parking and hard and soft landscaping at Karlynn House, 2a High Beech, South Croydon CR2 7QB in accordance with the terms of the application, Ref.25/02314/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

### Preliminary Matters and Main Issue

2. The spelling of the appellant's forename differs between the application form and appeal forms. I have used the version on the appeal form as this corresponds with that given in the accompanying Unilateral Undertaking (UU).
3. The appeal was made against the failure of the Council to reach a decision on the application within the relevant statutory timeframe. The Council has explained at appeal that had it been in a position to do so it would have refused the application. I have been provided with what would have been their reasons for refusal as part of their statement of case and the appellant has had the opportunity to comment upon them. These reasons will therefore form the basis of the main issue.
4. There have been several previous applications and appeals for similar developments on this site<sup>1</sup>. The Council confirms that the current scheme subject to this appeal largely follows the previous scheme submitted in 2024 which was dismissed at appeal. In that case, the Inspector concluded that the absence of an associated legal agreement, submitted within the appropriate timescales, meant that the proposal failed to demonstrate that it would make adequate provision for the additional need for sustainable transport improvement arising from the

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<sup>1</sup> Ref.22/00312/FUL & APP/L5240/W/23/3325456, 24/02274/FUL & APP/L5240/W/24/3358178

development. In all other respects the proposal was considered acceptable. The referenced appeal decisions are material considerations.

5. In relation to this appeal, the Council considers that the sole issue of contention remains the Council's requirement for a contribution for improvements to sustainable transport. The Council comments that whilst a UU has been submitted as part of the application, the document is not fit for purpose and would not secure the necessary contribution. Additional documentation to support the UU has been submitted with the appellant's final comments which seek to address the Council's concerns. As an executed and certified UU was submitted at the time of making the appeal I have taken account of this additional documentation.
6. The Council advises that in the vicinity of the appeal site is No. 5 High Beech, a Grade II listed building, and the site is also near to the Cobham Manor Conservation Area. I am aware of my statutory duties under the Planning (Listed Buildings and Conservation Areas) Act 1990, and I have assessed the locations of the designated heritage assets, their significance, and have considered the evidence presented on any likely effects. In this regard, there is little to suggest that the proposed development would have any adverse impact on their significance. I have no reason to disagree, and I have therefore not pursued these matters any further in this decision.
7. Putting the issue of making adequate provision for a sustainable transport contribution to one side, having considered all the submitted documentation and visited the site, I have no reason to disagree with the findings of the Council that all other planning matters are satisfactorily addressed, subject to appropriate conditions. The main issue therefore is:
  - Whether or not the proposal would make adequate provision for a sustainable transport contribution.

## Reasons

8. The appeal property is a two storey dwelling set back from the road behind a parking area. It is located on a cul-de-sac and the surrounding area is residential in character with properties of varied appearance. The proposed development would alter and convert the existing dwelling into four self-contained flats, including the erection of a rear extension, raised platforms, alterations to elevations, parking and landscaping.
9. The development would generate additional vehicular movements which would have an impact on the highway network. The policies in the Croydon Local Plan (2018) (CLP) and the London Plan (2021) (LP) favour sustainable, public transport-orientated and active travel options over car ownership. CLP Policy SP8 states, amongst other things, that new development will be required to contribute to the provision of electric charging infrastructure, car clubs and car sharing schemes. To achieve the planned sustainable transport improvements, the policy requires a monetary contribution to help mitigate against the traffic generation caused by the development. I am satisfied that the contribution requested by the Council would meet the tests in paragraph 58 of the National Planning Policy Framework (the Framework).
10. Although the executed and certified UU submitted with the appeal was not accompanied by Land Registry Documents, the additional documentation

provided, including a Land Registry Title and plan for part of the site and copies of Land Registry Transfer forms for the remainder, appears to confirm that the appellant owns the appeal site. Also, that where there are references to Seronera Capital Partners Ltd and Seronera Developments Ltd, the Companies House documentation identifies that they are both owned by the appellant. The appellant's solicitor has also confirmed that the site is in the appellant's ownership. It is also noted that an almost identical UU was submitted with the first appeal in 2023 (referenced above) and that this was accepted by the Inspector.

11. The Council has concerns that the appellant has not contributed towards the Council's legal costs in assisting with the UU. However, I recognise that this document had already been prepared for earlier applications/appeals on this site, and I understand why, on this occasion, the appellant felt that it was not necessary to liaise with the Council's legal team.
12. Based on the submitted documentation I am satisfied that the UU would make adequate provision for the required sustainable transport contribution. As such, it would comply with LP Policy T6.1 and CLP Policies SP8 and DM30. It would also comply with the Framework which looks to maximise sustainable transport solutions.

### **Other Matters**

13. I have had regard to the representations made by interested parties. Aside from matters addressed above, these include concerns with over-development, being out of character, living conditions of neighbouring occupants, transport, parking and flood risk. The Council has addressed each of these matters in its appeal statement and ultimately does not oppose the proposal on grounds other than that set out in the main issue. The Inspector in the last appeal for a similar scheme also found no harm in relation to these matters apart from the securing of the sustainable transport contribution which I have addressed. The representations do not appear to raise any substantive evidence which have not been already addressed and there is little to indicate why I should not accept the Council's findings or those of the previous Inspector.
14. I have had regard to these, and all other matters raised, and none of these are of such significance as to result in benefits or harms to outweigh or overcome my conclusion on the main issue.

### **Conditions**

15. I have considered the conditions put forward by the Council and have amended the wording where necessary in the interests of clarity and to accord with the advice in the Framework and Planning Practice Guidance. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in the interests of certainty.
16. Conditions relating to the submission and approval of a Construction Logistics Plan and a Construction Environmental Plan are pre-commencement conditions. They will ensure that the construction work does not impact the living conditions of nearby residents or highway network, and to avoid harm to biodiversity.

17. Biodiversity Net Gain (BNG) is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. Under this framework every grant of planning permission (with a few exceptions) is deemed to have been granted subject to the condition that the biodiversity objective is met. Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.
18. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition ("the biodiversity gain condition") that development may not begin unless:
  19. (a) A Biodiversity Gain Plan (BGP) has been submitted to the planning authority, and (b) The planning authority has approved the plan.
20. The planning authority, for the purposes of determining whether to approve a BGP if one is required, would be the Council of the London Borough of Croydon. Accordingly, it is not necessary to set out this condition in the schedule of conditions. However, a pre-commencement condition is necessary to agree a Habitat Management and Monitoring Plan in accordance with the Biodiversity Gain Plan to ensure the development delivers BNG on the site.
21. Pre-commencement conditions are required to ensure that site levels are agreed at the outset to ensure that the development contributes towards the quality of the built environment and to protect trees during construction. The drainage condition will ensure that surface water runoff will be managed to avoid flood risk arising from the development. Conditions are necessary to secure facing materials, external detailing and landscaping to secure good design and local distinctiveness. Conditions requiring the preparation of a Biodiversity Enhancement Strategy, mitigation and a lighting strategy will ensure that priority and threatened species are safeguarded.
22. Conditions are necessary to secure satisfactory cycle parking and refuse storage, and for the Council to agree details of any external energy generation measures. I have also attached the suggested condition regarding water efficiency. I have not attached the Council's suggested conditions in relation to fire safety and compliance with tree surveys as these are listed in the approved plans condition.
23. A condition is required to prevent the use of the flat roof from being used as a leisure area to protect the living conditions of adjoining occupiers.

## **Conclusion**

24. For the reasons given above and having regard to all other matters raised, the appeal should be allowed.

*G Bayliss*

INSPECTOR

**Schedule of conditions:**

- 1) The development hereby permitted shall be begun within three years of the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with nos. P0200 (Location Plan); PR1999 (Proposed Plans Lower Ground); PR2000 REV 01(Proposed Plans Level 00); PR2001 REV01 (Proposed Plans Level 01); PR2002 REV01 (Proposed Plans Roof); PR2200 (Proposed Elevations North); PR2201 REV 01(Proposed Elevations East); PR2202 (Proposed Elevations South); PR2203 (Proposed Elevations West); PR2204 (Existing and Proposed Street Elevations); PR2250 (Proposed Section AA); PR2251 REV 01(Proposed Section BB); PR2252 (Proposed section CC); PR3000 REV 02 (Proposed Plans Landscape). Arboricultural Method Statement (27th June 2024) and the Tree Protection Plan (0028-PR3000-00, June 2023); Fire Strategy Rev 01, 28/06/2024; Ecological Appraisal Report (Wychwood Environmental Ltd, July 2024)
- 3) Prior to the commencement of development including demolition, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development:
  - a) Hours of construction.
  - b) Hours of deliveries.
  - c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors.
  - d) Facilities for the loading and unloading of plant and materials.
  - e) Details of the storage facilities for any plant and materials.
  - f) The siting of any site huts and other temporary structures, including site hoardings.
  - g) Details of the proposed security arrangements for the site.
  - h) Details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway.
  - i) Details outlining the proposed range of dust control methods and noise mitigation measures.
  - j) A photographic survey of the condition of highways and footways in the vicinity of the site.

All phases of the development shall be carried out strictly in accordance with the details so approved.

- 4) Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority.  
The CEMP shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).

- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 5) Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by the local authority, including:
- a) The roles and responsibilities of the people or organisation(s) delivering the HMMP.
  - b) The planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan.
  - c) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
  - d) The monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
  - e) Details of the content of monitoring reports to be submitted to the LPA including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- initial enhancements, as set in the HMMP, have been implemented; and
- habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Council, in accordance with the methodology specified in the approved HMMP.

- 6) Prior to the commencement of development, full details of finished floor levels, garden levels and cross sections shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out and retained strictly in accordance with the details thus approved.

- 7) The development hereby permitted shall be undertaken in strict accordance with the details contained in the Arboricultural Method Statement (dated 27th June 2024) and the Tree Protection Plan (0028-PR3000-00 dated June 2023). The

approved scheme shall be implemented on site prior to the commencement of the development and retained for the duration of the works.

- 8) Prior to the commencement of above ground works, a detailed surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the Local Planning Authority:
- a) Calculation of the existing and proposed run-off rate (which should achieve greenfield run-off rates unless an alternative rate is adequately justified and achieved).
  - b) Confirmation of the impermeable and permeable site areas used for the infiltration calculations.
  - c) Details of the on-site infiltration drainage.
  - d) Details of the on-site attenuation tank.
  - e) Details of further sustainable drainage measures.
  - f) An updated layout plan (to scale) of the proposed drainage scheme.
  - g) Details of the ownership and / or maintenance agreement for the SUDS on the site.

The approved scheme shall be implemented prior to the first occupation of the development and maintained thereafter.

- 9) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) External facing materials including samples of all facing materials and finishes;
  - b) Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings in external walls.

The development shall be carried out strictly in accordance with the details thus approved and maintained as such thereafter.

- 10) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Hard landscaping materials (including samples as appropriate).
  - b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees.
  - c) Boundary treatments.
  - d) Details of child play space, including details of proposed play equipment.
  - e) Details of communal amenity space, including details of any fixed external furniture.
  - f) A maintenance/management plan for all aspects of the hard and soft landscaping, including the child play and communal amenity spaces.

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and maintained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.

- 11) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Security lighting (siting and manufacturer details).
  - b) Electric charging points for electric vehicles (siting and manufacturer details).
  - c) Appearance of any privacy screens to private balcony balustrades and the balustrades of the third floor communal roof terrace.

The development shall be carried out and maintained strictly in accordance with the details thus approved.

- 12) Prior to the commencement of above ground works, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the Ecological Appraisal Report (Wychwood Environmental Ltd, July 2024), shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- a) Purpose and conservation objectives for the proposed enhancement measures.
- b) detailed designs or product descriptions to achieve stated objectives.
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant).
- d) persons responsible for implementing the enhancement measures; and
- e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

- 13) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal Report (Wychwood Environmental Ltd, July 2024).

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 14) Prior to occupation, a “lighting design strategy for biodiversity” for external lighting in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

- 15) The proposed cycle parking and refuse storage hereby approved on plan PR3000 Rev 02 shall be provided and completed prior to first occupation of the development and maintained for its permitted use for the lifetime of the development.
- 16) Prior to the occupation of the development hereby permitted full details of any external energy generation measures (i.e. Air Source Heat Pumps, Photovoltaic Panels etc.) shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be carried out strictly in accordance with the details thus approved and retained as such thereafter.

- 17) The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day.
- 18) The flat roof area of the building hereby permitted directly outside of units 03 and 04 and approved on plan PR2001 Rev 01 shall not be used as a balcony, roof garden or similar area and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no alterations shall be carried out to create access to it.