



Appeal Decision

Site visit made on 9 February 2026

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2026

Appeal Ref: APP/L5240/W/25/3375462

Hampton, Hawkhurst Road, Croydon, Kenley CR8 5DL

- 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 Jack Carvall of Carvall Homes against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/01540/FUL.
 - The development proposed is demolition of existing dwelling and garages; erection of a two-storey development with roof accommodation comprising 7 family dwellings; provision of parking spaces, refuse and recycling stores, secure cycle parking and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and garages; erection of a two-storey development with roof accommodation comprising 7 family dwellings; provision of parking spaces, refuse and recycling stores, secure cycle parking and soft landscaping at Hampton, Hawkhurst Road, Croydon, Kenley CR8 5DL in accordance with the terms of the application Ref 25/01540/FUL, subject to the conditions in the attached schedule.

Preliminary Matter

2. The London Borough of Croydon Council has confirmed that it no longer wishes to contest reason for refusal 2 in its decision as the Council is now satisfied a completed Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) (the UU) has been provided to secure the sustainable transport contribution. I have no reason to take a different view. I return to this matter later in my decision.

Main Issue

3. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site comprises the curtilage of Hampton, a detached, two-storey dwelling on a rectangular corner plot, with roads on three sides. Aside from the dwelling, the remainder of the site is generally laid to lawn. The site boundaries typically comprise trees and hedging and there are two Tree Preservation Orders on the site covering a Norway Spruce, several trees at the southern end of the site and some trees along the northern and eastern boundaries. The site lies within the urban area and is surrounded by mixed housing type comprising flatted development, detached dwellings on both small and large plots, semi-detached

and terraced properties constructed over different decades. This provides local variation in scale, density, site coverage and positioning of development on the site. The spacing between the existing dwellings in Valley Road, Wildwood Court and Hawkhurst Road varies, with the site relating to all three roads.

5. The proposed development comprises one detached two-storey dwelling and three pairs of two-storey semi-detached houses with roof accommodation. The semi-detached houses have been designed to look like detached houses and would front onto Hawkhurst Road. The detached house would occupy the corner plot fronting onto Wildwood Court.
6. The proposal provides active development to the street frontages of Hawkhurst Road and Wildwood Court, in keeping with the character of the area where properties typically front onto streets providing active frontages. There is currently no active frontage to Valley Road and this relationship would not change.
7. The site slopes from south to north towards Valley Road and the height of the proposed development follows the gradient of the site. The surrounding dwellings are also at different heights in relation to the street scene due to the level changes in the topography. The stepped design of the proposal and the distances to neighbouring properties would ensure the proposal would not appear out of scale or overbearing to residents of neighbouring dwellings.
8. The proposed development would reflect the variations in height of surrounding developments and positioning relative to the street.
9. The separation distances between the proposed dwellings and the spacing around the dwellings would not be out of character with the prevailing grain of development, especially when viewed within the context of Valley Road and Wildwood Court. The scheme would therefore not appear unduly cramped in the context of the surrounding development.
10. Existing landscaping which does not benefit from a Tree Preservation Order could be removed without the need for planning permission. Notwithstanding this, a landscaping masterplan showing both hard and soft landscaping has been submitted. This shows additional planting to compensate for that removed to accommodate the proposed development which would make the scheme acceptable. Compliance with that landscaping masterplan could be conditioned as part of an approval in the interests of the character and appearance of the development.
11. For the above reasons, I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. Accordingly, I find no conflict with Policy D3 of the London Plan (2021) or Policies SP4 and DM10 of the Croydon Local Plan (2018) (CLP). These policies require development to be of high quality and make the best use of land by following a design led approach and ensuring development relates well to its surroundings and respects the local distinctiveness of an area through its scale, layout, height, form, massing and design detail.

Other Matters

12. The relationship between the proposed development and neighbouring properties would be acceptable due to the separation distances and would have no

significant effect on the living conditions of neighbouring properties, with particular regard to a loss of privacy, loss of light or overbearing impact. There would be some temporary disruption during construction but the impacts of this could be minimised through a construction management plan which could be secured by a suitably worded condition.

13. The Council's tree officer has raised no objection subject to securing a detailed Arboricultural Method Statement and tree protection measures to ensure the protection of trees during construction. I have no reason to take a different view.
14. The Council's Ecology Consultant has raised no objection and confirmed there is sufficient ecological information to determine the application. Subject to appropriate mitigation measures both during and post-construction including in respect of external lighting, the likely significant impacts of the proposed development on protected and priority species and habitats would be acceptable. Suitably worded planning conditions would secure this.
15. The appellant would be required to submit a biodiversity gain plan to the local planning authority for approval, due to the provisions of Schedule 7 of the 1990 Act. This would secure an appropriate Biodiversity Net Gain on the site.
16. The formation of new access points to serve the dwellings would reduce the existing space available for on-street parking. The proposed development complies with the parking standards and a condition could be imposed to secure the parking layout. It is not anticipated that the additional dwellings would generate additional demand for on-street parking. Hawkhurst Road and Valley Road appear to have unrestricted parking on both sides of the road and the flatted development at Wildwood Court appears to have allocated parking and garaging. I have not been provided with substantive evidence that the proposal would have a substantial effect on the availability of on-street parking for existing residents.
17. The site lies within flood zone 1, is within a critical drainage area and is at a low risk of surface water flooding. The appellant has submitted a Sustainable Urban Drainage System (SUDS) strategy for the site and the Council considered this acceptable. A condition requiring the development to be carried out in accordance with this would be necessary. I have not been provided with substantive evidence that there is inadequate capacity of the sewerage system or that the scheme would give rise to flood risk.
18. The existing dwelling on site is neither a listed building nor a non-designated heritage asset. Reference has been made to a world war bunker on the site that would require consideration as an historic asset. A condition requiring a written scheme of investigation prior to commencement of development to address concerns raised over the archaeological potential of the site has been imposed.
19. The proposed development would not result in the loss of a dwelling smaller than 130 square metres or a 3 bedroom home which would be contrary to Policy DM1.2 of the CLP. The proposed development would comply with Policy SP2.7 of the CLP which sets a strategic target for all new homes up to 2036 to have three or more bedrooms.
20. I note the comments raised in relation to the handling of the application. However, this is not a matter I can consider under a S78 planning appeal and does not alter

my findings in which I have had regard solely to the planning merits of the proposal.

Planning Obligation

21. Policy SP8.13 of the CLP requires a financial contribution towards sustainable transport initiatives in the local area where new dwellings are provided. The UU secures this and I am satisfied that the Obligation is necessary to make the development acceptable in planning terms, that it is directly related to the development and fairly and reasonably related in scale and kind to the development in accordance with Regulation 122 of the Community Infrastructure Levy regulations 2010 (as amended) and paragraph 48 of the National Planning Policy Framework (the Framework).

Conditions

22. I have had regard to the various planning conditions that have been suggested by the Council and appellant and have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have amended these where necessary for clarity, precision and to avoid duplication.
23. I have imposed pre-commencement conditions where the information requested is necessary prior to development starting on site and these have been agreed with the appellant.
24. In addition to those conditions to which I have already referred to in my decision, I have imposed conditions relating to time and plans in the interests of certainty. In the interests of sustainable energy use and protecting the living conditions of the occupants from potential noise, I have imposed a condition relating to the submission and approval by the local planning authority of details of external energy generation. Conditions requiring cycle storage and bin storage are necessary to secure sufficient space and encourage sustainable travel and to ensure there is adequate capacity for the storage of refuse / recycling respectively and that they have a satisfactory appearance.
25. To ensure the efficient use of water within the development, I have imposed a condition limiting water use.
26. In the interests of fire safety, a condition requiring the development to be carried out in accordance with Fire Strategy Statement is necessary.
27. To safeguard the privacy of occupants of adjoining properties, a condition controlling the position, openability and opacity of windows is necessary.
28. I have not imposed a condition requiring a biodiversity enhancement strategy as the site is not of high ecological value and will be subject to a Biodiversity Gain Plan under section 7 of the 1990 Act.

Conclusion

29. For the reasons given above the appeal should be allowed.

C Coles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 2024_446-PL_001; 2024_446-PL_050 Rev 33; 2024_446-PL_053 Rev 33; 2024_446-PL_100 Rev 33; 2024_446-PL_110 Rev 33; 2024_446- PL_120 Rev 33; 2024_446- PL_200 Rev 33; 2024_446-PL_201 Rev 33; 2024_446- PL_202 Rev 33; 2024_446-PL_203 Rev 33; 2024_446-PL_204 Rev 33; 2024_446-PL_205 Rev 33; 2024_446-PL_206 Rev 33; 2024_446- PL_207 Rev 33; 2024_446-PL_208 Rev 33; 2024_446- PL_209 Rev 33; 2024_446- PL_210 Rev 33; 2024_446-PL_220 Rev 33; 2024_446-PL_221 Rev 33; 2024_446-PL_222 Rev 33; 2024_446- PL_223 Rev 33; Landscape Masterplan (dated 30/04/2025).
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority (LPA). The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) swept paths for manoeuvring and turning of large vehicles inside the site; to leave the site in a forward gear;
 - ix) condition survey of the highway;
 - x) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Prior to the commencement of the development, full details of Arboricultural Method Statement and Tree Protection Measures shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 5) No development shall commence on site (including any ground clearance, tree works, demolition or construction), until a pre-commencement site meeting has been undertaken. The local planning authority must be notified giving 3 working days notice of the meeting to enable the Council Tree Officer to attend if considered necessary by the local planning authority. Following this meeting and prior to the commencement of any works on site:
 - A) The tree protection measures, tree protection monitoring and site supervision methods approved as part of Condition 4 shall be

installed/undertaken and thereafter retained and maintained in accordance with the approved details.

Then,

B) Within 28 days of the completion of the development hereby permitted, the completed schedule of site supervision and monitoring of the arboricultural protection measures shall be submitted for approval to the local planning authority.

This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

- 6) Prior to commencement of the development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority.

Precautionary measures shall include protection for nesting birds, roosting bats, foraging / commuting bats, reptiles, badger, hedgehog. The CEMP: Biodiversity shall also include removal of invasive species from site.

The CEMP (Biodiversity) 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), particularly with regard to reptiles, Common Toad and Hedgehog.
- 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 (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Containment, control and removal of any Invasive non-native species present on site

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

- 7) No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the WSI which shall include the statement of significance and research of objectives, and

- a. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - b. Where appropriate details of a programme for delivering relative positive public benefits
 - c. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the conditions shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.
- 8) Prior to first occupation of the development the hard and soft landscaping, shall be provided and completed as detailed in the Landscape Masterplan as submitted with the application and maintained for the lifetime of the development. The materials are as specified on the landscaping masterplan.
- As an exception, new planting shall be provided and completed in accordance with the soft landscaping scheme detailed in the Landscape Masterplan prior to the end of the first planting season following completion of the development. The planting shall be 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.
- 9) No dwelling hereby permitted shall be occupied until the sustainable drainage system has been completed in accordance with the Flood Risk Assessment and Management of Surface Water Run-Off details contained within the Flood Risk Assessment and Management of Surface Water Run-Off report by Herbert Stumpp Limited dated 1st May 2025.
- A management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime, shall be submitted to and approved in writing by the local planning authority prior to occupation. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 10) Details of the cycle stores and refuse stores as shown on the approved Landscape Masterplan shall be submitted to and approved in writing by the local planning authority. The stores shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby permitted and maintained and retained for these purposes hereafter.
- 11) The development hereby approved shall not be occupied until parking spaces have been laid out within the site in accordance with the approved plans. The parking areas shall be permanently retained thereafter exclusively for their designated purpose. No boundary treatments shall exceed 0.6m in height where they fall within the visibility splays of the approved access points.
- 12) Prior to the installation of external lighting, a lighting design scheme for biodiversity 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 scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along

important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting plans, drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

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. No other external lighting shall be installed without prior consent from the local planning authority.

- 13) All mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment (Plumb Associates, March 2025) and Ground Level Tree Assessment (Plumb Associates, July 2025) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 14) Prior to the installation of any external energy generation measures, full details of any external energy generation shall be submitted to and approved in writing by the local planning authority. The installation of the external energy generation measures shall be installed in accordance with the approved details and maintained for the lifetime of the development.
- 15) The development must be carried out in accordance with the Fire Strategy Statement by Altham Lewis Architects received 8th May 2025.
- 16) No additional windows shall be formed in the flank elevations of the proposed buildings and approved windows to be installed in the flank elevations of all buildings at first floor level shall be glazed with obscure glass of an obscurity level of no less than 3 and non-opening below 1.7m in height and shall thereafter be permanently retained as such.
- 17) The residential dwellings within the development hereby permitted shall achieve a water use target of 110 litres per head per day.

End of Schedule