



Appeal Decision

Site visit made on 14 May 2026

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal Ref: 3375945

Land and buildings rear of 1-7 Gresham Road, South Norwood, Croydon SE25 5JS

- 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 Seamus Gannon of TS Portfolio Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/00778/FUL.
 - The development proposed is demolition of existing garages and the construction of semi-detached houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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, with particular regard to outlook and privacy; and
 - whether the proposal would make adequate provision for sustainable transport measures.

Reasons

Character and appearance

3. The appeal site lies to the rear of 1–7 Gresham Road, to the south-west of properties on Carmichael Road and south-east of properties on Clifford Road. South Norwood Primary School and its associated playground are positioned to the south. The site comprises an irregularly shaped backland site currently occupied by several detached and terraced garage structures. Whilst previously developed land, the site presently exhibits a relatively open, low-rise character when experienced within the surrounding rear-garden environment.
4. The surrounding area is predominantly residential in character and is largely characterised by two-storey Victorian terraced housing arranged within a consistent and legible pattern. The prevailing townscape is defined by modest domestic scale dwellings, regular plot patterns, traditional pitched roof forms and a clear distinction between the built frontage development and the open rear garden setting beyond.

5. The proposal comprises the erection of a pair of semi-detached dwellings positioned centrally within the site. Although described as two-storey dwellings not exceeding the neighbouring ridge heights, the inclusion of roof accommodation, large quite bulky crown roof forms and dormer structures would result in development that might well be perceived as effectively three storeys in height from surrounding properties and gardens. The dwellings would be positioned near to shared boundaries with neighbouring properties. Refuse storage would be positioned at the front of the site, with freestanding cycle storage immediately adjacent to the proposed dwellings.
6. The proposal would redevelop a previously developed and underutilised parcel of land and would remove garage structures that make little positive contribution to the visual quality of the area. Nevertheless, it would introduce a substantial quantum of built form, far taller and greater in scale and mass than the existing garage structures, into a confined and sensitive rear-garden environment. Taken cumulatively, the siting, depth, massing and limited separation from surrounding boundaries would result in an unduly cramped and overly intensive form of development.
7. Although the appellant places reliance on comparisons relating to site coverage, distances and building footprint, such metrics provide only limited assistance in assessing the acceptability of development within this constrained and irregular site, where spatial relationships, openness and visual relief are important considerations. In this instance, the proposed dwellings would be incongruent to the prevailing pattern of development and would instead appear as an intrusive and dominant form of development.
8. Whilst the appellant contends that the design approach draws upon Victorian influences evident within the locality, including through material selection, I am not persuaded that the overall scale and design, such as the sizeable crown roof forms, respond appropriately to the site or the prevailing character of the immediate surroundings. The roof forms in particular would materially increase the perceived scale and massing of the development when viewed from neighbouring properties, further reinforcing its visually dominant appearance.
9. Although public views of the site would be relatively limited, the development would be readily experienced at a close proximity from neighbouring dwellings and private amenity areas, where it would appear dominant, out of character and would erode the existing sense of openness presently experienced.
10. I acknowledge that Policy D3 of the London Plan (2021) (LP) and Policy DM10 of the Croydon Local Plan (2018) (CLP) do not prescribe fixed separation distances. However, those policies also require development to respond positively to local character, respect the prevailing grain and pattern of development and achieve a high standard of design through a contextual and design-led approach. For the reasons given above, the proposal would fail to satisfy those requirements.
11. For the reasons set out above, I conclude the proposal would be harmful to the character and appearance of the area. Therefore, it would conflict with Policies D3 and D4 of the LP and Policies SP4 and DM10 of the CLP, which amongst other things, require high-quality design and respect for local character.

Living conditions of neighbours

12. The proposed dwellings would occupy quite a constrained backland position in close proximity to neighbouring dwellings and gardens and introduce a significantly taller and more visually dominant built form extending across numerous shared boundaries. While I have considered the appellant's submissions in respect of heights and distances, the result of the height, scale and bulk of the proposal would be a pronounced sense of enclosure when experienced from neighbouring rear gardens and rear-facing habitable room windows, particularly at 1-3 Gresham Road and 1, 3 and 5 Carmichael Road. Consequently, the development would appear unduly oppressive and overbearing, resulting in a significantly harmful impact upon outlook for neighbouring occupiers.
13. I have also had regard to the submitted External Daylight, Sunlight and Overshadowing Assessment, which indicates that the proposal would not result in an unacceptable impact on the levels of daylight and sunlight received by neighbouring occupiers. The Council accepts that conclusion, and I have no reason to disagree with it. However, compliance with BRE guidance in relation to daylight and sunlight does not, in itself, demonstrate that a proposal would avoid harmful effects on outlook. For the reasons set out above, I find that the proposal would nevertheless result in unacceptable harm to neighbouring occupiers' outlook.
14. I am satisfied that the positioning and orientation of windows, together with the separation provided and the use where appropriate of obscure-glazed and high-level openings, would provide adequate safeguards against unacceptable overlooking within this context. The Council refers to the effects of the proposal upon properties to the north-east of the site, identified as 16-22 Carmichael Road. However, based on the submitted plans and my observations on site, it is the properties at 16-22 Clifford Road, rather than Carmichael Road, which are described in the Council's report. This clarification does not alter the substance of the Council's concern, which relates to the relationship between the proposed dwellings and those neighbouring properties to the north-east of the site. Nor would either party be prejudiced by my clarification of the correct properties. I find that the proposal would not give rise to a harmful loss of privacy for neighbouring occupiers, including those at 16-22 Clifford Road.
15. However, when assessed as a whole, I conclude that the proposal would nevertheless result in unacceptable harm to the living conditions of neighbouring occupiers by reason of its overbearing presence, increased sense of enclosure and the resultant harmful impact upon outlook. Accordingly, the proposal would conflict with Policies D3 and D6 of the LP and Policies SP4 and DM10 of the CLP, which amongst other matters seek to safeguard the amenity of existing occupiers.

Sustainable travel

16. The Council states that Gresham Road and surrounding roads fall within a controlled parking zone and that parking stress levels in the area appear to be high. This is broadly consistent with what I observed during my site visit. In that context, if future occupiers of the proposed dwellings were able to obtain parking permits, and if further sustainable transport measures were not secured, the development would be likely to exacerbate existing parking stress and give rise to conflict with development plan objectives which seek to promote sustainable transport and manage parking demand. The Council confirms that, had the proposal been

- otherwise acceptable, planning obligations would have been required to secure sustainable transport contributions, restrictions preventing future occupiers from obtaining parking permits and car club membership provisions.
17. Whilst there is some disagreement between the parties regarding the precise PTAL rating of the site, I am satisfied, given the proximity to Norwood Junction station and local bus services, that a car-free form of residential development in this location would not be unacceptable in principle. However, in the absence of a mechanism to secure the development as car-free, together with any necessary sustainable transport measures, I cannot be satisfied that the proposal would avoid harmful effects on parking conditions or accord with the relevant policy objectives.
 18. I have considered whether such obligations would meet the relevant tests set out in paragraph 58 of the National Planning Policy Framework (the Framework) and Regulation 122 of the Community Infrastructure Levy Regulations. Given the site circumstances, the lack of on-site parking, the controlled parking zone, the apparent existing parking stress and the need to promote sustainable transport choices, I am satisfied such obligations would be necessary to make the development acceptable in planning terms. They would be directly related to the development, and fairly and reasonably related in scale and kind to it.
 19. A draft unilateral undertaking (UU) was submitted as part of this appeal. The UU sets out the payment of financial contributions, including a sustainable transport contribution, and imposes restrictions on future occupiers' eligibility for on-street parking permits, together with refuse collection obligations and associated monitoring and notification requirements. However, no completed or executed UU has been submitted. The Planning Appeals Procedural Guide (2026) states that, where an appeal follows the written representations procedure, the appellant must ensure that the Planning Inspectorate receives an executed and certified copy of the planning obligation at the time of making the appeal. Planning permission cannot be granted subject to a planning obligation, because the obligation is a separate legal document.
 20. I have also considered whether the relevant matters could instead be secured by condition. The Planning Practice Guidance states that conditions may be used in place of planning obligations, subject to the relevant tests. However, it has not been demonstrated that there are exceptional circumstances, or that the delivery of the development would otherwise be at serious risk. Nor am I satisfied, on the evidence before me, that conditions would meet the six tests in this instance, particularly having regard to the need to restrict future occupiers' eligibility for parking permits and secure financial contributions.
 21. Consequently, there is no mechanism before me demonstrated to be capable of securing the obligations necessary to make the development acceptable in planning terms.
 22. On that basis, the proposal would conflict with Policies T4, T6 and DF1 of the LP and Policies SP8, DM29 and DM30 of the CLP, which, amongst other matters, seek to promote sustainable transport, appropriately manage parking demand arising from new development, and ensure that necessary infrastructure and mitigation are secured.

Other Matter

23. The appellant has referred to other developments within the locality, including appeal decisions elsewhere in Croydon¹, where backland development has been found acceptable. Whilst those examples demonstrate backland development may be acceptable in principle, each case turns on its own site-specific circumstances, including matters of spacing, openness, siting, relationship to surrounding development and impact upon sustainable travel. I have not been provided with substantive evidence to demonstrate that the cited examples are directly comparable in all material respects. In the present case, the harm identified arises from the particular combination of siting, bulk, and the spatial relationship of the proposed dwellings to neighbouring properties as well as the impact upon sustainable travel. In any event, I have determined the appeal on its own planning merits.

Planning Balance

24. I acknowledge that the proposal would redevelop a previously developed brownfield site, represent development of a small site and would contribute, albeit modestly, towards the supply of housing, including family housing, within the Borough. It would also deliver modest economic benefits during construction. In addition, the evidence indicates that the proposal would be capable of securing the mandatory biodiversity net gain, which attracts modest weight in favour of the development. I also recognise the Framework's objective of making effective use of land and significantly boosting the supply of homes. However, given the limited scale of the proposal, these benefits would be modest and therefore the weight to be attributed to them is limited.
25. Even if the proposal would accord with various development plan policies, including those in relation to the location of new development, internal layout and amenity standards, natural surveillance, biodiversity, waste and cycle provision, 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

26. Whilst the proposal would provide some limited public benefits, I find that those benefits are significantly and demonstrably outweighed by the unacceptable harm arising from the proposal in respect of character and appearance, the living conditions of neighbouring occupiers and, in the absence of a mechanism to secure obligations, sustainable transport.
27. 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

¹ References provided: APP/L5240/W/20/3256789; APP/L5240/W/22/3319876; APP/L5240/W/21/3280810; APP/L5240/W/21/3279654. APP/L5240/W/21/3278901.