



Appeal Decision

Site visit made on 24 February 2026 by J Kirkaldy BSc (Hons) PGDip MRTPI

Decision by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2026

Appeal Ref: APP/L5240/W/25/3376538

The Retreat, 14 Zig Zag Road, Kenley CR8 5EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Trinity Square Developments against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 25/01213/OUT.
 - The development proposed is an outline application for the consideration of access, layout and scale for: Erection of 1x 4-bedroom and 1x 5-bedroom 2-storey detached dwellinghouses with accommodation in roof to the rear of the site, with associated vehicle access, vehicle and cycle parking, and refuse stores.
-

Decision

1. The appeal is allowed and planning permission is granted for an outline application for the consideration of access, layout and scale for the erection of 1x 4-bedroom and 1x 5-bedroom 2-storey detached dwellinghouses with accommodation in roof to the rear of the site, with associated vehicle access, vehicle and cycle parking, and refuse stores at The Retreat, 14 Zig Zag Road, Kenley CR8 5EL in accordance with the terms of the application, Ref 25/01213/OUT, subject to the conditions in the attached schedule at the end of this decision.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The planning application was submitted in outline, with access, layout and scale to be considered at this stage. Landscaping and appearance are reserved matters for future consideration, and I have treated any plans relating to these as illustrative.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons for the Recommendation

5. The appeal site is located within a residential area characterised by an undulating topography and a verdant, landscaped setting. The surrounding dwellings are predominately detached and positioned within spacious plots containing mature planting and areas of woodland. The architectural style of development in the

locality is varied and eclectic. The character of the area has clearly changed over the years, with the addition of cul-de-sacs on generally less spacious plots than those dwellings fronting Welcomes Road and Zig Zag Road.

6. The appeal site comprises a two-storey semi-detached dwelling (No 14). The rear garden contains established vegetation, including mature trees and dense shrub planting particularly concentrated towards the far end of the plot. The garden is long and narrow in form and adjoins the rear garden boundaries of properties on Welcomes Road, Leacroft Close and Simone Drive. The garden rises steeply above No 14, which sits at a lower level. It extends to a higher level than the properties on Welcomes Road, while remaining lower than those on Leacroft Close and Simone Drive.
7. There would be limited glimpses of the proposed dwellings from Zig Zag Road due to their positioning, the existing built form and the established surrounding vegetation. From Welcomes Road, the site's topography allows views into the plot through generous gaps between existing properties.
8. The Council has expressed concern that the relatively shallow rear gardens, and the resulting emphasis on side located amenity space for the proposed dwellings, would be inconsistent with the prevailing pattern of development. However, examples within the immediate surroundings demonstrate that this arrangement is not uncommon, including the appeal site and the existing dwelling (No 14) which currently benefits from a side garden. The dwellings within the nearby cul de sacs also feature shallow rear gardens. The surrounding area is therefore characterised by a variety of plot shapes, depths and garden configurations.
9. The proposed dwellings would provide an adequate level of on plot car parking, together with amenity space and internal floor accommodation that comply with the relevant standards. There would also be sufficient circulation space retained around the dwellings. As a result, the proposed dwellings would not appear constrained, overdeveloped or cramped within their respective plots.
10. The Council raised concern regarding the extent of hardstanding proposed. The indicative Landscaping Plan shows hard surfaces associated with the access road, parking spaces, and the paved pathways and terrace serving the dwellings. It also includes a retaining wall aligned with the natural contours of the site, together with new trees planted along the boundary which adjoin the rear gardens of properties on Welcomes Road. The Landscaping Plan demonstrates that the layout would facilitate opportunities for further soft landscaping to the front of the dwellings, with hedge and shrub planting shown along the side and front boundaries. Many of the large and established trees situated around the periphery of the site, which make an important contribution to the verdant character of the area, would be retained.
11. Distant views of detached dwellings set amongst the trees on the surrounding hillsides are a well-established characteristic of the area. Although the outlook towards the site from Welcomes Road would change, the presence of substantial tree cover would remain evident, and the built form would continue to be perceived within a landscape of spacious plots and mature vegetation. Accordingly, the development would not harm the established character or appearance of the area.
12. In conclusion, for the reasons given above I conclude that the proposed development would not be materially harmful to the character and appearance of the area. As such, it would accord with policies DM10 and SP4.1 of the Croydon

Local Plan (2018) (LP) and policies D3 and D4 of the London Plan (2021) (LoP). These policies, amongst other things, require that development should be of a high quality design, respond to the existing character and local distinctiveness of a place, including existing development patterns, layout, appearance, landscape and townscape of the surrounding area.

Other Matters

13. Biodiversity Net Gain (BNG) legislation became mandatory (under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021)) for 'minor sites' on 2nd April 2024. BNG is an approach to development which makes sure a development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. This legislation sets out that developers must deliver a minimum BNG of 10% - this means a development will result in more, or better quality, natural habitat than there was before development. The development does not fall within any of the exemptions for BNG and therefore is required to provide a minimum of 10% BNG.
14. The Councils Officer report states that a Biodiversity Net Gain Statement and Biodiversity Net Gain Metric have been submitted, and they are satisfied that the baseline biodiversity calculation is accurate and post intervention measures are realistic. The proposed BNG metric shows that there would be a net loss in habitat units of approximately 10%, and the BNG Statement asserts that 0.46 biodiversity units will need to be purchased from an offsite provider or offset on offsite land. The Council indicated that a legal obligation would be required should the application be approved. However, I note that a legal agreement could be secured during the discharge of the biodiversity gain condition and would need to be satisfied before any development could take place.
15. Under the statutory framework for BNG, every grant of planning permission is deemed to have been granted subject to a general biodiversity gain condition to secure the biodiversity gain objective. It is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan must be submitted and approved by the planning authority before commencement of the development.
16. Third parties have raised concerns regarding highway safety. The Council have not raised concerns in this regard and there is no evidence before me to reach a different conclusion. Furthermore, the proposal would provide adequate off street parking, exceeding the parking standard set out in the LoP.
17. Concerns have also been raised regarding overlooking and privacy. Whilst the application is accompanied by indicative floor plans and elevations, these are illustrative only and do not form part of the matters for approval at this stage. Having regard to the size of the appeal site and the spacious nature of the surrounding plots, I am satisfied that the development could be designed in a manner that would avoid unacceptable overlooking or loss of privacy to neighbouring occupiers. In these circumstances there is no compelling evidence before me to indicate that the proposal would result in harm to living conditions, nor do I consider a condition restricting future window openings and the use of obscure glazing, as suggested by the Council, to be necessary at this stage.
18. Landscaping is a matter reserved for later consideration. As such, it would be at the reserved matters stage that details of any planting and retention would be best considered. However, at this stage I am content, from the details before me, that it

would be possible to carry out the development in such a way that the trees along the site boundary would be protected and retained.

19. An Ecological Technical Summary, Reptile Survey and Bat Emergence Survey Report have been submitted. Subject to conditions, the development would have an acceptable impact on wildlife and existing habitats.
20. I note concerns regarding pressure on local utilities and services, however, there is likely to be limited increase in pressure as a result of two dwellings.
21. Concerns have been raised regarding vibration during construction. However, a condition is not necessary since noise and vibration would be controlled by other legislation.
22. Construction noise as a result of the proposal would be for a temporary period and it is unlikely to harm the living conditions of nearby residents given the scale of the development. There is no substantive evidence that traffic movement associated with the development would cause unacceptable noise disturbance or air pollution. However, in the interests of living conditions of the occupiers of properties near the appeal site, a condition requiring approval of and adherence to a construction management plan has been imposed.
23. Concerns have been raised in relation to flooding, drainage and sewerage. Based on consultation responses and subject to conditions, the development would be acceptable in this regard.
24. Concerns have been raised regarding geological risk and ground stability. However, there is insufficient technical evidence before me to demonstrate that the site would be unsuitable for development or that unacceptable risks would arise.
25. The Council have raised concern regarding inaccuracies with the redline plan. However, I am satisfied that the proposal and access can be achieved and the land is within the appellant's control.
26. I am aware of the previous proposals for residential development at the appeal site which have been refused by the Council and dismissed on appeal. However, on the evidence before me, the scheme is different in terms of its scale and layout. I have considered it on its planning merits and found it to be acceptable.
27. None of the other matters raised outweigh or alter my conclusions on the main issues.

Conditions

28. I have considered the conditions suggested by the Council against the tests of paragraph 57 of the National Planning Policy Framework and advice in the Planning Practice Guidance: Use of Planning Conditions (PPG). I have amended a number of the conditions in the interest of clarity.
29. For certainty, I have set out the reserved matters as well as the timescale for their submission and the commencement of works. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans. As this also secures compliance with the Fire Strategy there is no need for a separate condition relating to this (conditions 1-4).

30. I have included a condition to ensure that trees are protected throughout the construction phase (condition 5). A series of conditions relating to the adherence of ecological reports, biodiversity enhancements, management of landscape and ecology, reptile mitigation and construction and environment management (conditions 6-10) are necessary to protect, conserve and enhance the natural environment and wildlife.
31. Condition 11, requiring the submission of a construction method statement to control construction activities, is necessary in the interests of highways safety and the living conditions of nearby occupiers.
32. To ensure the management of flood risks and the effects of surface water flooding, condition 12 is necessary to secure details of and the implementation of a sustainable urban drainage scheme. A condition relating to suitable foul drainage is also necessary to safeguard against ground or surface water pollution (condition 13).
33. It is reasonable, necessary and justified to remove permitted development rights which could otherwise increase the extent of built development at the appeal site and result in harm to the character and appearance of the area (condition 14).
34. Condition 15 requiring the approval and implementation of bicycle storage is necessary to promote sustainable transport methods, while condition 16, relating to the implementation of the refuse storage is required in the interests of amenity and character and appearance. In the interests of water efficiency, I have imposed conditions 17 and 18, and I have imposed a condition relating to external energy generation measures in the interests of energy efficiency (condition 19).
35. At this stage it is not necessary to secure the details of material finish, hard and soft landscaping and boundary treatments as these are specifically linked to matters reserved for future consideration and should be dealt with at that point.
36. The Council have suggested a condition requiring that the development is constructed to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Whilst Policy SP2.8 of the emerging LP (2024) requires this, I note that the Council gives these policies limited weight, given the stage of preparation of the LP in the plan process. Therefore, it does not outweigh the current adopted policy which does not require this. In this regard, the PPG also makes clear that conditions which require adherence to separate regulatory regimes, including the Building Regulations, do not meet the test of necessity.
37. Given the limited scale of the development, I am satisfied that the proposed landscaping and biodiversity enhancements can be secured through a Landscaping and Ecology Management Plan, and a Biodiversity Enhancement Strategy, and that a separate Habitat Management and Monitoring Plan would not be necessary.

Planning Balance

38. The development would provide two dwellings within an existing residential area which would contribute to the supply of housing within the borough and generate associated economic benefits. The proposal would deliver two dwellings each containing more than three bedrooms, therefore making a positive contribution towards the borough's identified need for larger homes. This aligns with Policy SP2.7 of the LP which seeks to ensure that 30% of all new homes up to 2036

comprise three or more bedrooms. Whilst these benefits would be limited due to the scale of the development, they nevertheless weigh in favour of the proposal.

39. In terms of adverse impacts, I have found that the proposal would not result in material harm to the character and appearance of the surrounding area, nor have I identified any other adverse impacts that would attract significant weight. Accordingly, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of the development.

Conclusion and Recommendation

40. The proposal would accord with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan.
41. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

J Kirkaldy

APPEAL PLANNING OFFICER

Inspector's Decision

42. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with approved drawings: Proposed Site Plan (Lower Ground Floor)(100), Proposed Site Plan (Upper Ground Floor)(101), Proposed Site Plan (1st Floor)(102), Proposed Site Plan (Roof Plan)(103), Proposed (service routes) (105), NE Site Elevations (106), SW Site Elevations (107), Site Sections (108), Proposed House A Floor Plans (120), Proposed House A Floor Plans (121), Proposed House A Elevations (122), Proposed House B Floor Plans (123), Proposed House B Plans (124), Proposed House B Elevations (125), and Fire Strategy document, but only insofar as regards the layout, scale, access, vehicle, cycle parking and refuse store details as set out on those drawings.

- 5) The development hereby approved shall be carried out entirely in accordance with the submitted Arboricultural Report prepared by JN Tree Consultancy (13.03.2025).
- 6) The development shall be carried out in strict accordance with all recommendations and mitigation measures and/or works contained in the Ecological Technical Summary report (The Ecology Partnership, April 2025), Reptile Survey 2024 (The Ecology Partnership, October 2024), and the Bat Emergence Survey report (The Ecology Partnership, July 2024). This will 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.
- 7) A Biodiversity Enhancement Strategy for Protected, Priority and threatened species shall be submitted and approved in writing by the local planning authority as part of the application for reserved matters approval, as required by Condition 1, with details of the following:
 - a) Purpose and conservation objectives for the proposed enhancement measures, with detailed designs or product descriptions to achieve stated objectives;
 - b) Locations of proposed enhancement measures by appropriate maps and plans (where relevant); and
 - c) Details of initial aftercare and long-term maintenance, and those responsible for implementation delivery and management.

As a minimum, measures shall include wildlife planting, provision for roosting bats, nesting birds and insects through the use of access tiles or integrated boxes/bricks, access for hedgehogs, log piles and new native hedgerow.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- 8) A Landscape and Ecology Management Plan (LEMP) shall be submitted and approved in writing by the local planning authority as part of the application for reserved matters approval, as required by Condition 1 with details of the following:
 - a) A description of the objectives;
 - b) Details of habitats retained and created;
 - c) Details of monitoring and potential mechanism for remedial measures to ensure that habitat expectations are met;
 - d) A scheme of wildlife-friendly lighting;
 - e) Details of reptile hibernacula or other ecological features proposed within the site;
 - f) The body or organisation responsible for implementation of the LEMP and the mechanism by which its long-term implementation will be secured; and
 - g) Ongoing monitoring and remedial measures

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

- 9) A Reptile Mitigation Strategy addressing the mitigation and translocation of reptiles shall be submitted and approved in writing by the local planning authority as part of the application for reserved matters approval, as required by Condition 1. The Reptile Mitigation Strategy shall be prepared by a suitably qualified ecologist.

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

- 10) A Construction and Environment Management Plan (CEMP) shall be submitted as part of the application for reserved matters approval, as required by Condition 1. The CEMP will need to formalise the proposals set out within the Ecological Technical Summary (The Ecology Partnership, April 2025) in respect of the practicalities of undertaking any works in the context of safeguarding biodiversity. A site walkover survey should also be provided as part of the CEMP.
- 11) A Construction Management Plan shall be submitted as part of the application for reserved matters approval, and include:
- a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste);
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
 - j) where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.
- 12) A detailed surface water drainage scheme for the site shall be submitted as part of the application for reserved matters approval, and include:
- i) information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) a timetable for its implementation; and,
 - iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any

public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 13) Details of the proposed means of foul sewerage disposal shall be submitted as part of the application for reserved matters approval. The development hereby permitted shall not be occupied until the foul sewage disposal has been completed in accordance with the agreed technical details.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A, B, D and E shall be carried out at the development site.
- 15) No dwelling hereby permitted shall be occupied until bicycle storage has been provided in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The approved bicycle storage shall be retained permanently thereafter.
- 16) No dwelling hereby permitted shall be occupied until refuse storage has been provided in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The approved refuse storage shall be retained permanently thereafter.
- 17) No dwelling hereby permitted shall be occupied until a scheme for rainwater harvesting or other methods of capturing rainwater for use by residents (e.g. water butts) has been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details and thereafter retained.
- 18) The development hereby permitted shall achieve a minimum water efficiency standard of 110/litres/person/day.
- 19) No dwelling hereby permitted shall be occupied until full details of any external energy generation measures (i.e. Air Source Heat Pumps, Photovoltaic Panels etc.) has been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details and thereafter retained.

*****END OF CONDITIONS*****