



# Appeal Decision

Site visit made on 24 July 2024

**by Stewart Glassar BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 12 August 2024**

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**Appeal Ref: APP/L5240/W/23/3328383**

**111A Foxley Lane, Purley, Croydon CR8 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 Ms Anna Romanenko (Barbarella Design Ltd) against the decision of the Council of the London Borough of Croydon.
  - The application Ref is 22/04408/FUL.
  - The development proposed is the extension and conversion of the existing dwelling to create two semi-detached houses and erection of two bungalows at the rear garden.
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## Decision

1. The appeal is allowed and planning permission is granted for the extension and conversion of the existing dwelling to create two semi-detached houses and erection of two bungalows at the rear garden at 111A Foxley Lane, Purley, Croydon CR8 3HQ in accordance with the terms of the application, Ref 22/04408/FUL, subject to the conditions in the attached schedule.

## Preliminary Matter

2. A signed legal undertaking pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) (unilateral undertaking) was submitted with the appeal. I comment on the obligations within it later in my decision.

## Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. Houses in the vicinity of the appeal site are generally either detached or semi-detached and two storeys in appearance although many have accommodation within the roof space. There is variety in the style and appearance of individual buildings which are generally set within well sized plots and back from their site frontages. Together with the width of the road and the extensive tree and boundary planting that exists, the area has a suburban but spacious character.
5. There are examples of backland development in and around Foxley Lane. They have taken a variety of approaches and appear as an occasional feature within the wider streetscape. The Council indicate that much of the impetus for such backland sites coming forward was its now revoked Suburban Design Guide.
6. However, it seems to me that previous backland schemes, whether new buildings or the reuse of existing buildings, have changed the immediate context within which this particular site now sits. As such there has already

been a change to the previous pattern and character of built form around the site, which distinguishes it from the wider area. Given this prevailing context, the appeal proposal would not unduly harm the existing levels of spaciousness nor unduly disrupt the existing pattern of development in and around the site.

7. A new entrance would be incorporated into the front boundary and a path would run alongside the host property. The entrance would be legible from outside the site but not disruptive to the public realm. Any differences in land levels across the site are relatively slight and can be easily accommodated without extensive or intrusive works. This arrangement would not be a completely alien feature or materially harm the prevailing streetscene. The path itself would not be overly narrow and its route would be relatively direct. From my observations of the site and surrounding area, together with the nature of the works proposed to the pathway, the environment through which future residents would walk would not appear intimidating or poorly designed.
8. The works to the existing dwelling would have a limited effect on the appearance of the building when seen from Foxley Lane. The extensions to the rear, whilst sizable, would not be widely seen and would not affect neighbouring occupiers. The Council has therefore not objected to these works, and I see no reason to disagree.
9. My finding that the proposed development would not harm the character and appearance of the area is based upon the merits of this specific proposal and the particular circumstances of the site. Thus, it does not automatically follow that the same conclusions would apply to other sites or other proposals on or around Foxley Lane.
10. For the above reasons, the proposal would comply with policies SP4 and DM10 of the Croydon Local Plan 2018 (CLP), and Policy D3 of the London Plan 2021 (LP). Amongst other aspects, these require high quality development with good design that responds to a site's context and capacity for growth whilst respecting the character and appearance of the surrounding area.
11. As the proposal accords with development plan policies, I am satisfied that the London Plan Guidance 'Housing Design Standards' (2023), which must similarly accord with these policies, does not alter my conclusions.

### **Other Matters**

12. Policies SP8 and DM29 of the CLP and Policy T4 of the LP seek to promote sustainable travel including walking, cycling and public transport, in part by improving infrastructure and requiring new residential development to contribute towards the provision of car clubs. The unilateral undertaking submitted with the appeal would secure the £6,000 contribution towards sustainable transport measures that was requested by the Council, together with a fee for monitoring the obligation. Given the accessibility of the site, the parking provision proposed, and the increase in private car use that the proposed development would entail I am satisfied that the contribution and measures are reasonably related in scale and kind to this development.

### **Conditions**

13. I have had regard to the suggested planning conditions and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those

documents. The main parties were also given an opportunity to comment upon them prior to my decision.

14. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty.
15. Given the site's position and access, and the extent of development, a pre-commencement condition securing a construction logistics plan is necessary and reasonable in the interests of the safe and efficient operation of the highway and the living conditions of existing residents. I have obtained the appellant's written agreement to the wording as it needs to be a pre-commencement condition.
16. Details of materials of external features are needed in the interests of the character and appearance of the area. Details of hard and soft landscaping, retaining walls, boundary treatments and lighting, which would include the access to the new houses, are required for the same reason and to protect the living conditions of future residents.
17. Conditions covering the submission of various matters such as cycle, refuse storage, entrance layout, drainage, floor levels are necessary to ensure the site functions well and for the lifetime of the development.
18. To protect the living conditions of neighbouring occupiers it is necessary to restrict the insertion of further windows and ensure upper floor side windows are obscurely glazed, as set out in the submitted drawings.
19. Conditions requiring the development be undertaken in accordance with the submitted Fire Strategy, Preliminary Ecological Appraisal, Arboricultural Assessment, Bat Activity Report, Tree Survey and Arboricultural Report are necessary to ensure the effects of the development are as intended. I am satisfied that these measures would be sufficient and that a separate Biodiversity Enhancement Strategy is not necessary.
20. A condition ensuring the dwellings meet the necessary M4(2) or M4(3) accessible housing requirements would be reasonable and necessary.
21. Given that electric vehicle charging points now fall under building regulations, and in the absence of evidence to the contrary, there is not a planning reason to secure such matters through this decision.

### **Conclusion**

22. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

*Stewart Glassar*

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 the following drawings:

Location Plan  
SITE PLAN\_ EXISTING AND PROPOSED 01v1  
PROPOSED SITE PLAN, SECTION & STREET ELEVATIONS 02v1  
MAIN HOUSE \_ PROPOSED ELEVATIONS 03v1  
MAIN HOUSE \_ PROPOSED PLANS 04v1  
PROPOSED BUNGALOWS PLAN, ELEVATIONS AND SECTION 05v2  
PROPOSED BUNGALOWS ELEVATIONS 06v2  
PROPOSED SITE PLAN, SECTION & ACCESSIBLE RAMP 08v1
- 3) Prior to the commencement of the development hereby permitted (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: hours of construction; hours of deliveries; parking of vehicles associated with deliveries, site personnel, operatives and visitors; facilities for the loading and unloading of plant and materials; details of any site hoardings; details of the precautions to guard against the deposit of mud and substances on the public highway; dust control methods; and access arrangements to the site during the demolition and construction periods. All construction phases of the development shall be carried out strictly in accordance with the details so approved.
- 4) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - a) Hard landscaping/surfacing material and details for all areas including vehicle parking layouts, pedestrian access and circulation areas;
  - 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, retaining walls/structures, ramp and enclosures, including a plan showing locations and typical details and sections;
  - d) Details of any steps, balustrades and handrails;
  - e) Details of any external lighting;
  - f) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied, in accordance with the agreed implementation programme.

- 6) If, within a period of 5 years from the date of planting, a tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
- 7) 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: cycle parking including the type of cycle stands; refuse storage, including the size and number of bins and a dedicated area for the storage of bulky waste. The approved details shall be provided prior to the first occupation of the development and thereafter retained and maintained for their intended purpose.
- 8) Prior to the occupation of the development hereby permitted, full details of vehicular and pedestrian sightlines and visibility splays shall be submitted to and approved in writing by the Local Planning Authority. The approved sightlines and visibility splays shall be provided prior to occupation and thereafter be retained.
- 9) With the exception of demolition, any site clearance or works to the existing building, the following shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted: details of land levels, finished floor levels of the single storey dwellings hereby permitted and datum line at a scale 1:50 including section drawings taken through the site in relation to the new dwellings and gardens. The development shall be carried out in accordance with the approved details.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the elevations of the development hereby permitted.
- 11) Any upper-floor window located in a wall or roof slope forming a side elevation of a dwelling hereby permitted shall be obscure-glazed, and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which it is installed. Such measures shall be provided and completed prior to the first occupation of the development and retained thereafter.
- 12) The development hereby permitted be carried out in accordance with the provisions of the submitted Fire Safety Strategy submitted to the Council in October 2022.
- 13) No building hereby permitted shall be occupied until the sustainable drainage system for the site has been completed in accordance with the Sustainable Drainage Assessment by GeoSmart Information (26 September 2022). The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.
- 14) The development hereby permitted be carried out in accordance with the mitigation and enhancement measures and/or works contained in the

Preliminary Ecological Appraisal & Arboricultural Assessment Report (The Ash Partnership, October 2021) and Supplementary Bat Activity Report (The Ash Partnership, October 2021).

- 15) The development hereby permitted be carried out in accordance with the Tree Survey received by the Council on 21 October 2022 and the submitted Arboricultural Report prepared by Harper Tree Consulting dated 05 April 2023.
- 16) The two semi-detached houses to the front of the site hereby permitted shall be fitted out to comply with the Building Regulations 2023 (as amended) optional requirement M4(2) 'accessible and adaptable'. The single storey dwellings to the rear of the site hereby permitted shall be constructed and fitted out to comply with the Building Regulations 2023 (as amended) optional requirement M4(3) 'wheelchair adaptable'.

**END**