



# Appeal Decision

Hearing and site visit held on 4<sup>th</sup> January 2007

by **Roy Foster** MA MRTPI

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date: 13 February 2007

**Appeal Ref: APP/L5240/A/06/2022829**  
**2&4 Mulgrave Road, Croydon CR0 1BL**

- The appeal is made by South East Living under section 78 of the Town and Country Planning Act 1990 and concerns the refusal of outline planning permission by the London Borough of Croydon for demolition of the existing houses and redevelopment of the site with one building containing 13 apartments (6 one-bedroom, 6 two-bedroom and 1 three-bedroom).
- The application [ref 06/01623/P] was dated 12 April 2006 and refused by notice dated 21 July 2006.

**Summary of Decision: The appeal is dismissed**

## Procedural matter

1. This is an outline application with all matters reserved for subsequent approval except siting and access. The appellant requested that the proposed site layout plan drawing 0631/P01 be replaced with drawing 0631/P01D which had been part of a second application for redevelopment of the site, recently refused by the Council. The more recent drawing is substantially similar to the original one and differs only to the extent that the building projects slightly closer to the road at the front and slightly less far into the garden at the rear. In my view no interests are materially differently affected by the more recent plan as compared with the earlier one and I therefore accept the later drawing in substitution for the original.

## Main issues

2. From the discussions at the hearing, complemented by the submitted written material and my visit to the site and its surroundings, it is clear that the main issues in the appeal are (1) the significance of the locally listed buildings and whether reasonable attempts have been or can be made to retain them, (2) the effect of the proposed new building on the character and appearance of the area, and (3) the impact of the proposal on the living conditions of neighbours.

### (1) The significance of the locally-listed buildings

3. Nos 2&4 Mulgrave Road were included on the local list of buildings of architectural or historic interest within the Croydon Unitary Development Plan (UDP) during the 1990s. Since then the Council has removed the detailed list from the revised UDP and placed it instead within Supplementary Planning Guidance (December 2006).
4. There was some uncertainty about the date of construction of Nos 2&4, which consist of a pair of semi-detached mid-Victorian style stucco cottages. The current owner of No 2 believes they were built between 1835 and 1840 but other plans submitted to the hearing suggested that they may have been erected at some point between 1852, when the Grove

- Estate was sold, and 1888, when Nos 2&4 are shown in the particulars of sale of other (then undeveloped) plots in Mulgrave Road.
5. The current version of the UDP requires locally-listed buildings to satisfy at least two of five criteria - authenticity, architectural significance, historical significance, technical significance and townscape value, while policy UC9 states that substantial weight will be given to the benefit of protecting and conserving the particular interest accounting for the locally-listed designation.
  6. I saw that Nos 2&4 are examples of an earlier Victorian style than the larger-scale later Victorian houses which generally predominate in Mulgrave Road and other nearby roads in the Chatsworth Road area. I agree with the Council members and local residents that the attractive appearance of the pair, and their relative degree of local rarity, make them valuable contributors to the architectural, historical and townscape interest and record of this part of the suburban fringes of Croydon town centre.
  7. It was suggested for the appellants that the buildings had lost authenticity because of changes made to them at various times, most notably the later 19<sup>th</sup> century alterations and extension at No 2 where the scale of the front and rear bays and the ground floor ceiling heights and cornices depart from the original cottage style and adopt the grander scale current at the time. However, in my view the extension serves to provide an interesting illustration of the way in which one of these Victorian houses was partly adapted to meet the fashion of the time. I accept that there are other departures from the original form, exemplified by other extensions at the rear, some changes to the external rendering, the replacement of slate tiles by synthetic roofing materials and the installation of a number of replacement windows. However, some of these are a matter of inappropriate maintenance carried out at various periods and, in total, I do not find them so major and/or irreversible as to submerge the original character and present interest of the buildings.
  8. It was also suggested that the buildings are in such poor repair that there is no real alternative to demolition. A “feasibility and condition report” commissioned by the appellants estimated that it would cost some £320,000, including VAT and fees, to remedy all their defects and bring them up to a good condition (plus about a further £30,000 if some form of conversion to four flats were to be pursued). From my inspection it appeared that in recent years neither house has received the level of regular care, attention and investment necessary to maintain buildings of this age and type, to the extent that there is some damp in certain areas and an outbreak of dry rot in the lounge at No 2. It is also evident that both properties are in need of various works to the roofs, chimneys, plasterwork, joinery, heating and other services, updating of the bathrooms and kitchens, and removal of the derelict garage at No 2. These issues would clearly have an impact on the market value of the properties. However, I agree with the Council that the many problems cited in the report are not all of equal seriousness or immediacy. From my visit I concluded that the houses could both be returned to a satisfactory condition by appropriately prioritised and regularly-staged works of repair and improvement, quite possibly (as suggested by the owner of No 6) at less overall cost than stated by the appellant. Given such care and investment it seemed to me that both have the potential to provide comfortable and desirable homes of considerable character in a quiet location very close to the town centre.
  9. My overall view on this issue, therefore, is that there are good grounds against the UDP criteria for the local listing of the buildings and that the Council are fully justified in

ascribing substantial weight to the benefit to be gained from their retention in the interests of the character of the townscape in this part of Croydon. For the reasons stated above, I am not convinced that their condition is so poor that they could not reasonably be retained and returned to a viable state.

**(2) Effect of the proposed new building on the character and appearance of the area**

10. Policy UD2 of the UDP seeks to ensure that new development reinforces and respects the existing development pattern, plot and building frontage widths where they contribute to local character, while UD3 requires respect for the height and proportions of surrounding buildings which play an important role in determining the character of the street.
11. Mulgrave Road has a strongly marked character in that it mainly comprises late Victorian houses, either as single dwellings or in pairs and usually on 3 floors. The exceptions to this, apart from Nos 2&4 (which make their own distinct and valuable contribution to the character) are a pair of bungalows near the eastern end and a rather bulky and crudely-designed block of fairly recent flats on 4-floors at the western end on the opposite side of the road from the appeal site.
12. The illustrative drawings submitted with the appeal application and the more detailed drawings submitted with the application refused by the Council in December 2006 both indicate an intention to develop a single building about 19m wide with 4 flats on each of the lower 3 storeys and a 13<sup>th</sup> flat on the 4<sup>th</sup> storey within the roof space. The earlier drawing (P02) indicates an illustrative design intended to reflect some elements of the existing buildings at 2&4, while the subsequent application (at drawing P04c) seeks to reflect more of the design elements of the later Victorian buildings in the road. As this is an outline application there could be other approaches to design but the overall scale and bulk of a building on 4 storeys on this general footprint would be similar.
13. In my view the proposed development could be designed so as largely to respect the general height of the buildings in Mulgrave Road, in accordance with policy UD3. However, the overall scale of a structure with this combined width, depth and height would mark it out as having a distinctly different bulk and character from the present more narrowly-fronted vertical buildings lining the road. Although this more massive appearance could to some extent be mitigated by articulating the frontage in some of the ways indicated on drawings P02 and P04C I concluded from my visit that the incongruous proportions of the building would be clearly apparent, particularly in eastward views along Mulgrave Road from the Park Lane end. As a result the proposal would undermine the objectives of policies UD2&3 that development should reinforce and respect (a) development patterns, plots and building frontage widths which - as in this case - contribute to local character, and (b) the proportions of surrounding buildings in case where - as here - they play an important role in determining the character of the street. I have considered the encouragement given by policy H10 to proposals for higher density development on suitable sites in areas of high accessibility but this is qualified by the proviso that the resulting development should be appropriate to the character and context of the area and I have found this not to be so here.

**(3) Impact of the proposal on the living conditions of neighbours**

14. Having viewed the appeal site from the relevant windows in the flank wall of No 6 I saw that the proposal's greatest immediate impact would be upon the outlook from the large stairs/landing window serving the generously proportioned entrances to the flats at that

property. Occupiers approaching the flats, especially at the upper level of No 6, would experience a change from a long-distance prospect across the roof of Nos 2&4 to a much foreshortened outlook towards the side of the new flats. This would reduce the level of amenity within the high quality common stairs/landing areas, but since these are not directly within any of the living areas I do not find this sufficient reason on its own to justify refusal of the scheme.

15. Other residents in Mulgrave Road, Eden Road and Park Lane suggest that the proposed building would be intrusive in their views or give rise to loss of light or privacy. However, in my view the building would not have unusual or unacceptable interrelationships with other nearby dwellings in these respects. Consequently I do not consider that the aims of UDP policy UD8 would be infringed.

**Overall conclusion**

16. I uphold the Council's decision on issues 1 and 2, but not on issue 3.

**Formal Decision**

17. I dismiss the appeal.

*Roy Foster*

INSPECTOR

**PERSONS SPEAKING AT THE HEARING**

IN SUPPORT OF THE APPELLANT:

Christopher Hough	Chartered Surveyor - Principal, Sigma Planning Services
Russell Clarke	South East Living
James Cauldwell	South East Living
R Rock	Owner of 2 Mulgrave Road, Croydon
Dr B Ridout	Owner of 4 Mulgrave Road, Croydon

FOR THE LOCAL PLANNING AUTHORITY:

Peter Fletcher	Urban Designer
Samantha Natt	Principal Planning Officer
Matthew Duigan	Planning Obligations Officer

INTERESTED PERSONS:

Josi Kiss	Chatsworth Residents Association, 7 Eden Rd, Croydon
Jane Hughes	6 Mulgrave Road, Croydon
Mr & Mrs Offer	5 Mulgrave Road, Croydon

**ADDITIONAL DOCUMENTS PRODUCED AT THE HEARING**

1	Letter notifying local people of the hearing & circulation list
2	Unilateral undertaking under S106 re the application under appeal
3	Committee report 27 <sup>th</sup> September 2006 re 2-4 Mulgrave Road
4	Committee report 6 <sup>th</sup> December 2006 re locally listed buildings
5	Supplementary Planning Document No 1 re locally listed buildings
6	Letter of 21 <sup>st</sup> September 2006 re habitat for stag beetles at the appeal site
7	Supplementary Planning Guidance by the Mayor of London - Accessible London: achieving an inclusive environment
8	Extract from the Croydon UDP p162-164

**ADDITIONAL PLANS PRODUCED AT THE HEARING**

P01D	Proposed site layout in subsequent application - 06/04024/P
P02B	Illustrative street elevation in subsequent application as above
P03C	Proposed floor plans in subsequent application as above
P04C	Proposed elevations in subsequent application as above

**ADDITIONAL PHOTOGRAPHS PRODUCED AT THE HEARING**

Photo 1	Photomontage of proposed new building from the east
Photo 2	Photomontage of proposed new building from slightly further to the east