
Appeal Decision

Site visit made on 9 August 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 22nd August 2016

Appeal Ref: APP/L5240/W/16/3150917

Land adjoining 16 Aurelia Road, Croydon, CR0 3BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Deserea Massey against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/05481/P, dated 7 December 2015, was refused by notice dated 10 March 2016.
 - The development proposed is a new house to form 2 self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would provide adequate living conditions for future occupiers with regard to internal floorspace, and access to private outdoor space.

Reasons

3. The development proposes the construction of two 2-bedroom apartments. Both of these properties would be significantly below the minimum internal floor space standards required by the London Plan. In addition, the upper apartment (Flat A) would not have access to private outdoor amenity space.
 4. The London Housing Supplementary Planning Guidance (SPG) requires that a minimum of 5 square metres of private outdoor space be provided per 1-2 person dwelling, with and an extra square metre provided for each additional occupant. However, Flat A would not have access to any private amenity space. Furthermore, as a 2-bedroom apartment this would comprise accommodation that could be occupied by a family.
 5. In addition, it is not in dispute that both apartments would be significantly below the minimum space standards required by the London Plan. The development would therefore not provide adequate living conditions for future occupiers.
 6. Whilst the site was previously granted planning permission for a two storey building comprising two 2-bedroom apartments, this permission has now lapsed. Accordingly, there is no fall back position in this case. The previous permission was granted prior to the adoption of the current versions of the
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London Plan and the London Housing SPG. However, this policy and guidance now apply to the current proposal.

7. For these reasons, I conclude that the development would fail to provide adequate living conditions for future occupiers with regard to internal floorspace, and access to private outdoor space. It would therefore be contrary to Policy 3.5 of the London Plan (2015), and the London Housing SPG. This policy and guidance seek to ensure, amongst other things, that new development creates an acceptable living environment for future occupiers.

Other Matter

8. The Delegated Officer Report states that the window to bedroom 2 in the ground floor apartment would be vulnerable to overlooking as it is located next to an alleyway. However, at the time of my site visit the entrance to the alleyway was blocked by a tall fence, and the alleyway itself was obstructed with thick brambles and other vegetation. However, as I have found that the proposal fails against the main issue, this matter is not determinative in this case.

Conclusion

9. For the reasons set out above, I conclude that the development would not provide adequate living conditions for future occupiers with regard to internal floorspace and access to private outdoor space. Whilst there would be a positive benefit in terms of the re-use of a previously developed site, and the provision of new housing, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR