
Appeal Decision

Site visit made on 13 September 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 23rd September 2016

Appeal Ref: APP/L5240/W/16/3153589

118 Bensham Lane, Thornton Heath, Croydon CR7 7ES

- 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 Mr Gregory Rose against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/05804/P, dated 31 December 2015, was refused by notice dated 18 February 2016.
 - The development proposed is erection of first and second floor extension to create 2no self-contained flats (1no x 2 bedroom and 1no x studio flats).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan ref BL/02 Revision A which included an increase in the size of the living/dining area and a refuse and cycle storage area was submitted with the appeal. Whilst the Council are entirely correct to question the consideration of these plans, the proposed refuse and storage areas would be within the communal area of the flats and would not therefore have any impact on the occupiers of neighbouring properties. To my mind, the amended plan addresses the concerns of the Council with respect to refuse and cycle storage which could, in any case, have been conditioned should I have been minded to allow the appeal. Furthermore, concerns raised regarding rights of access to this area are a private matter between the parties and have no bearing on the planning merits of the case. Given the above, I do not believe that any party would be unfairly prejudiced by my determining the appeal with regard to the amended plan and I have done so on this basis.
 3. The Council's decision notice dated 18 February 2016 refers to Policy 3.5 of the London Plan 2011. That version of the London Plan was altered with respect to housing standards by the Minor Alterations to the London Plan (MALP) published on 14th March 2016 to bring it in line with the Nationally Described Space Standards (NDSS) which had already come into effect on 1st October 2015. Policy 3.5 is included within the MALP and, having considered the changes, I do not feel that any interests would be prejudiced by my proceeding to determine the appeal on the basis of Policy 3.5 as set out in the MALP.
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Main Issues

4. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the surrounding area;
 - (ii) the living conditions of the occupiers of 207 Queens Road with respect to privacy; and
 - (iii) the living conditions of future occupiers with regard to internal and external living space.

Reasons

Character and appearance

5. 118 Bensham Lane is a retail unit currently occupied by a glassworks company. The property is the end unit of a parade of adjoining single storey flat roof retail units. The site lies within a small retail centre with both single and two storey retail units with residential above. Immediately adjacent to the appeal property is a row of three two storey terraced properties which display uniformity in terms of fenestration and architectural detailing. No 118 is attached to this terrace by an enclosed alleyway.
6. The proposed development would extend the run of two storey units creating an end of terrace containing a 2 bedroom flat at first floor and a studio flat within the roof space. Rooflights are proposed to the front of the property and a dormer to the rear. Whilst the proposed extension would match that of the adjacent properties in terms of scale and height, the proposal, by virtue of its differing fenestration, architectural detail and rooflights, would create a visually jarring imbalance in the context of the uniformity of the immediately adjoining properties. Given this and its prominent location at the end of the terrace the proposal would have an adverse impact on the character and appearance of the surrounding area.
7. In relation to the proposed dormer, the Council have published 'Residential Extensions and Alterations- Supplementary Planning Document No.2' (SPD) which offers guidance on such matters. The SPD states that dormers should not dominate the roof and should not normally cover more than two thirds of the roof. Centrally located, the proposed dormer would be set down from the roof ridge and set in from the side walls and eaves. Thus it would, in my view, sit comfortably within the rear roof slope and not dominate it. Furthermore, the dormer would not be visible from the public realm and there would be only limited private views. In this respect, the dormer could be adequately assimilated within the row of properties without spoiling its character or that of the wider area.
8. I therefore conclude that the proposed development would materially harm the character and appearance of the surrounding area and find conflict with saved Policy UD3 of the Croydon Replacement Unitary Development Plan (2006) (UDP) and Policies 7.4 and 7.6 of the London Plan (2015) (LP) which seek, amongst other things, to ensure development is of a high quality that responds to and respects local character.

Living conditions – neighbouring residents

9. The appeal site is separated from the long rear garden of 207 Queens Road by a narrow alleyway and a brick wall on the common boundary. The proposed first floor windows and dormer window would look directly towards the rear most section of the garden of No 207 at a distance of approximately 1.5 metres. The garden is not currently directly overlooked with the rear windows on Bensham Lane and its neighbouring property on Queens Road having only an oblique view. In consequence, the proposed extension would lead to an unacceptable loss of privacy to the occupiers of No 207.
10. I therefore conclude that the proposed development would materially harm the living conditions of the occupiers of 207 Queens Road with respect to privacy and therefore conflicts with Policy UD8 of the UDP and Policy 7.6 of the LP which seek, amongst other things, to protect the amenity of neighbouring residents.

Living conditions – future occupiers

11. The Council considers that the internal living space would be substandard failing to meet the minimum requirements as set out in Policy 3.5 of the LP. With respect to the two bedroom flat, the Council contends that the floorspace would be 64.2m² falling short of the required 70m² for a four person two bedroomed dwelling. Following the submission of amended plans, the appellant states that the floorspace would now be 61m² meeting the requirements for a three person two bedroom dwelling given that one bedroom is shown as a single. Nevertheless, despite the notations on the plan, the second bedroom would have a floor area of 11.7 m² and therefore in accordance with the NDSS would have the capacity to contain two people. In this respect, I agree with the Council that the flat should be considered a two bedroom four person dwelling.
12. Regardless of which interpretation I accept in terms of the floorspace, both would fail to meet the required 70m². This would result in a cramped and poor form of living space for future occupiers. I am unable to definitively conclude from the information before me the exact measurements of the studio flat over which the Council and appellant disagree. However, given that I am dismissing the appeal on other grounds this has not had a significant bearing on my decision.
13. The flats would have no dedicated amenity space. I appreciate that occupants of flats may expect or require less amenity space and that there are public parks nearby. However, having regard to my findings above on substandard internal living space, the lack of amenity space would compound my concerns on the living conditions for future occupiers.
14. I therefore conclude that the proposed development would result in unacceptable living conditions for future occupiers and thus conflicts with Policy 3.5 of the MALP, Policy SP2.6 of the Croydon Local Plan: Strategic Policies (2013) and the requirements of the NDSS which seek, amongst other things that development is of a high quality internally and externally and does not adversely affect the amenity of future residents.

Other Matters

15. I appreciate that the site is in an accessible location and that high quality materials are proposed. However, the benefits of the scheme including the contribution to meeting local housing need and the efficient use of land are modest and insufficient to outweigh the harm that I have found above.

Conclusion

16. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR