
Appeal Decision

Site visit made on 15 November 2016

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 15 December 2016

Appeal Ref: APP/L5240/W/16/3155629

42A and 42B Greenside Road, Croydon, CR0 3PL

- 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 Tanzeela Yousafkhan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/02330/P, dated 6 May 2016, was refused by notice dated 5 July 2016.
 - The development proposed is described in the following terms: 'Proposed two storey rear extension to form a one bedroom self contained flat entrance door to side of property. Alteration to existing ground floor flat 1 making it a one bedroom instead of two. Alterations to windows in first floor flat 2'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The site address is described differently on the appeal form compared to the application form. The Appellant's name is also spelt slightly differently on these two forms. The description of the proposed development on the Council decision notice differs from that on the application form. In accordance with normal practice my decision uses the address, name details and description of the proposed development which are on the application form.
3. The Council's reasons for refusal, whilst referring to internal space standards, did not refer specifically to the Minor Alterations to the London Plan (MALP) 2016, which cover this matter. To ensure fairness to all parties, and as the MALP form part of the adopted development plan, I arranged for the Appellant to be invited to comment on them. No comments were received in response within the timescale set.

Main Issues

4. The main issues are:
 - (a) Whether the internal and external space provided to serve the occupiers of the proposed development would be sufficient to provide a satisfactory living environment; and
 - (b) The effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings.
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Reasons

Internal and external space to serve the proposed development

5. Policy 3.5 of the London Plan, as revised by the MALP, requires the Council to seek to ensure that new dwellings comply with internal space standards published by the Government in 2015¹ (the 'standards'). These set minimum amounts of gross internal floor area that should be provided, with the amount required in each case depending on the number of bedrooms and bed spaces that would be accommodated.
6. The proposed new flat in the rear of the appeal property ('flat 3') would provide 2 bed spaces. This is because its bedroom would exceed the size of 11.5 square metres which is stated in the standards as providing 2 bed spaces. The standards require that a 2 storey, one bedroom, 2 bed space flat of this nature should have a gross internal floor area of at least 58 square metres. The actual gross internal floor area of flat 3 would, being only about 46 square metres², fall substantially short of this requirement.
7. Whilst flat 3 may be occupied by just a single person, there is no assurance that this will be the case. The standards are designed in any event to operate on the basis of the size of the accommodation which would be provided, rather than how many people may occupy it in reality.
8. Whilst the Appellant has stated that the flats would all be larger than many recently approved dwellings, no substantive details of other cases have been provided, including whether any relevant planning permissions pre- or post-date the adoption of the current standards set out in the MALP. I have in any event considered the appeal on its own merits having regard to the minimum space standards which must, as they now form part of the adopted development plan, be attributed substantial weight.
9. The proposals would leave room to provide a small outdoor amenity space to the rear of the property without any of the existing car parking and turning area being lost. However, this amenity space would be awkwardly shaped and, unlike the current situation, would have no direct access to it from flat 1.
10. Due to the location of the kitchen window to flat 3, there would also be little if any scope to provide 'private defensible space' outside the ground floor bedroom window to flat 1. The area outside the rear living room of flat 3 would, if it is to have adequate levels of privacy for use as an outdoor sitting out area, require screening to be provided between it and the adjacent parking area which would in turn restrict the outlook from this area.
11. For these reasons, I conclude that the internal and external space provided to serve the occupiers of the proposed development would not be sufficient to provide a satisfactory living environment. The proposed development would therefore conflict with relevant provisions in Policies SP2.6 of the Croydon Local Plan Strategic Policies 2013, Policies 3.5 and 7.6 of the London Plan and the Mayor's Housing Supplementary Planning Guidance 2016.

¹ 'Technical housing standards – nationally described space standard', Department for Communities and Local Government 2015

² This figure is given in the Council's statement and has not been refuted by the Appellant.

Living Conditions of neighbouring occupiers

12. The Council's Supplementary Planning Document (SPD) 2 'Residential Extensions and Alterations' 2006 states that 2 storey rear extensions to dwellings are not normally acceptable due to issues of dominance, visual intrusion and overshadowing for neighbouring dwellings. Whilst the SPD is not part of the statutory development plan, it is nevertheless a material consideration.
13. The appeal property includes a pair of flats in a terraced row of dwellings, and has a short, single storey rear outrigger which projects outwards from its rear elevation. The properties to both sides, which are also split into flats, each contain longer 2 storey rear outriggers which have windows, including at ground floor level, facing towards the appeal property. Each of the neighbouring dwellings at ground floor level also has a rear window which faces into the area which is part enclosed by the outriggers. The side boundaries between the rear gardens of the appeal property and its neighbours were, at the time of my visit, marked by timber fencing of up to about 2 metres in height.
14. The proposed two storey rear extension would be set away from the boundaries of the neighbouring properties by about 2.5 and 3 metres respectively, and a slightly larger distance from the windows in the outriggers in the neighbouring properties which would face towards it. It would project no further towards the rear than these neighbouring outriggers. As the side facing window in its first floor could be obscure glazed the proposed extension would not cause material loss of privacy for occupiers of neighbouring dwellings.
15. However, due to a combination of its substantial length of about 7 metres, its 2 storey height and positioning the proposed extension would restrict the outlook and daylight which could otherwise be available in parts of the neighbouring dwellings. It would also cause loss of sunlight during some afternoon periods within part of 40/42 Greenside Road, which would be on its north eastern side.
16. The proposed extension would therefore cause some harm to the living conditions of occupiers of neighbouring dwellings, which would cause conflict with Policies UD8(ii) and (v) of the Croydon Replacement Unitary Development Plan (CRUDP) 2006 and 7.6(B)(d) of the London Plan and the SPD.

Other Considerations

17. The proposed development would enable an additional dwelling to be created, which would help to address the Government's aim of boosting significantly the supply of housing. It would also do so in a location which is well served by a choice of transport provision. These would be material benefits, albeit ones which need to be viewed in the context of the limited contribution that would be made to the housing land supply.
18. Whilst the proposed development would not result in any changes to the front elevation of the property, this point does not constitute a benefit which would weigh substantially in its favour.

Conclusions

19. I have found that the proposed development would fail to provide a satisfactory living environment for its occupiers and would cause some harm to the living

conditions of occupiers of neighbouring dwellings. Given the resultant conflict with development plan policy these matters, particularly when considered collectively, carry substantial weight against the proposal. Whilst the proposal would provide material benefits as set out above, these would be significantly and demonstrably outweighed by the harm that I have identified.

20. I therefore dismiss the appeal.

Jonathan Clarke

INSPECTOR