

---

## Appeal Decision

Site visit made on 27 February 2017

**by Zoe Raygen Dip URP MRTPI**

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

**Decision date: 31 March 2017**

---

**Appeal Ref: APP/L5240/W/16/3165240**

**150 Cherry Orchard Road, Croydon, Surrey CR0 4BB**

- 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 Oswald Browne against the decision of the Council of the London Borough of Croydon.
  - The application Ref 16/02851/P, dated 2 June 2016, was refused by notice dated 29 July 2016.
  - The development proposed is converting part of the ground floor commercial premises into a self-contained residential unit including the construction of a single storey rear extension.
- 

### Decision

1. The appeal is allowed and planning permission is granted for converting part of the ground floor commercial premises into a self-contained residential unit including the construction of a single storey rear extension at 150 Cherry Orchard Road, Croydon, Surrey CR0 4BB in accordance with the terms of the application, Ref 16/02851/P, dated 2 June 2016 subject to the conditions set out in the schedule to this decision notice.

### Procedural matter

2. The London Plan The Spatial Development Strategy for London Consolidated with Alterations since 2011 was adopted in March 2016 (the London Plan). The Council refer to an earlier version in its decision notice, but have since confirmed that the Policies referred to are still valid as they have the same wording in both the 2015 and 2016 versions.

### Main Issue

3. The main issue is the effect of the proposal on the vitality and viability of the appeal property and the Cherry Orchard Road Shopping Parade

### Reasons

4. 150 Cherry Orchard Road is a two storey terraced property with an office at ground floor and a two bedroom flat at first floor. The office use at ground floor extends into the rear outrigger of the property along with a toilet and kitchen for the office.
  5. No 150 is sited within the Cherry Orchard Road Shopping Parade as designated within the Croydon Replacement Unitary Development Plan the Croydon Plan
-

Written Statement 2006 (UDP). In support of its refusal the Council relies upon saved policy SH6 of the UDP. This Policy relates to proposals for changes of use between A1, A2, A3, A4 and A5 uses. It further confirms that the Council will consider applications for uses not otherwise permitted by the policy, where the premises have been vacant for at least a year and genuine attempts have been made to market them for uses that accord with the policy.

6. The proposal is to change part of the ground floor of No 150 to a flat while retaining most of the front part of the premises within office use. Therefore there has been no marketing undertaken as the appellant wishes to remain at the premises. Consequently, in this respect the proposal would be contrary to the requirements of Policy SH6. However, the overriding objectives behind the Policy provisions relate to maintaining the vitality and viability of the shopping parade as a whole. The Council consider that the reduction in the size of the unit would unacceptably affect the viability of the unit for A2 uses. As a consequence the vitality and viability of the parade as a whole would be harmed.
7. I saw that the shopping parade has a good mix of shops, restaurants/cafes and offices. I did not see any vacant units. In addition there is no evidence before me to demonstrate that the vitality and viability of the Parade has serious problems. As a result, I consider that the Parade is clearly in very good health and appears to benefit from strong levels of vitality and viability.
8. Units are generally small and occupied by independent retailers. Although the proposal would lead to a decrease in the amount of floorspace being in office use at the appeal site, I saw that the current use is already contained to the front area of the property with the rear part of the office not in use. I note that it is the appellant's intention to continue to trade within the office space and points to the increased use of the internet to carry out financial services rather than traditional office based space. Even if this was not the case I observed that the way the office was laid out there would be sufficient room for at least one desk together with office storage space, visitor space and a toilet and small kitchen area. Accordingly, the unit would meet the daily needs of the surrounding residential area and local community.
9. Therefore based on the limited evidence before me and my observations on site the proposal to reduce the floor space of the office use to accommodate an entrance corridor to a flat at the rear of the property is unlikely to have a significant impact on the ability of occupiers to use the space for an A2 use.
10. It follows therefore that I do not consider that the proposed reduction of floorspace would have a serious effect on the existing strong levels of vitality and viability within the Parade. This is reinforced by the intention to retain the office frontage as existing, so that externally there would be little difference between the proposed and existing uses.
11. While therefore the proposal would not accord with the specific requirements of saved Policy SH6 of the UDP in respect of marketing, for the reasons above I conclude that the proposal would not be harmful to the vitality and viability of the appeal property or the Cherry Orchard Road Shopping Parade. There would therefore be no conflict with Policies 2.15, 4.7 and 4.8 of the London Plan. These require that the vitality and viability of centres are maintained and neighbourhood shopping facilities are maintained.

### **Other matters**

12. The proposal also includes the erection of a single storey rear extension. From my observations on site I see no reason to disagree with the Council's assessment of this part of the proposal that it would have a very limited impact on the living conditions of neighbouring residents. Furthermore the location of the extension to the rear of No 150 and its small size and height means that it would have minimal impact on the character and appearance of the area.

### **Conditions**

13. I have not been supplied with any conditions by either party. In the interests of clarity it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
14. I note in its officer report the Council highlight the requirement of saved Policy UD15 of the UDP for bin and cycle storage. These can be the subject of a condition, to protect the character and appearance of the area and provide facilities for travel other than the car respectively.

### **Conclusion**

15. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Zoe Raygen*

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 plans ref: site location plan, 413/1, 413/2A.
- 3) Prior to the ground floor flat being occupied a bin storage area shall be implemented on site in accordance with details submitted to and approved in writing by the local planning authority. The storage area shall be kept available for its intended purposes at all times thereafter.
- 4) Prior to the ground floor flat being occupied a cycle storage area shall be implemented on site in accordance with details submitted to and approved in writing by the local planning authority. The storage area shall be kept available for its intended purposes at all times thereafter.