
Appeal Decision

Site visit made on 28 March 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 05 April 2017

Appeal Ref: APP/L5240/W/16/3157771

770A London Road, Thornton Heath, Croydon CR7 6JB

- 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 Areeb Azam against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/05736/P, dated 10 March 2016, was refused by notice dated 7 July 2016.
 - The development proposed is change of use from D1 to C3 residential including the construction of an additional floor to provide 2 no 1 bedroom flats.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from D1 to C3 residential including the construction of an additional floor to provide 2 no 1 bedroom flats at 770A London Road, Thornton Heath, Croydon CR7 6JB in accordance with the terms of the application Ref 15/05736/P, dated 10 March 2016, subject to the conditions set out in the schedule to this decision letter.

Main Issue

2. The main issue is whether the proposal would provide satisfactory living conditions for future occupants, with particular reference to privacy.

Reasons

3. The appeal site is located to the rear of the property at 770A London Road, and faces Raymead Avenue. The proposal would create a new flat on the ground floor, and would accommodate a second flat within the proposed first floor extension.
 4. The Council is concerned about living conditions within the new dwelling, as the front elevation, with windows serving habitable rooms, would be set immediately to the back of the pavement. However, this is the case in many residential areas where houses do not benefit from front gardens. A similar situation exists, for example, in respect of residential development on Thornton Row, which runs parallel to Raymead Avenue. In addition, I observed that the pavement running along the appeal site is relatively wide. That being the case, it is unlikely that passers-by would have to walk so close to the new ground floor residence as to cause undue visual intrusion.
 5. Therefore, I do not consider that the proposed location of the windows would be so harmful to the privacy of future occupants as to warrant the withholding
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of planning permission. I conclude that the proposal would provide satisfactory living conditions for future occupants, and would thus comply with Policy UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013 (UDP), insofar as it seeks to protect new occupiers from undue visual intrusion and loss of privacy, and UDP Policy H7, which amongst other things, seeks to ensure that converted dwellings provide satisfactory accommodation. The proposal would also comply with Policy 3.5 of the London Plan (LP, March 2015), which seeks to ensure the quality and design of housing developments, and LP Policy 7.6, insofar as it requires high quality indoor spaces. It would also comply with the Mayor of London Housing Supplementary Planning Guidance (2016), insofar as it aims to ensure housing quality.

Other matters

6. I have had regard to the concerns raised by interested parties, including loss of daylight to the community facility to the rear of the appeal site. Whilst there would be some loss of natural light to the existing rooflights, this would only be partial. As the premises is not a residential one, I consider that the effect on light would not be so critical as to justify the withholding of planning permission. I acknowledge the concerns in respect of the health of those using the community facility, but there is no substantive evidence on this matter which would lead me to a different conclusion.
7. I note reservations that the appeal site has not been adequately marketed. However, the planning officer's report indicates that the Council's marketing requirements have been satisfied, and there is no compelling evidence before me to the contrary. Concerns have also been voiced regarding noise, nuisance, and parking. However, I note that the Council has not raised these matters in their reason for refusal, and there is no detailed evidence before me relating to the problems that have been alluded to. With regard to refuse, I am satisfied that the proposal would make satisfactory provision for the storage of bins.
8. I note also that concerns have been voiced over the installation of a new fan, and in respect of party wall issues. However, these are private matters for the relevant parties, and have not had a bearing on my decision. I have had regard to the petition objecting to the appeal scheme, but this has not led me to a different conclusion.

Conditions

9. For certainty, it is necessary that the development is carried out in accordance with the approved plans. Conditions relating to materials and refuse storage are appropriate in the interests of character and appearance.

Conclusion

10. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be allowed.

Elaine Gray

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 following approved plans: DP/2712/PP/REV A/01; DP/2712/PP/REV A/02; DP/2712/PP/03; DP/2712/PP/04; DP/2712/PP/05.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the occupation of the development, refuse facilities shall be provided on site in accordance with the submitted details. The refuse facilities shall be retained thereafter.