
Appeal Decision

Site visit made on 28 March 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 06 April 2017

Appeal Ref: APP/L5240/W/16/3164951
190 Wickham Road, Croydon CR0 8BJ

- 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 Robert Allen against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/05794/P, dated 29 December 2015, was refused by notice dated 18 October 2016.
 - The development proposed is change of use from class A2 to use class C3 (residential).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from class A2 to class C3 (residential) at 190 Wickham Road, Croydon CR0 8BJ in accordance with the terms of the application, Ref 15/05794/P, dated 29 December 2015, subject to the following condition:
 - 1) The development hereby permitted relates to the following approved plans: Site Location Plan; Existing Elevations Drg No IJRA-LE-002; Proposed Floor Plan Drg No IJRA-LE-003

Procedural Matter

2. I note that the application form indicates that the change of use subject to this appeal had already started on 24 August 2015. Moreover, it was clear at my site visit that the appeal property was in residential use. Accordingly, I have treated this appeal as relating to a retrospective application for planning permission.

Main Issue

3. I consider the main issue to be the appeal development's effects on the retail character, vitality and viability of Shirley Local Centre.

Reasons

4. The appeal property is a charming one-and-a-half-storey building, predominantly faced in render, the front of which, with its pair of bay windows and central doorway address West Way Gardens. As a result of its scale, detailing and set-back from Wickham Road, behind a front lawn, bounded by a dwarf-wall and hedge, the appeal property is of a strongly domestic appearance. The thatched roof, leaded windows, hood-moulds and timber columns supporting overhanging eaves impart a strikingly traditional character to the appeal building. No 190 is located just within the boundary of Shirley
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Local Centre for the purposes of the Croydon Replacement Unitary Development Plan (adopted 13 July 2006) (the UDP), which includes a variety of retail and other commercial uses predominantly in the ground floors of buildings on both sides of Wickham Road. The appeal development is as described above.

5. I note that the appeal property had been in commercial use for a number of years. However, when the appeal property was in commercial use, its frontage addressed West Way Gardens, which is a strong contrast to the predominant pattern of retail uses within the Local Centre, which in the main address Wickham Road. Moreover, whilst there are some single-storey commercial buildings across West Way Gardens from the appeal site, buildings on the same side of the road as the appeal property are in residential use. What is more, I saw that the majority of buildings with shop frontages that addressed Wickham Road are across West Way Gardens from the appeal property. Residential buildings, of varying scales, but set back from the highway are predominant beyond this junction, a development pattern to which the appeal property more clearly relates.
6. Furthermore, I am mindful of representations from both the appellant and others that No 190 was originally built as a cottage and was in this use for a considerable number of years before its conversion. Consequently, the appeal development is a use more sensitive to the character of this traditional building than a retail one. Taken together, the siting and strongly domestic character of the appeal property mean that it relates much more clearly to the residential properties in its immediate environs, and thus reads as a peripheral element of the Local Centre. As a result, its conversion does not undermine the retail character of the area.
7. I saw that the local centre appeared to be a vibrant one, with no visibly empty commercial units at the time of my visit, although one across the road from the appeal property appeared to be undergoing refurbishment. As a consequence, and taken together with the appeal property's peripheral siting, I consider that the appeal development has not undermined commercial confidence in the Local Centre to any significant degree or caused material harm to its vitality or viability.
8. Given the low level of vacancy in the local centre it is reasonable to assume that another A-class use could be sought for the appeal building. However, this matter does not alter my conclusions on the lack of harm caused by the appeal development and thus does not weigh heavily against it in the overall planning balance.
9. For the reasons given above, the appeal development has not caused material harm to the retail character, vitality or viability of Shirley Local Centre. As a result, the appeal development does not conflict with Policy SH4 of the UDP or Policy SP3.12 of the Croydon Local Plan (Strategic Policies) (adopted April 2013). Taken together, and amongst other matters, these policies seek to ensure that changes of use in Croydon's Local Centres do not undermine retail vitality or detract from the established retail character of an area.

Condition

10. I have been supplied with no suggested conditions by either party. However, in the interests of certainty I have attached a condition specifying the approved plans.

Conclusion

11. The appeal development does not conflict with the development plan insofar as the policies that have been drawn to my attention are concerned. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR