

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: 07 April 2017

Appeal Ref: APP/L5240/W/16/3165384

1 Borough Hill Croydon CR0 4LP

- 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 Grahame Ralph (Blakebrook Limited) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/05004/FUL, dated 27 September 2016, was refused by notice dated 25 November 2016.
 - The development proposed is the excavation of the basement area to form an additional one bedroom flat; erection of railings enclosure at the front.
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Decision

1. The appeal is allowed and planning permission is granted for the excavation of the basement area to form an additional one bedroom flat; erection of railings enclosure at the front at 1 Borough Hill, Croydon CR0 4LP in accordance with the terms of the application, Ref 16/05004/FUL, dated 27 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 130916/E/01 Floor Plans and Sections as Existing; 130916/E/02 Elevations and Sections as Existing; 130916/P/01 Lower Ground Flat as Proposed; 130916/P/02 Elevations & Section as Proposed
 - 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.

Procedural Matter

2. In the banner heading above I have used the description of development given on the decision notice as this captures the scope of the proposal more completely than that given on the application form¹.

Main Issues

3. The main issues are firstly, the effects of the proposed development on the living conditions of its future occupiers in terms of natural lighting; and

¹ The description given on the application form is: "Create New Self-contained Studio Flat Class Use C3 Dwellinghouses involving the excavation of basement together with Associated Alterations"

secondly, whether the proposed development would constitute overdevelopment of the site.

Reasons

Site, surroundings and proposal

4. The appeal building is a two-storey detached property of a domestic character in a broadly residential area. Faced in brick, with contrasting banding, the appeal property has a pleasing, but unfussy architectural character imparted to some degree by the arched door surround, and canted bay window at ground floor. Set back from the street behind a front garden bounded by a dwarf wall, the appeal property is adjacent to slightly taller, more bulky, and more modern residential development to its side and rear.
5. The proposed development would introduce a basement level at the appeal property. The canted bay at the front would be extended down to basement level, and the front garden would be excavated to provide a lightwell for this. The proposed bay window would have glazed double-doors that would facilitate the lightwell's use as amenity space. Internally the basement would comprise a single-bed studio flat, the bed area to the rear separated from the living area to the front by a largely glazed partition. A door accessed by stairs would be introduced to the rear. The submitted lower ground floor flat as proposed plan (drawing no. 130916/P/01) shows the position of an obscure-glazed window inserted in the appeal property's flank wall close to the bed area, however, this is not shown on the relevant elevational drawing. Nevertheless, I have considered this window in my assessment of the proposed development, and have noted references to it in the appellant and Council statements.

Living Conditions

6. A previous similar development proposal concerning 1 Borough Hill was dismissed at appeal². In that former decision, whilst the Inspector concluded that the natural lighting in the front living space would be acceptable in planning terms, the availability of natural light in the rear of the dwelling would be inadequate to meet the needs of its future occupants.
7. In the current case, the extensive glazing that would be employed in the partition between the living area and the bedroom is a significant material change that would allow deeper penetration of light within the rear parts of the proposed dwelling from its large bay windows. Whilst the proposed high level window on the flank wall would be overshadowed by adjacent boundary treatments, and the side elevation of 3 Borough Hill to some extent, it would nevertheless augment the amount of natural light available in the room for some parts of the day. Consequently, due to these measures, an adequate amount of natural light would be supplied to the rear parts of the proposed basement.
8. As a consequence, I consider that the proposed development would cause no significantly harmful effects to the living conditions of its future occupants in this regard, and in arriving at this view I am mindful of the Mayor of London's Housing Supplementary Planning Guidance (SPG) (adopted March 2016), Standard 32. This states that direct sunlight is only required to enter one

² APP/L5240/W/16/3150318

habitable room in new dwellings, a standard that would be achieved by the proposed development

9. The proposed development would secure private amenity space in the lightwell, which, whilst reasonably modest in size would meet the relative standards of the SPG, and would not appear cramped or, due to the integration of the glazed doors, as an after-thought. The use of this area as amenity space would secure a reasonable outlook from the bay windows that looked out onto them.
10. Taking these considerations together, the proposed development would cause no significant harm to the living conditions of its future occupiers. As a result, the proposed development would not conflict with Policy SP2.6 of the Croydon Local Plan: Strategic Policies (adopted April 2013) (the Strategic Policies); or Policy 3.5 of the London Plan: The Spatial Development Strategy for London-consolidated with alterations since 2011 (adopted March 2016) (the London Plan); or the SPG. Taken together, and amongst other matters, the policies and document seek to ensure that new homes in Croydon meet the needs of their residents.

Overdevelopment

11. The proposed development would introduce a further dwelling within a property that has already been subdivided to provide 6 residential units. According to the Council, the size of the existing units at the site fall below the requirements of the Government's Technical Housing Standards-nationally described space standard (the Space Standard). Consequently, the Council considers that the property would accommodate fewer separate dwellings were they all to meet the Space Standard. However, the proposed basement dwelling would meet the relevant Space Standard. Moreover, I am cognisant of paragraph 2 of the Space Standard which states that "The requirements of this standard for bedrooms, storage and internal areas are relevant only in determining compliance with this standard in new dwellings and have no other statutory meaning or use."
12. As a consequence, I attach only very limited weight to the non-compliance of existing accommodation at the site with the Space Standard, and consider that this matter is not indicative of harmful overdevelopment of the appeal property. I am mindful of the Council's comment that the existing sub-division of the appeal property received planning permission following enforcement action. Be that as it may, it does not add weight to the view that the appeal scheme would constitute overdevelopment.
13. Furthermore, I have been supplied with no other substantive evidence to suggest that the development of the site would have any harmful effects to the character and appearance of the area, highway safety, or the living conditions of the occupants of adjacent properties. As a consequence, I consider that it has not been demonstrated that the proposed development would lead to harmful overdevelopment of the site.
14. Accordingly, these considerations lead me to the view that the proposed development would not conflict with Policy SP4.1 of the Strategic Policies; or Policies UD2, UD3 or H2 of the Croydon Replacement Unitary Development Plan (adopted July 2006); or Policies 3.5, 7.1 or 7.4 of the London Plan. Taken together, and amongst other things, these Policies seek to ensure that

developments respect the character of residential areas, and take into account their surrounding physical context and density.

Other Matters

15. I note comments regarding the ventilation of the bathroom, and air circulation in the proposed dwelling more generally; however, these are matters more properly controlled by the Building Regulations and as a consequence do not weigh heavily against the proposed development in the overall planning balance.
16. Whilst natural surveillance of the proposed entrance would be constrained to a degree, I consider that security measures could be implemented to mitigate this.
17. I am aware of comments regarding previous construction at the site. Whilst some disruption could be caused as a result of the construction phase of the proposed development, this is likely to be limited as a result of the modest scale of the appeal proposal. Moreover, damage caused as a result of development activity is controlled by statutes outside of the Planning Acts.
18. Externally, the proposed development does not materially differ from the scheme subject to the previous appeal. The Inspector in that previous appeal concluded that the alterations to the property would be acceptable in character and appearance terms, and I have found no reasons to disagree with that assessment. Accordingly, I consider that the proposed development would assimilate readily with its surroundings.
19. Thus taken together or individually, these matters would not alter my conclusions in respect of the main issues given above.

Conditions

20. I have assessed the list of conditions supplied by the Council against the tests given in paragraph 206 of the National Planning Policy Framework. This states that conditions should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
21. In the interests of certainty, I have attached a condition specifying the approved plans. In order that the proposed development is sensitive to the character and appearance of its host building I have attached a condition requiring the use of matching materials in the construction of its external facing. I have modified the suggested wording of the conditions in the interests of precision.

Conclusion

22. The proposed development would 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, the appeal should succeed.

G J Fort

INSPECTOR