
Appeal Decision

Site visit made on 27 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: 10 April 2017

Appeal Ref: APP/L5240/W/16/3165348
27 Swain Road, Thornton Heath CR7 7AP

- 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 Ms N Nydyurbegova against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/04558/FUL, dated 1 September 2016, was refused by notice dated 6 December 2016.
 - The development proposed is change of use of dwellinghouse to 2 self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be firstly, whether the proposed development would result in the loss of a small dwelling suitable for family housing; and secondly, the proposed development's effects on the living conditions of the occupants of 25 Swain Road in terms of noise and disturbance.

Reasons

Site, surroundings and proposal

3. Neither listed nor in a conservation area, the appeal property is the end building in a relatively narrow residential terraced street comprising two-storey dwellings set back from the road, behind small front yards. The dwellings have fairly deep back gardens with mature trees within them imparting a pleasant verdant character to the area. The proposed development would secure the conversion of the appeal property to supply a one-bedroom flat at ground floor, with a studio flat at first floor.

Family Housing

4. Policy H11 of Croydon's Replacement Unitary Development Plan (adopted July 2006) (the UDP) seeks to restrict conversions that would lead to the loss of small houses, in order to maintain the quantity and variety of smaller family housing. For the purposes of the policy dwellings with less than 130 SqM gross internal area (GIA) are considered as smaller family houses.
 5. Two figures have been supplied by the Council for the GIA of the appeal property, one including the recent extension. Both of these figures are around
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88 SqM and around 94 SqM are considerably below the Policy H11 threshold. As a result, the proposed development clearly conflicts with Policy H11 in this regard. Moreover, I saw at my site visit that the character of the property, terraced with a deep back garden in a reasonably quiet and residential street conforms to the type of smaller family housing that the UDP seeks to protect from conversion.

6. I am mindful that the adoption of the UDP pre-dates the publication of the National Planning Policy Framework (the Framework) by a number of years. However, I have been supplied with no substantive evidence to suggest that the Council cannot demonstrate an adequate supply of housing land; and moreover, the aims of Policy H11 are commensurate with paragraph 50 of the Framework insofar as it states that local planning authorities should “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children...)”. These considerations lead me to the view that Policy H11 is up to date for the purposes of the Framework.
7. I have been referred to an appeal decision¹ regarding a conversion proposal, wherein the Inspector considered Policy H11. However, the property subject to that previous decision seems to have supplied considerably more internal space than the current appeal property, and included 6 habitable rooms, which is a threshold for the related Policy H7 of the UDP, which refers explicitly to residential conversions. In the current case, the existing floor plans do not make clear which of the appeal property’s rooms are habitable. As a consequence, the previous appeal decision is not a consideration that alters my findings in respect of the proposed development’s conflict with the UDP.
8. I note that emerging development plan policies seek to intensify the use of previously developed land in the suburban parts of the Borough. However, it does not follow that intensified development would necessarily lead to a reduction in the Borough’s stock of smaller family homes. Moreover, whilst plan preparation appears to have reached a relatively advanced stage, I have been supplied with no substantive evidence to suggest whether there are any remaining objections to the relevant policies and as a result I attach only limited weight to them in my assessment of the planning merits of the appeal.
9. Whilst I have been supplied with no substantive evidence in these regards, I am conscious of the appellant’s comments that the Strategic Housing Market Assessment (SHMA) for the Borough demonstrates a shortage of 3-bedroom homes. I am also mindful that the supporting text to the emerging Local Plan policy quoted by the appellant mentions the protection of 3-bedroom dwellings from conversion. However, it also carries forward the 130 SqM GIA threshold of the UDP. Thus neither the findings of the SHMA nor the contents of the quoted text conclusively establish that 2-bedroom properties should not be considered as smaller family homes for the purposes of either the existing or emerging local policies. Moreover, the proposed development would make no contribution towards the supply of 3-bedroom dwellings.
10. Thus, for the reasons set out above, the proposed development would result in a loss of a small dwelling suitable for family housing, and consequently would conflict with Policy H11 of the UDP in this regard.

¹ APP/L5240/A/11/2158851

Living Conditions

11. The proposed development, due to the size of its residential units, would only intensify occupation of the site to a modest degree. Moreover, it would supply a residential use of the appeal property in a broadly residential area. As a consequence, I consider that the proposed development would not lead to a substantial increase in comings and goings to the appeal property, or result in a significant amount of additional noise of a character materially different to that of its current use.
12. Accordingly, I consider that the proposed development would not lead to a level of noise and disturbance that would cause material harm to the living conditions of the occupiers of No 25. The proposed development would thus not conflict with Policies EP1 and UD8 of the UDP, or Policy 7.6 of the London Plan-The Spatial Development Strategy for London: Consolidated with Alterations Since 2011 (the London Plan) (Adopted March 2016). Taken together, and amongst other matters, these policies seek to ensure that new developments avoid unacceptable harm to the amenity of the occupiers of surrounding residential buildings.

Other Matters

13. Whilst I note that the Framework places an emphasis on significantly boosting housing supply, the proposed development, in supplying only one additional residential unit, would not contribute to this objective to any substantial degree. As a result this consideration only attracts modest weight in the overall planning balance.
14. The proposed development would meet the Government's Technical housing standards-nationally described space standard (the Space Standard). However, as this is a minimum requirement of new housing in Greater London, by virtue of the Space Standard's incorporation into the London Plan, this is a matter of minimal weight.
15. Thus, taken together or individually, these matters do not outweigh the proposed development's clear conflict with the development plan.

Conclusion

16. The proposed development would avoid causing material harm to the living conditions of the occupants of the adjacent dwelling. However, this lack of harm does not amount to a material consideration of sufficient weight to indicate that the conflict with the development plan in respect of the loss of smaller family housing should be set aside. I am mindful that the appellant considers the appeal scheme to constitute sustainable development. However, as I have found that Policy H11 is not out of date for the purposes of the Framework, this is not a consideration that outweighs the appeal scheme's conflict with the development plan in this regard.
17. Thus, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR