

Appeal Decision

Site visit made on 12 April 2017

by Grahame Gould BA MPhil MRTPI

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

Decision date: 8th May 2017

Appeal Ref: APP/L5240/W/16/3162285

298 Whitehorse Lane, South Norwood, London SE25 6UF

- 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 Hassan Salimi against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/04375/FUL, dated 22 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is 2 bedroom dwelling on side plot at 298 Whitehorse Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on: the character and appearance of the area; and the living conditions for its occupiers, with particular regard to the internal space to be provided.

Reasons

Character and Appearance

3. The development would involve the construction of a two storey, end of terrace house attached to 298 Whitehorse Lane (No 298). No 298 is in a terrace of eleven houses (Nos 278 to 298) of the same design. This terrace runs between Whitehorse Lane's junctions with Nugent Road and Dixon Road and there is a similarly designed terrace to the north of Nugent Road. The new house would be around three quarters of the width of No 298 and its front elevation would not have the first floor front bay feature that all of the properties at Nos 278 to 298 have. The house's proportions and its front elevation would therefore not be in keeping with the other properties in the terrace.
 4. The house has also been designed with a ridge line a little below that of No 298, while its front elevation would also be set a little behind that of No 298. It is suggested that those aspects of the house's design would give it the appearance of being subservient to the other properties in the terrace. However, all of the properties at Nos 278 to 298 have ridge lines and front elevation alignments that are common to one another. I therefore consider that the incorporation of the design elements that are intended to give the new house a subservient appearance would actually add to it looking out of place. That is because those elements would introduce an unnecessary
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fussiness into the design and would result in a house that would not be respectful of the strong rhythm that the front elevations of Nos 278 to 298 share.

5. Although the house would project forward of the front elevations of the terraced houses on the southern side of Nugent Road, I consider that there would be sufficient distance between the properties for there to be no harm to Nugent Road's streetscene.
6. The scale and design of the dwelling would mean that it would be an obvious afterthought addition to the terrace and I therefore conclude that this development would be harmful to the character and appearance of the area. The development would therefore be in conflict with Policy SP4.1 of the Croydon Local Plan Strategic Policies of 2013 (the CLPSP); saved Policies UD2, UD3, UD8 and H2 of the Croydon Replacement Unitary Development Plan of 2006 (the UDP); and Policies 3.5, 7.1, 7.4 and 7.6 of the London Plan (with consolidated alterations since 2011) of 2015 (the London Plan). That is because the development would not be of a quality that would respect or enhance its surroundings, most particularly in terms of the building's frontage width, height and proportions.
7. For the reasons given above I also consider that the development would conflict with the policies of the National Planning Policy Framework (the Framework) that specifically address the appearance of new development, most particularly those set out in section 7 (Requiring good design).

Living Conditions

8. The description of the development used on the application form refers to the dwelling having two bedrooms. However, the first floor layout plan shows three bedrooms¹. I therefore consider the house would be capable of providing three bedrooms, something that is recognised in the second paragraph of page eight of the appellant's appeal statement, where it is stated that the smaller bedroom would be likely to be used as a study.
9. In terms of the size of dwellings Policy SP2.6 of the CLPSP requires the internal space provided to comply with the minimum standards set out in the Mayor of London's Housing Supplementary Planning Guidance (the SPG), as amended to take account of the national 'Technical housing standards – nationally described space standard' of 2015 (the THS). For a three bedroom, four person, two storey dwelling the THS identifies the minimum gross internal floor area (GIA) as being 84 square metres (m²), while the standard for a two bedroom, three person, two storey dwelling is 70m². I consider it likely that were there just two bedrooms this house would be capable of being occupied by a family of three persons.
10. The Council has stated that the house's GIA would be 66.7m², a figure not disputed by the appellant. Even if this house was to be treated simply as being a two bedroom, three person dwelling, its floor area would be below the minimum standard of 70 m² and it would have a GIA significantly below the 84m² for a three bedroom, four person dwelling.
11. With respect to the size of the bedrooms, the THS indicates that the minimum GIA for a one bedspace bedroom and a two bedspace bedroom should

¹ Floorplan shown on drawing WHL/2016/004

respectively be 7.5 and 11.5 m². On the basis of the undisputed bedroom areas quoted by the Council none of the bedrooms would meet the two bedspace standard, while only one of the bedrooms would meet the one bedspace standard. I recognise that if the internal layout was to be altered so that only two bedrooms were provided then the development could be made to meet the bedspace standards. However, that would not address the shortfall against the overall GIA for a two bedroom, three person dwelling of 70 m².

12. I accept that slavish adherence to the floorspace standards may not always be necessary. However, the standards are intended to be treated minima and this development would fail to meet them in a number of regards. This shortcoming of the scheme is indicative of this being a cramped form of development.
13. For the reasons stated above I conclude that the development would be harmful to the living conditions for its occupiers because of the inadequacy of the internal space. That inadequacy gives rise to conflict with Policy SP2.6 of the CLPSP, Policy 3.5 of the London Plan, the SPG and the NTS, which seek to ensure that new homes are of an acceptable size for their occupiers, so that high quality internal living environments are provided.

Other Matters

14. It has been submitted that this site is 'brownfield' land, ie previously developed land (PDL). However, as the site forms part of the garden of a house in a built up area, the land is excluded from the Framework's definition for PDL². I therefore attach no weight to this element of the appellant's case.
15. The development would make a very modest contribution to the supply of housing in the area. I recognise that in locational terms the house would provide an acceptable level of access to local services and public transport for its occupiers. I also accept that the development would have no adverse effect on the living conditions for the occupiers of any of the immediately neighbouring properties. While the aforementioned matters would be benefits of the development, I consider them to be outweighed by the harm I have identified.

Conclusion

16. For the reasons given above I conclude that the development would be harmful to both the character and appearance of the area and the living conditions for its occupiers. That harm gives rise to conflict with various parts of the development plan and that means that I consider that this development would be unsustainable. I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR

² As stated in the second annex of the Framework