
Appeal Decision

Site visit made on 15 May 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/L5240/W/17/3169465

6 West Way Gardens, Croydon CR0 8RA

- 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 Mrs Christine Oratis against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/05772/FUL, dated 12 November 2016, was refused by notice dated 11 January 2017.
 - The development proposed is construction of first floor to existing building comprising 1 x two bedroom flat and alterations to existing building and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided on the planning application form has been replaced in the Council's decision notice. From the details submitted, I am satisfied that this description is more precise and I have used it here.
3. Prior approval is in place to convert the office into two flats (Council ref: 15/04421/GPDO). However, the appeal before me relates to a different proposal and I shall consider it as a standalone development.

Main Issues

4. The main issues raised in respect of the appeal are the effect of the proposal on: -
 - (a) The character and appearance of the area;
 - (b) The living conditions of adjoining occupiers; and
 - (c) The living conditions of future occupiers.

Reasons

The character and appearance of the area

5. In this part of West Way Gardens the buildings are single storey flat roof structures comprising garages and small business premises of which the appeal building is one. In the wider area the development comprises mainly of two storey, semi-detached and terraced residential properties. There are also commercial properties at Shirley Local Centre to the north of the appeal site.
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6. This group of garages and commercial buildings are low-key. The proposal, whilst maintaining the same footprint as the host building and extending from the existing walls, would add considerable built form to the top of the original building changing its proportions and substantially altering its appearance. This would significantly change the character and appearance of this cluster of low level structures. Despite the backdrop of the residential properties behind and the proposal being of an overall lower height than the residential properties in the area, the first floor addition would be visually conspicuous and incongruous within its immediate context. Notwithstanding the variety of roof styles in the wider area and the proposed pitched roof design, the proposal would be out of keeping with the immediate collection of low level buildings and would appear visually dominant within them.
7. For these reasons I conclude that the proposed development would be harmful to the character and appearance of the area. The proposed development would be contrary to Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, Policies SP1.1, SP1.2, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies 2013 and Policies 3.5, 7.1, 7.4, 7.5 and 7.6 of the London Plan 2011. These policies seek to reinforce and respect the existing character and to take into account physical context and local character, amongst other matters.

The living conditions of adjoining occupiers

8. Although the adjoining dwellings at The Vale are positioned at a slightly higher ground level to that of the appeal site and have a southerly aspect, these dwellings would be in close proximity to the appeal site. The adjoining dwellings at Spring Park Road would have a greater separation to the proposed development. Nonetheless, the overall increase in size and height of this building would create a significant structure at the end of the gardens of adjoining properties. Notwithstanding the change in land level, given the proximity to adjoining dwellings, the proposed development would be dominant in outlook from the dwellings, most notably at ground floor level, and the rear gardens. Despite intervening boundaries, outbuildings and landscaping within rear gardens, the proposal would have an enclosing and overbearing effect, particularly in terms of its relationship with the gardens.
9. With regard to light, due to the orientation of the properties in The Vale the reduction in light would not be significant but it would reduce light to the gardens of properties in Spring Park Road early in the day. In my judgement the effect on properties in Spring Park Road would be quite limited as overshadowing would only take place for a short period of the day. I am aware previous Inspectors concluded that overshadowing would occur in respect of a previous office and storage proposals at the appeal site but I have insufficient information before me to be able to determine the planning circumstances of those developments and the similarities, if any, to the proposed development. The appeal before me relates to a different scheme and therefore can and should be considered in its own right.
10. For these reasons I conclude that the proposed development would be harmful to the living conditions of adjoining occupiers. The proposed development would be contrary to Policies UD2 and UD8 of the Croydon Replacement Unitary Development Plan (The Croydon Plan 2006) Saved Policies 2013, Policies SP4 of the Croydon Local Plan: Strategic Policies 2013 and Policy 7.6 of the London

Plan 2011 and the Supplementary Planning Document (SPD) No2 on Residential Extensions and Alterations which seek to protect residential amenity by preventing undue visual intrusion and overshadowing, amongst other matters.

The living conditions of future occupiers

11. The proposal is a two bedroom four person flat. For a flat of this size and type the Council is concerned that Bedroom 2 would not meet the government's 'Technical Housing Standards nationally described space standard' as it is too small to be considered a double room. It is also concerned that the proposed dwelling would have poor light and outlook and would lack an appropriate level of privacy.
12. The London Plan sets the appropriate thresholds to which new development should adhere. These minimum space standards ensure that development is not cramped internally, ensure adequate room sizes and that convenient and efficient room layouts can be achieved. Proposed Bedroom 2 would fall short of the requirement set out in the standard for a double bedroom. In my judgement, these standards set out an appropriate minimum space standard for a dwelling of this type and its living accommodation. The shortfall in this instance would result in a cramped double bedroom. There is nothing before me to address this concern.
13. There is some dispute between parties relating to the internal floor to ceiling height. The appellant contends that the proposal would meet the minimum ceiling height required by The London Housing SPD. However, I have no evidence before me to enable me to form a view on this.
14. Standard 29 of the London Housing SPD requires development to minimise the number of single aspect dwellings. It continues to say that "*single aspect dwelling that are north facing ... should be avoided*". Standard 32 indicates that all homes should provide for direct sunlight to enter at least one habitable room for part of the day and that living areas and kitchen dining spaces should preferably receive direct sunlight. In this case, the lounge would have two north facing openings and each bedroom would be served by one north facing opening. Overall I do not consider the internal living environment would receive an appropriate amount of direct sunlight and would be extremely gloomy as a result.
15. Further to this, the outlook from the living room and bedrooms, along with that of the proposed balcony, would be positioned adjacent to the highway and other commercial buildings. Given the proximity of living spaces to these the occupiers would encounter noise and disturbance from both traffic movements and activities associated with the commercial units. In addition, both the internal living space and balcony would lack privacy and this, when combined with the noise and disturbance referred to above, would create a poor living environment for future occupiers.
16. The appellant has directed me to Paragraph 2.3.40 of the London Housing SPD which indicates that good single aspect one and two bedroom homes are possible where limited numbers of rooms are required, the frontage is generous, the plan is shallow, the orientation and/or outlook is favourable. However, I do not consider the limited number of openings in the north

elevation with poor outlook to be appropriate to serve the deep habitable rooms proposed, particularly that of the lounge dining room.

17. For these reasons, the proposed development would not create a high standard of living conditions of future occupiers. The proposal would be contrary to Policy SP2.6 of the Croydon Local Plan: Strategic Policies 2013, Policy 3.5 of the London Plan, the Housing SPD and the Technical Housing Standards nationally described space standards which seek all new homes to achieve minimum space standards and that family homes meet minimum design and amenity standards, amongst other matters.

Other Matters

18. The appellant has drawn my attention to paragraphs 58 and 65 of the National Planning Policy Framework and that decisions need to be made with regard to optimising the potential of a site and the presumption in favour of sustainable development. Accordingly I have considered whether the appeal proposal would be consistent with the social, economic and environmental dimensions of sustainable development, as set out in paragraph 7 of the Framework. Paragraph 8 of the Framework specifies that these three elements of sustainable development need to be considered together and are mutually dependant and should be sought jointly.
19. I have considered these three elements, including the proximity of the appeal site to local shops and public transport and the provision of bicycle and refuse storage and landscaping at the site. Nonetheless, I have found that the proposed development would harm the character and appearance of the area and the living conditions of adjoining and future occupiers, placing it in conflict with the environmental and social dimensions of paragraph 7. The development leads me to conclude that there is conflict with the development plan as a whole and I find the scheme is not sustainable development.
20. A number of residents close by have raised other concerns in relation to the proposal but in view of my conclusion on the main issues, there is no need for me to address these in the current decision.

Conclusions

21. For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies

INSPECTOR