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## Appeal Decision

Site visit made on 9 August 2017

**by A A Phillips BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 17 August 2017**

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**Appeal Ref: APP/L5240/W/17/3176086**

**243 Portland Road, South Norwood, London SE25 4XB**

- 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 M Gold against the decision of the Council of the London Borough of Croydon.
  - The application Ref 16/06173/FUL, dated 6 December 2016, was refused by notice dated 16 March 2017.
  - The development proposed is a change of use of the rear of the ground floor shop premises to a self-contained flat (C3).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would provide suitable living conditions for future occupants with particular reference to light and outlook.

### Reasons

3. The appeal property comprises part of a three storey mixed commercial and residential terraced building with a two storey outrigger and a single storey rear extension. The ground floor is currently vacant but was previously used as a hot food takeaway.
4. The proposed flat would comply with minimum floorspace standards for a one bedroom (two person) flat; however, as a consequence of the orientation of the property and the enclosed and restricted nature of the plot there is concern regarding light and outlook, in particular.
5. The proposed double bedroom would have two windows, the largest of which would face northwards and would be situated directly opposite and very close to the flank wall of the neighbouring property and consequently would receive very limited sunlight and daylight and have a very restrictive outlook. The second smaller window would be situated between the side elevation of the proposed flat and the flank wall and boundary of the neighbouring property. Therefore, it would also receive poor light and have a poor quality tunnelled outlook which would create a sense of enclosure to the bedroom. The appellant's own technical assessment concludes that the bedroom has limited illuminance and an increased area of glazing is required to achieve advised standards.

6. The flat would have two more windows in its north facing side elevation and these would serve the main kitchen and living area. Both are very close to either the boundary wall of the adjacent property and a high boundary fence. Consequently, they would also receive poor quality daylight, very limited sunlight and have poor and restricted outlook, creating a sense of enclosure within the main living area. A roof light is also proposed to serve this space which would provide some much needed additional light, but would not improve the outlook to any significant degree. French doors are proposed for the end elevation; however, these would be situated very close to the boundary of the site. An enclosed area of private amenity space is proposed to the rear of the property which would provide some limited outlook from the French doors; however, any boundary treatment along the rear boundary of the site would significantly reduce the quality of the outlook.
7. Although the main kitchen and living area may receive satisfactory daylight, the levels of sunlight would be poor given the orientation of the site and the proposed arrangement of windows and openings. Furthermore, the outlook from this part of the flat would be poor, failing to provide a satisfactory standard of accommodation for future residents.
8. The appellant contends that the rear garden would make an attractive outdoor space to enhance the overall quality of the accommodation. I do not dispute that the small rear garden would provide such an enhancement, but this does not overcome my concerns expressed above with reference to living conditions.
9. Therefore I conclude that the proposal would not provide suitable living conditions for future occupants with particular reference to light and outlook. As such it is contrary to Policy UD8 of the Croydon Replacement Unitary Development Plan The Croydon Plan Written Statement July 2006 (the UDP) which recognises that sunlight and daylight need to penetrate into buildings in order to make them attractive and comfortable to be in.

### **Conclusion**

10. For the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

*Alastair Phillips*

INSPECTOR