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## Appeal Decision

Site visit made on 30 August 2017

**by JP Roberts BSc(Hons) LLB(Hons) MRTPI**

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

**Decision date: 4 September 2017**

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**Appeal Ref: APP/L5240/W/16/3161118**

**Warehouse at 14 Cavendish Road, Croydon CR0 3LB**

- 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 Emperor Residential 111 Ltd against the decision of the Council of the London Borough of Croydon.
  - The application Ref 16/03573/P, dated 7 July 2016, was refused by notice dated 27 September 2016.
  - The development proposed is the conversion of part of a warehouse into 4 flats, including alteration to the front and rear elevations and construction of a new floor to provide 2 self-contained flats.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The appellants submitted amended plans to the Council shortly before the determination of the application. The Council did not consider those amended plans. I have not been provided with them, and the appellants have not asked me to consider them. I shall therefore determine the proposal in accordance with the submitted plans.

### Main Issues

3. Following the designation of the site as an allocated residential site in the Croydon Local Plan: Detailed Policies and Proposal, which has received no objections, the Council no longer defends the first reason for refusal relating to the loss of an employment use. Accordingly, the main issue is the effect of the proposal on the living conditions of occupiers of the proposed flats, with particular regard to the adequacy of floorspace and outdoor amenity space.

### Reasons

4. The appeal site comprises a former warehouse building, the eastern side of which has prior approval to be converted into residential use. On my visit I noted that both parts of the building were undergoing internal and external works, which, in respect of the appeal premises, appeared to be consistent with what is now proposed.
5. The rear facing flats in the ground and first floors (Flats 8 and 10) would have windows only in the rear elevation, facing a high rear wall at a distance of about 2m. The windows would open out onto a patio area, the sides of which

would also be enclosed by walls two storeys high. This would provide a very poor, uninteresting and claustrophobic outlook, which would not secure the good standard of amenity for all existing and future occupants of land and buildings which the National Planning Policy Framework (the Framework) seeks as a core planning principle.

6. The windows would be north-west facing, so that no sunlight would be received by the windows, and little would reach the bottom of the narrow light-well. Even though the windows would serve the only habitable room in each of the flats, the rooms would still be dark and gloomy, especially in winter, and occupiers would be heavily dependent on artificial light. On my visit, the lightwell had been provided, and although scaffolding would have some impact on reducing the amount of light received, I was struck by how dark it was within the main ground floor room of what would be Flat 8. I consider that this would not provide an adequate standard of amenity.
7. Flats 7, 9 and 10 would have no outdoor space. Croydon Local Plan Policy 2.6 deals with quality and standards, and amongst other things, aims to ensure that all new homes meet the minimum standards set out in the London Plan Housing Supplementary Planning Guidance (SPG). Standard 26 of the SPG says that a minimum of 5 sq.m. of private outdoor space should be provided for 1-2 person dwellings. Clearly, three of the proposed flats would not provide any private outdoor space and would not comply with this standard.
8. The SPG recognises that in some, exceptional, circumstances where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. However, it goes on to say that dwellings on upper floors should all have level access to a terrace, roof garden, winter garden, courtyard garden or balcony, none of which are provided in this case.
9. Nor would there be any passive amenity space; Flat 10 as referred to above, would look out onto a brick wall, whilst Flats 7 and 9 would look out onto a parking area and access. I therefore find that the proposed flats would provide a very poor level of amenity for their occupiers and would not provide the high quality indoor and outdoor spaces that Policy 7.6 of the London Plan seeks.
10. I recognise that the proposed adjoining flats in the north-eastern half of the building would have a similar configuration. However, these flats were approved under permitted development rights where occupiers' living conditions are not matters over which the Council can exercise control under the prior approval regime. This proposal is an application for planning permission and has to be determined in accordance with the development plan, unless other considerations indicate otherwise, which in this case, they do not.
11. I therefore conclude on the main issue that the proposal would not provide satisfactory living conditions for occupiers of the proposed flats, and would conflict with the policies I have referred to above. The council alleges a conflict with saved Policy H7 of the Croydon Replacement Unitary Development Plan. However, that policy deals with the sub-division of a dwelling into two or more units, which is not the case here, and therefore the policy is not relevant to the proposal.

### **Other matters**

12. The proposal would provide 6 flats which would contribute to meeting the housing needs of the Borough, and the Framework, as one of its core planning objectives, encourages the effective use of land by reusing land that has been previously developed. However, securing a good standard of amenity for all existing and future occupants of land and buildings is another of the Framework's core planning objectives, and would not be achieved in this case. Moreover, the appellants' alternative plan put before the Council shows that a less harmful arrangement of dwellings would be possible. In my view, the conflict with the development plan policies and the degree of harm that would be caused in this case outweighs the benefits of the proposal.

### **Conclusion**

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

*JP Roberts*

INSPECTOR