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## Appeal Decision

Site visit made on 6 November 2017

**by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

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

**Decision date: 28<sup>th</sup> November 2017**

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**Appeal Ref: APP/L5240/W/17/3180798**

**51 Wandle Road, Croydon CR0 1DF**

- 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 Sieradzki against the decision of the Council of the London Borough of Croydon.
  - The application Ref 17/01678/FUL, dated 30 March 2017, was refused by notice dated 25 May 2017.
  - The development proposed is the conversion of the existing building from B1(a) office to provide 8no. residential units comprising 1no. 2-bed, 6no. 1-bed and 1no. studio.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appellant has submitted with his appeal, a number of amendments to the scheme (drawings 03revD and 04revB), to address some of the Council's concerns. These include switching the bedroom and kitchen in one of the flats in the lower ground floor, forming additional roof lights to the upper floor, and lowering the cills of those already proposed.
3. The change to the internal arrangement would be a minor amendment. So too would the lowering of the roof lights over the top floor flat, as their outlook would be to the street. The additional roof lights proposed would have their cills set around 1.8m above floor level, so they would not prejudice the privacy of neighbouring occupiers. Whilst I have had regard to the principles established in *Wheatcroft*<sup>1</sup>, no interests would be prejudiced by my consideration of the amended scheme.

### Main Issues

4. The main issues are:
  - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook, light and private amenity space; and,
  - whether it would satisfactorily mitigate the risk from flooding.

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<sup>1</sup> Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

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## Reasons

### *Living conditions of future occupiers*

5. Policy 3.5 of the London Plan 2016 (LP) says that new homes should have convenient and efficient room layouts which are functional and fit for purpose. The Mayor of London has published supplementary planning guidance recommending design standards for housing (SPG), which policy SP2.6 of the Croydon Local Plan: Strategic Policies 2013 (CLP) requires new homes to meet. Policy UD8 of the Croydon Replacement Unitary Development Plan 2006 (UDP) also seeks private amenity space for the future occupiers of development.
6. In terms of outlook, the single bedroom on the lower ground floor of flat A, in the amended scheme, would not be obstructed by the stairway rising from the street to the entrance to the building. It would have an acceptable outlook. The other bedroom in flat A would be north facing, however, the dining room would provide an alternative aspect to the east. The flat would therefore meet the standard in the SPG.
7. Flat C would have a single, north-facing aspect, and the SPG says that this should be avoided. However, the other flats on the lower levels would meet the standard. Flat H, in the loft of the building, would be served only by skylights. However, in the amended scheme, most would have sufficiently low cills to provide an outlook over the rooftops of the neighbouring blocks. On the basis of the amended scheme, I can identify no dwellings with unacceptable outlook.
8. The daylight and sunlight study concludes that, based on the amended layout, the scheme would achieve a high level of compliance with the BRE guidance<sup>2</sup>, with all rooms meeting the average daylight factors it recommends. There is no evidence that its findings are incorrect or its conclusion unreasonable. Were the neighbouring building to be redeveloped, the impact on the living conditions of the occupiers of this proposal may become a consideration at that time. There is no evidence to suggest that the present building line should not form the assessment baseline for this proposal. With regard to outlook and light, the proposed development, as amended, would provide acceptable living conditions for future occupiers.
9. Notwithstanding this, the 2016 SPG recommends that a minimum of 5m<sup>2</sup> of private outdoor space should be provided for 1-2 person dwellings, with an extra 1m<sup>2</sup> per additional occupant. The proposal would provide no private amenity space, and in this respect the living standards of future occupiers would be unacceptably poor.
10. I acknowledge the proximity of parks to the proposal, however these do not provide private space. I appreciate that the building's form and fenestration makes a significant contribution in terms of townscape character to the Local Area of Special Character in which it commands a prominent corner. I understand that there may need to be a degree of flexibility in applying the design standards in these circumstances.
11. However, there is no evidence to show that with a little imagination and architectural flair that the access to private outdoor space for future occupiers

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<sup>2</sup> Site Layout Planning for Daylight and Sunlight: a good practice guide, PJ Littlefair, Building Research Establishment, 2011

could not be substantially improved over the zero provision. Alternatively, the SPG provides that where site constraints make it impossible to provide private outdoor space, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.

12. I therefore conclude that, with particular regard to private amenity space, the proposed development would provide unacceptable living conditions for future occupiers. While the Council refers to UDP policies H2 and H7, these concern protected uses and character, and the subdivision of a dwelling; they are therefore less relevant. Notwithstanding this, the proposal would conflict with CLP policy SP2.6, UDP policy UD8, and LP policy 3.5, as well as one of the core planning principles of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for future occupants of buildings.

#### *The risk from flooding*

13. The site is located in the Council's Critical Drainage Area, where there is a low risk of surface water flooding. The lower ground floor is below the street level, however, the appellant proposes to install measures to mitigate the risk of surface water flooding including anti-siphon toilets and running cabling from ceilings to sockets above floor level. Subject to a condition requiring the provision of appropriate mitigation measures, the proposed development would satisfactorily mitigate the risk from flooding.
14. The conversion of the building does not involve the creation of additional surface water run-off requiring drainage. Because of the limited space within the site, the opportunity to replace the existing drainage with a more sustainable system is limited.
15. The Council refers to CLP policy SP4.2 and UDP policy EP7; these concern urban design and the Blue Ribbon Network which have less relevance to this issue. Notwithstanding this, there would be no conflict with UDP policies EP5 and EP6 which control development in areas at risk of flooding from surface water run-off, and require sustainable systems for development requiring drainage. Nor would there be conflict with London Plan policy 5.12 which requires compliance with the flood risk assessment and management policies of the Framework.

#### **Other Matters**

16. I have considered the concerns raised about additional pressure on street parking and the loss of privacy to surrounding occupiers. However, the site is located in a controlled parking zone, in an area which has very good access to public transport. The development would provide a locked store for bicycle storage. These factors, as well as the size of the dwellings, suggest that car-ownership would be likely to be low and would not result in additional on-street parking. There is limited opportunity to overlook neighbouring dwellings from the existing building. While the development would introduce a residential use, there is no evidence that overlooking from the new use would be harmful to surrounding occupiers. I note that the Council raised no objection on both of these grounds.

## **Conclusion**

17. Whilst the development would bring back into use an empty building, provide additional dwellings and mitigate the risk from flooding, this is outweighed by the unacceptable living conditions of its future occupiers, which is in clear conflict with the policies of the development plan. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

*Patrick Whelan*

INSPECTOR