
Appeal Decision

Site visit made on 29 November 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 20 December 2017

Appeal Ref: APP/L5240/W/17/3180361
49D South End, Croydon CR0 1BF

- 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 Ahmet Yeldener against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01309/FUL, dated 13 March 2017, was refused by notice dated 22 June 2017.
 - The development is erection of a first & second floor rear extension, loft conversion with L shape dormer extensions and conversion of upper floors into 2 x 1 bed and 1 x studio flats.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a first & second floor rear extension, loft conversion with L shape dormer extensions and conversion of upper floors into 2 x 1 bed and 1 x studio flats at 49D South End, Croydon CR0 1BF in accordance with the terms of the application, Ref 17/01309/FUL, dated 13 March 2017, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: site plan (Land Registry title plan dated 30 January 2017); EFP/17009 – 1 and EFP/17009 – 2.

Main Issues

2. The main issues are:
 - Whether the development provides adequate living conditions for occupiers of the first floor flat in relation to privacy and noise; and
 - Whether the change of use from offices to residential is in accordance with local development plan policies.

Reasons

3. The appeal property is a mid-terrace three storey building, with a restaurant on the ground floor. On my site visit I saw that the development is already in place and the three flats are occupied.

Living conditions

4. The upper floors of the property are accessed from the rear via metal staircases that lead to a communal entrance. Whilst the plans only show one

metal staircase it does state that this is for '*access only for first floor flat, other flats to access communal entrance from the other side of the platform*'.

5. On visiting the site I saw that there are two staircases that lead to the metal platform and communal entrance at first floor level. These are at each end of the platform. The one at the southern end allows private access for the occupants of the first floor flat. The other staircase allows occupiers of the second floor and loft flats to access the entrance without having to walk in front of the windows to the first floor flat. I also saw on my site visit that obscure glazing has been installed to the lower part of one of the windows on the first floor flat facing the platform.
6. Taking the above into account I consider that there is no unacceptable harm from the development in relation to privacy or levels of noise and disturbance for the occupiers of the first floor flat. Accordingly I conclude that the development provides adequate living conditions for the occupiers of the first floor flat in relation to privacy and noise.
7. Consequently the development is in accordance with Policy UD8 of the Croydon Local Plan: Strategic Policies (2013) (CLP); Policy 7.6 of the London Plan (consolidated with alterations since 2011) (March 2015) and Supplementary Planning Document No 2 Residential Extensions and Alterations (2006), which all include seeking to protect residential amenity.

Change of use from offices to residential

8. The appeal site is located within the Croydon Opportunity Area where an Article 4 direction has removed permitted development rights.
9. In accordance with CLP Policy SP3, which includes seeking to protect employment land, the appeal property is considered to be a tier 4 employment site. The policy refers to table 4.3 which states that '*planning permission for limited residential development will be granted if it can be demonstrated that there is no demand for the existing premises or for a scheme comprised solely of the permitted uses and the residential use does not harm the wider location's business function*'. The policy does not specify how an Appellant should demonstrate lack of demand for the premises nor does it set a time period for any marketing.
10. I accept that the development results in the loss of an employment generating use. However the evidence before me states that the offices have been vacant since early 2016 and the agents were unable to secure any other interest prior to the disposal of the premises in December 2016. Furthermore it appears that there have previously been difficulties in letting the unit for office use. Limited demand has in part been due to factors including a lack of visible frontage directly on to the highway, the concealed rear access and the traditional internal room arrangement. At times this has resulted in lengthy periods when the premises have been vacant.
11. I also note that the principle of residential development at the premises has previously been deemed to be acceptable, as planning permission for residential use was granted in 2011 (Council ref: 11/00956/P), though this was not implemented. Furthermore some upper floors above other commercial properties in the locality have residential use.

12. In taking account of the above factors I consider that, in this instance, the lack of demand for the office use of the property has been sufficiently demonstrated and the development does not materially harm the functioning of the existing ground floor business or wider commercial area. Consequently I conclude that the change of use from offices to residential is in accordance with the development plan including CLP Policy SP3.

Condition

13. Although no conditions have been suggested by the Council, and the development is in place, I attach one condition to my decision specifying the approved plans, to ensure certainty. I do not attach other conditions suggested by the Appellant as the development is already occupied.

Conclusion

14. For the reasons given above, and having considered all other matters raised, I conclude that the appeal is in accordance with the development plan when considered as a whole and should be allowed.

Y Wright

INSPECTOR