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## Appeal Decision

Site visit made on 23 January 2018

**by M Seaton DipTP MRTPI**

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

**Decision date: 15 February 2018**

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**Appeal Ref: APP/L5240/W/17/3178917**

**8 Ainsworth Road, Croydon, CR0 3SH**

- 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 Ian Massey against the decision of the Council of the London Borough of Croydon.
  - The application Ref 17/00648/FUL, dated 7 February 2017, was refused by notice dated 11 May 2017.
  - The development proposed is side and rear extensions and L shaped dormer conversion, and conversion of a single dwelling house to two flats (2no. two bed flats).
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are;
  - whether the proposed conversion of the dwelling to two self-contained flats would be contrary to local housing policies in respect of the loss of family housing;
  - the effect of the proposed development on the character and appearance of the area;
  - whether the proposed development would safeguard the living conditions of the neighbouring occupiers of the ground floor flat at 6 Ainsworth Road, having regard to light and outlook; and,
  - whether the proposals would make adequate provision for the living conditions of future occupiers of the flats, having regard to the availability of internal floorspace and access to external amenity space.

### Reasons

3. The appeal site is occupied by a two-storey, 3-bedroom mid-terrace property located on a short residential cul-de-sac, close to the centre of Croydon. The dwelling includes a rear garden which backs on to a commercial building to the rear. The existing dwelling is indicated to provide 77-81m<sup>2</sup> of floorspace.

#### *Family housing*

4. The Council has indicated that the proposed conversion of the existing dwelling to two flats would result in the loss of a unit of family housing. My attention

has been drawn to saved Policy H11 of the Croydon Replacement Unitary Development Plan 2006 (the Croydon Plan), which addresses the need to retain small houses. In particular, the policy is stated as seeking to protect against the redevelopment or conversion of houses with less than 130m<sup>2</sup> gross internal area, where this would involve the net loss of a small dwelling which would be capable of being occupied on a versatile basis either as a family dwelling, or by smaller households providing more flexible accommodation.

5. The appellant, in seeking to define what constitutes a family dwelling, has directed me to the Department for Communities and Local Government publication, '*Technical housing standards – nationally described space standard*'. In this respect, the appellant has contended that if a 3-bedroom dwelling is to be considered to be family accommodation that it is reasonable to assess whether the floorspace of the existing dwelling would accord with the nationally described standard.
6. I am satisfied that a 3-bedroom dwelling could reasonably be described to have the characteristics of a family dwelling. The existing dwelling is described as possessing between 77-81m<sup>2</sup> of floorspace. The nationally described space standard sets the minimum gross internal floor area for a 3 bedroom dwelling over two-storeys as being 84m<sup>2</sup>. On this basis, it is evident that the existing dwelling possesses a shortfall in the minimum level of internal floorspace required in order to be considered as a 3 bedroom dwelling against the standard. Whilst I accept that the size and layout of the property would have been historically defined, against modern space standards it would be unreasonable to assess the appeal property as being of sufficient size to be regarded as a family dwelling. I am therefore satisfied that it would be unreasonable to assess the existing property against saved Policy H11, as it could not be regarded to constitute smaller family housing in accordance with modern standards.
7. I have not therefore found the proposed conversion of the dwelling to two self-contained flats to be contrary to local housing policies in this respect, as it would not represent the loss of family housing. There is not therefore any conflict with saved Policy H11 of The Croydon Plan.

#### *Character and appearance*

8. In order to facilitate the conversion of the property to two flats, a single-storey rear extension and an 'L-shaped' rear roof dormer extension have been proposed in order to provide additional floorspace. In assessing the appropriateness of the proposals, I have been mindful of the guidance provided by the Croydon Council Residential Extensions and Alterations Supplementary Planning Document No. 2 (the SPD), which was produced as a means of providing clarification on Local plan policies.
9. On the basis of my observation of the ground floor extensions, whilst they are of a flat roof design, the overall design rationale would not appear incongruous in the context of the appearance of the rear of the appeal property, or indeed in respect of the immediate area. The combination of infilling the side return between the rear outrigger and the shared boundary with No.6 Ainsworth Road, and extending further into the garden at ground floor level from the rear outrigger, would result in comparatively large additions to the existing property. I accept that there would be a certain degree of conflict with the guidance within the SPD in respect of the size of the extensions, but on balance

I am satisfied that the accumulation of the proposed ground floor extensions would not dominate or have an adverse impact on the character and appearance of the appeal property or the area.

10. Turning to the rear roof extensions, the bulk of the proposed dormer and incorporation of a roof extension over the rear return would result in a form of development which would not appear subordinate to, or complement the design and appearance of the existing building. Whilst I accept that the dormer would be set marginally down from the main building ridge height, it would essentially occupy the full extent of the rear roof plane of the building, and would extend along nearly the full length of the rear outrigger creating the resultant visual effect of a 3-storey development. The dormer would exceed the recommended maximum two thirds width of the existing roof slope as set out in the SPD, and whilst I recognise that the window to the dormer on the rear roof of the main building would align with the first floor window below, and that the proposed materials would include tiles to match those on the existing building, these factors would not provide sufficient visual mitigation. The proposed roof extension would appear as an overwhelming and visually bulky addition to the building, which would result in an adverse visual impact.
11. I have had careful regard in my observations on site, and to the references which have been made in the evidence, to the presence of the roof extension to No. 12 Ainsworth Road. I note that the nearby extension appears to be of the same design and dimensions as the proposed roof extension, albeit that it was completed as permitted development in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO), following an application to the Council.
12. I have carefully considered the appellant's contention that the existing roof extension has set a precedent for the proposed development. However, beyond the already mentioned extension at No.12 Ainsworth Road, I did not observe there to be any other rear dormers on other dwellings and buildings as viewed from the rear garden of the appeal site. Whilst I accept that it may be possible to construct such an extension under permitted development in accordance with the GPDO, no application has been approved in respect of the appeal property, and such an assessment does not form part of the decision-making in respect of this planning appeal. Furthermore, I am not persuaded in the context of the character and appearance of the host building and area that the existing roof extension represents a particularly characteristic, desirable or positive precedent and form of development to follow.
13. Therefore, whilst I am satisfied on balance that the proposed ground floor extensions would be acceptable in design terms in the context of the host building, the proposed dormer roof extension would result in a form of development which would have an adverse effect on the character and appearance of the area and the host building. There would be conflict with saved Policies UD2, UD3 and UD8 of The Croydon Plan, Policy SP4.1 of the Croydon Local Plan Strategic Policies 2013 (the Strategic Policies), policy 7.4 of The London Plan, and the SPD. These policies and guidance require new development to reinforce and respect the existing development pattern where it contributes to local character, including in respect of the recognition of the importance of roofscapes and roof form in establishing the visual character of the surrounding area. I have also had regard to Chapter 7 of the National

Planning Policy Framework (the Framework) which advocates high quality design, and the reinforcement of local distinctiveness.

*Living conditions – neighbouring occupiers*

14. The Council has expressed concern over the impact of the proposed ground floor extension located within the side return of the rear outrigger, on the living conditions of the neighbouring ground floor flat at No. 6 Ainsworth Road. The Council's assessment has concluded that on the basis of the height and scale of the proposed extension, that there would be an adverse effect on the level of light and outlook available to adjoining occupiers.
15. In this respect, I have noted the appellant's contention that the Council has incorrectly identified the height of the proposed extension as being 3.2m, and in actual fact it would be 2.5m, and would only project above the existing boundary fence by 0.6m. However, on the basis of my observations of the site and in particular the rear elevation, and also being mindful of the indicated relationship between the existing rear windows and the extension as shown on the submitted plans, it is clear that the plans show the extension to be much higher than 2.5m. Whether or not this was the intention, I must assess the proposed development on the basis of the plans as submitted.
16. The overall height of the ground floor extension would represent a significant increase over the height of the existing boundary fence. Whilst the existing two-storey rear outrigger on the appeal site would already have a significant impact on any sunlight which may be available during a large part of the day to ground floor windows, the combination of the height, proximity, and length of the proposed extension would have a further adverse effect on levels of daylight available to occupiers of the rear ground floor accommodation. Furthermore, I would agree with the Council's assessment that the height and length of the proposed extension would significantly worsen the outlook from the rear of the ground floor flat through the creation of an oppressive tunnel-like effect between the extension and rear outrigger at No.6 Ainsworth Road.
17. I have again had regard to the appellant's assertion that the infill extension should be considered as permitted development in accordance with the GPDO. However, in the absence of any such approved application relating to the appeal property, this is not a matter which would form part of the decision-making in respect of this planning appeal, and does not therefore attract any weight in support of the proposals.
18. As a consequence, the proposed development would fail to safeguard the living conditions of the neighbouring occupiers of the ground floor flat at 6 Ainsworth Road, having regard to light and outlook. This would conflict with saved Policies UD2, UD3 and UD8 of The Croydon Plan, Policy SP4.1 of the Strategic Policies, and policy 7.4 of The London Plan. These policies seek to protect the residential amenity of the occupiers of surrounding buildings, including from undue visual intrusion and maintenance of sunlight or daylight, when considering proposals for new residential development including extensions. The proposal would also fail to accord with the core planning principles set out at paragraph 17 of the Framework, which refers to the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

*Living conditions – future occupiers*

19. The London Plan sets out that housing development should be of the highest quality internally and externally, and should adhere to minimum space standards to ensure that adequately sized rooms and accommodation are provided for future occupiers. Policy SP2.6 of the Strategic Policies reiterates the need to ensure that new homes meet the needs of residents by achieving minimum standards as set out in the Mayor of London's Housing Supplementary Planning Guidance 2016 (Housing SPG). The Housing SPG sets out guidance on the implementation of the housing policies of the London Plan, including at Standard 24 for all new dwellings to meet the nationally described space standard (DCLG: Technical housing standards - nationally described space standard 2015).
20. Both flats are shown on the plans as possessing 2 bedrooms, and are indicated within the appellant's submitted evidence as being 2 bedroom 3 person (2b3p) units, despite the Council's identification of the upper unit as being a 3 bedroom 4 person unit. In this respect, the ground floor flat is indicated to provide 59-61m<sup>2</sup>, with the first/second floor flat providing 71m<sup>2</sup>. I am satisfied that even allowing for the reported shortfall in gross internal floor area for the ground floor flat, the proposed accommodation would satisfactorily meet the nationally described space standards of 60m<sup>2</sup> for a 2b3p dwelling, and 70m<sup>2</sup> for a 2b3p 2 storey dwelling.
21. Turning to the availability of private external amenity space, the ground floor flat would possess direct access to the rear garden. However, the appellant has indicated that the means of access to the rear garden for the upper flat would necessarily be via a convoluted route along rear alleyways with access gained between No. 2 Ainsworth Road and the rear of properties on Derby Road, and following a path to the rear of neighbouring rear gardens. Whilst I am mindful that no details of a possible sub-division of the existing garden to provide private amenity space have been submitted, I consider in any event that such an arrangement would be unlikely to result in a readily usable or attractive area of external amenity space.
22. I have had regard to the appellant's contention that the requirement for the provision as set out in the Housing SPG is guidance only. However, as I indicated above, Policy SP2.6 of the Strategic Policies refers to the need for all new homes to achieve the minimum standards set out in the Housing SPG, to ensure that the needs of residents are met over a lifetime. In this respect, whilst the proposed development would provide adequate internal floorspace, the first/second floor flat would not be provided with a suitable access to private external amenity space. The proposal would therefore not accord with Policy SP2.6 of the Strategic Policies, Policy 3.3 of the London Plan, or the Housing SPG.

**Other Matters**

23. Interested parties have raised a number of other concerns, including in respect of a loss of privacy to neighbouring occupiers, potential for noise and disturbance, overlooking, the loss of trees, impact on existing parking levels, a loss of value of property, and impact on a party wall. However, whilst I have been mindful of these submissions, as a consequence of my conclusions on the main issues, the determination of this appeal has not turned on these matters, and there has not therefore been any need to address them.

## **Conclusion**

24. The replacement of the single dwelling with 2 flats would make a limited contribution towards the supply of housing in the local area, with the local economy also having the potential to experience some limited benefit both during the period of construction, and following occupation.
25. Nevertheless, whilst acknowledging the above benefits, and despite not finding the proposed development to represent the loss of a small family dwelling, for the reasons I have already set out above, I have found that the proposal would result in an adverse effect on the character and appearance of the area, would fail to safeguard the living conditions of neighbouring occupiers, and would not make adequate provision of private external amenity space for the proposed first/second floor flat. As a consequence, I have not found the development to be in accordance with the Development Plan. I am satisfied that despite the limited benefits summarised above, that these would be significantly outweighed by the adverse impacts.
26. For the reasons given above, I conclude that the appeal should be dismissed.

*M Seaton*

INSPECTOR