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## Appeal Decision

Site visit made on 12 March 2019

**by P Wookey BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> March 2019**

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**Appeal Ref: APP/L5240/W/18/3218090**

**41 Derby Road, Croydon CR0 3SF**

- 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 Prakash Beeharry against the decision of the Council of the London Borough of Croydon.
  - The application Ref 18/04659/FUL, dated 24 September 2018, was refused by notice dated 16 November 2018.
  - The development proposed is described as the conversion of existing 4 bedroom dwelling into 1 no.1 bedroom flat and 1 no. 2 bedroom flat
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development on a) the loss of a small family dwelling contrary to local housing policies and b) the living conditions of the future occupiers.

### Reasons

#### *Family Housing*

3. The development proposed, which is well located to the town centre and public transport links, would convert the existing, semi-detached four bedroom dwelling, which has been extended with a single storey extension and converted loft with dormer window, into a one bedroom flat on the ground floor and a two bedroom flat on the first and second floors.
4. Both parties dispute the floor area of the existing property. The council states that it is approximately 123m<sup>2</sup>, whilst the appellant contests that it is approximately 128m<sup>2</sup>, on the basis that the council had not taken into account the void area above the loft. Policy DM1.2 of the Croydon Local Plan (2018) (LP) states that the redevelopment of residential units will not be permitted where it would result in the net loss of a three-bedroom home (as originally built) or the loss of homes smaller than 130m<sup>2</sup>. On this basis the floor area falls below the required threshold.
5. Whilst the appellant has proposed that a small side extension could be added to the property so that the required threshold of 130m<sup>2</sup> could be achieved, this did not form part of the council's decision on the original application and there is insufficient detail shown in the appellants appeal statement to indicate

how it would relate to the neighbouring property. It is therefore not possible to ascertain whether there would be any resulting adverse effects and whilst I have had regard to it, it has not altered my decision.

6. On this main issue, the floor area of the existing property is significantly below the council's policy threshold and therefore would be contrary to Policy DM1.2 of the LP, which amongst other things seeks to enable housing choice for sustainable communities.

#### *Living Conditions*

7. The internal floor areas of both of the proposed flats would comply with the necessary minimum internal floorspace sizes set out in the National Technical Housing Standards (2015) (NTHS) and as required by the London Plan (2016). Whilst the proposed one bedroom flat has direct access to the rear garden which would provide an adequate standard of outdoor private space, no outdoor space provision has been proposed for the occupiers of the two bedroom flat. There is no indication that the development proposed would have access to any alternative community space provision locally, which would compensate in other ways.
8. The appellant, in its appeal statement, has proposed that outdoor private space could be provided by use of the roof of the first-floor extension to form an enclosed terrace. Even though the appellant has stated that the terrace would be enclosed by a privacy screen, based on observations during my site visit, it would directly overlook the rear garden of the adjacent property, resulting in an unacceptable loss of privacy to neighbouring occupiers. It would not therefore mitigate the lack of provision of private, outdoor space.
9. It would therefore result in an unacceptable standard of living being provided to the future occupiers of the proposed two bedroom flat, contrary to the London Plan (2016) and LP Policy SP 2.8 and DM10.4, which when read together, seek to ensure new homes provide the minimum design and amenity standards.

#### **Other Matters**

10. The appellant has referred to other properties in the vicinity of Derby Road which have been granted permission for similar conversion proposals. The council has stated that these were granted before the current policies came into place in 2018 and therefore the circumstances were different. The appellant has stated that the loss of the small family dwelling would have minimal impact on Derby Road and its immediate vicinity. On the basis that the Croydon Strategic Housing Market Assessment (2015) identified the need for three-bedroom houses and informed the policies of the LP which aim to ensure housing choice, I have attached little weight to this and as a result it has not altered my decision.

#### **Conclusions**

11. For the reasons set out above, the appeal is dismissed.

*Paul Wookey*

INSPECTOR