

Appeal Decision

Site visit made on 3 June 2019

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 June 2019

Appeal Ref: APP/L5240/W/18/3217306

206 Norbury Crescent, Norbury, London SW16 4JY

- 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 Mrs Jenette Michelle Solari against the decision of the London Borough of Croydon Council.
 - The application Ref 18/04734/FUL, dated 27 September 2018, was refused by notice dated 16 November 2018.
 - The development proposed is a two-storey side and rear extension; single-storey rear extension; conversion of dwelling into five flats (4 no. 1-bed and 1 no. 2-bed); and all associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the housing mix within the borough; the effect on the living conditions of future residents with regard to the size of the accommodation and the provision of outdoor amenity space; and the adequacy of the refuse storage provision.

Reasons

Housing mix

3. Policy DM1.2 of the Croydon Local Plan 2018 (CLP) refers to the need for the provision of housing choice to achieve sustainable communities. It accepts the redevelopment of residential units where it would not result in the net loss of three bedroom homes (as originally built) or the loss of homes smaller than 130m². The supporting text advises that the need for larger homes in Croydon was identified in the Croydon Strategic Housing Market Assessment 2015. It is clear that three bedroom residential units are needed to house families and the existing stock needs to be retained to assist in such provision.
 4. It is apparent that the original property was a three bedroom dwelling. Its loss would therefore conflict with CLP policy DM1.2. It would also be at odds with policy 3.8(A) & (B)(a) of the London Plan 2016 (LP) which similarly supports the provision of a choice of different sized homes. The policies accord with paragraph 61 of the National Planning Policy Framework (the Framework) which requires that the size, type and tenure of housing needed for different
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groups in the community, be assessed and reflected in planning policies. I therefore afford these policies considerable weight.

Living conditions

5. The Council have made reference to National Housing Space Standards (amended May 2016). These are repeated in LP policy 3.5. The figures provided indicate that all the flats would meet or exceed the overall space standards. However, the Council suggest that the ground floor front, one bedroom unit, would have an unusually large shower room which has been deliberately drawn to limit the size of the bedroom so that it cannot be considered as a double bedroom. If the bedroom were larger, the flat would fall short of the overall space standard for a two person flat.
6. To increase the bedroom to 11.5m², it would need to be significantly deeper based on the current layout. This would result in the bathroom having a very constrained depth. A different layout could allow for a better proportioned bathroom whilst achieving a larger bedroom but the bedroom may not then provide such a functional space. Overall, as the existing layout meets the standards and as I am not satisfied that an alternative layout would materially alter the living conditions of future residents, I do not find conflict with the objectives of LP policy 3.5.
7. With regard to outdoor amenity space, the proposal would provide a private garden for the rear ground floor flat. The remaining four units would share the large communal garden which would be accessed by the side passageway. CLP policy DM10.4 advises that all proposals for new residential development will need to provide private functional amenity space of 5m² per 1-2 person unit. The proposal would satisfy the policy with regard to the two-bedroom flat but would provide no private amenity space for the remaining one-bed units.
8. The scale of the communal area is such that it could be subdivided to provide private outdoor space. I am not satisfied however that this would provide a more satisfactory amenity space for the future residents or satisfy CLP policy DM10.5 which requires that in addition to the provision of private amenity space, proposals for new flatted development will also need to incorporate high quality communal outdoor amenity space. The large communal area would offer a high standard of provision, albeit shared not private. Although there would be conflict with an element of CLP policy MD10.4, this would not result in unacceptable harm to the living conditions of future residents.

Refuse storage

9. The plans show a bin store located to the rear of the property and a refuse collection point to the front. Access to the rear would be down the side of the extended building. This arrangement would meet the detailed requirements of CLP policy DM13.1. The Council are concerned that as the store would be more than 20 metres from the collection point, a Refuse Management Plan to demonstrate how the arrangement would operate should have been submitted. This is not a major development or one that is likely to generate large amounts of waste. It would be for the residents to ensure that their waste was moved to the correct position to be collected. I do not find any concerns with the proposal in this regard or any conflict with the development plan.

Other matters

10. The appellant suggests that as the property has already become a four bedroom house, CLP policy DM1.2 should not be applied. The wording of the policy is clear in that it refers to three bedroom homes as originally built. When referring to the calculation of the gross original internal floor area the supporting text to CLP policy DM1 advises that this does not include general storage areas such as lofts or cellars. Accepting that the conversion of such spaces to provide a further bedroom would take a dwelling outside the scope of the policy, would be at odds with its clear wording and would undermine the overall objectives of retaining properties that provide family housing.
11. It has been suggested that the Council has been inconsistent in its decision making with regard to similar proposals. Reference is made to 5 Wellington Road, Croydon where it would appear that the house had been extended to form a five bedroom dwelling. It was accepted that it could be converted into three units. However, the ground floor unit represented a three bedroom apartment, suitable for family occupation. This would not be the case with regard to the current proposal which would include only small units.
12. The Council allowed the conversion of 215 Melfort Avenue into two two-bed flats. However, it appears from the plans that this was a four bedroom house as originally built and the decision was determined, in any event, before the adoption of the current CLP. Reference is also made to a decision relating to the conversion of 218 Melfort Avenue into three small units in 2018. It is apparent from the Council's report that the ground floor was in use as a day nursery. The application was not therefore comparable to this proposal. Overall, the decisions referred to do not offer support for this development.
13. The property does have specific characteristics which differentiate it from other similar properties in the area. The large side garden offers significant potential for further development and permission has been granted for the erection of large extensions that would result in the property becoming a six bedroom house. I accept that a more efficient use of the site could be achieved by the subdivision of the extended property, which would help to satisfy the demand for smaller units. However, if the principle of sub-division was to be accepted, a conversion could include accommodation that would be suitable for family occupation, in accordance with the policy. I do not find therefore that the potential to develop the house further supports the provision of only small units as proposed.
14. It has been suggested that there is an overprovision of three bedroom houses in the area and that the majority could not be extended and therefore converted. No evidence has been provided with regard to the supply position other than as set out within the CLP. This has only recently been adopted and suggests an entirely alternative view.

Conclusions

15. The proposal would result in the loss of a family sized house and this would be contrary to LP policy DM1.2. Planning law requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

16. I acknowledge that the proposal would help to address the need for smaller dwellings but this must be considered in relation to the overall housing need and the measures put forward to achieve mixed communities. In this respect, it would result in harm to the social objectives of the development plan and the Framework. It would result in economic and some social benefits from the building works and the provision of additional housing units and it would not result in harm to the environmental objectives of the Framework. I acknowledge that this property has specific characteristics that would allow for a more efficient use of the site given the potential for further development.
17. Overall, I conclude that on balance, the benefits of the proposal would not be sufficient to outweigh my main concern. They do not indicate that a decision contrary to the development plan should be reached. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR