



Appeal Decision

Site visit made on 4 June 2019

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/L5240/W/19/3224659
49a and 49b 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 18/04575/FUL, dated 13 September 2018, was refused by notice dated 31 January 2019.
 - The development proposed is described as "Joint Application for Erection of a First 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 each building."
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first 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 each building at 49a and 49b South End, Croydon CR0 1BF in accordance with the terms of the application, Ref 18/04575/FUL dated 13 September 2018, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application albeit excluding reference to 'joint application' as the location of the development is set out as 49a and 49b.

Main Issues

3. The main issues are whether the development would provide an appropriate housing mix and satisfactory living conditions for future occupiers.

Reasons

Housing Mix

4. Croydon Local Plan 2018 (Local Plan) policy SP2.7 sets a strategic target for 30% of all new homes to have 3 or more bedrooms, and forms part of a policy

which seeks to ensure a choice of homes. Whilst there is reference within policy SP2.7 to setting a preferred unit mix there is no such policy for small sites. The appellant also draws attention to policy DM1.1 which requires a minimum provision of 20% 3 or more bedrooms on sites of 10 or more dwellings in the Central Area, in which the site is located. The supporting text to that policy recognises the need to take into account existing character and accessibility, indicating that more central locations with higher density development will not be so compatible to accommodating larger units. The Council have referred to the Croydon Opportunity Area Framework (2013) which sets a target of 45%, although, it pre-dates the recently adopted Local Plan. Moreover, all of these levels of provision are targets for areas/the Borough and not individual sites.

5. The development would provide 6 small units. The site is located above retail units on the busy South End which offers a range of restaurants and shops. The area is part of the identified Restaurant Quarter Parade which seeks to promote bar and restaurant activity under Local Plan policy DM7. Also, to the rear the property backs on to an open surface public car park.
6. As such, I do not find the location, nor the form of the accommodation with access via open stairs, particularly suitable for families. I also note that the conversion of the upper floors to small flats has been undertaken at the neighbouring property, No 49d, and on my site visit I also observed other flats above retail units in the parade.
7. The Council have suggested that the internal layout could be changed to accommodate a three-bedroom unit, however such a scheme is not before me. Furthermore, such an approach would also necessitate the need for amenity space. The potential amenity space available has severe limitations, particularly if it was to be used by children, and the Council themselves have raised potential concerns about the use of the roof terrace as amenity space.
8. As a strategic target I do not find the lack of a three-bedroom unit in this development would conflict with the Council's housing mix objective for the Borough as whole. London Plan policy 3.3 seeks to increase housing supply and choice which this proposal would provide. Whilst London Plan policy 3.3 indicates that planning decisions should be informed by identified housing requirements, I find that this proposal would be in general conformity with Local Plan policy SP2.7, and the wider policy SP2. Policy SP2 aims to create socially- balanced and inclusive communities, and amongst other things seeks to ensure land is used efficiently and that development respects local distinctiveness.

Living Conditions – future occupiers

9. All the proposed flats meet the Technical Housing Standards- nationally described space standard (Space Standards). These Space Standards do not include any requirement for amenity space.
10. Local Plan policy 10.4 indicates that all new residential development will need to provide a minimum amount of private amenity space of 5m² per 1-2 person unit and reflects the Mayor of London's Housing Supplementary Planning Guidance (SPG). As a conversion the amount of space available is fixed, and the proposed scheme works with the existing building layout. The Local Plan does indicate that in circumstances where site constraints make it impossible to provide private outdoor amenity provision additional indoor space may help to

meet the policy requirements. The Council appear to accept that this is such a case and confirm that additional internal space is achieved for the second-floor flats. The other units would be 3m² short of the additional 5m² sought.

11. The appellant has provided an alternative plan (EFP/South End - 2 rev c) showing how the existing ground floor roof could provide an amenity space. The provision of some decking and landscaping would visually enhance the roof, although the plan includes a number of other changes; including the relocation of bin and cycle storage. These are not amendments I can accept at this stage without potential prejudice to other parties. Notwithstanding this, the area to the rear of the building includes a flue serving the ground floor restaurant and overlooks a public car park. In my view this area would not provide a high-quality area of outdoor space. Nevertheless, the space already exists, and the submitted plans already show screening around the roof. Therefore, whilst not providing private amenity space the area would offer some incidental communal outside space for the benefit of the occupiers. I also acknowledge that the site is within a highly sustainable location, there are a range of open spaces in the wider area and I agree with the appellant that occupants of these types of units are likely to be attracted by the busy and vibrant location.
12. Overall, I do not find the lack of private amenity space or the small under provision of extra internal space would result in a substandard quality of accommodation to the detriment of future occupiers, particularly having regard to the site's context. Whilst there would be a technical breach to Local Plan policy DM10.4 criterion (c) I do not find that this would render the scheme in conflict with policy DM10 or the Local Plan read as a whole. All units fully accord with the Space Standards, and there is no direct conflict with London Plan policy 3.5 which relates to quality and design.

Other Matters

13. The Council have referred to other appeal decisions, however in my view these are not directly comparable as the Thornton Heath and Norbury decisions relate to the loss of an existing family dwelling. Additionally, the Council have stated that examples referred to by the appellant, including the neighbouring property, were granted before the current policies were adopted in 2018 and therefore the circumstances were different. Nevertheless, the neighbouring property forms part of the context of the site and as noted by the Council housing mix and amenity space requirements are also set out in other documents which pre-dated the recently adopted Local Plan.
14. I note the reasons for refusal refer to Local Plan policy SP2.6 - affordable housing which is not relevant to this case. It is not referenced in the Council's appeal statement and is therefore assumed to have been included in error.

Conditions

15. I have had regard to the Council's suggested conditions which I have imposed subject to some re-wording for clarity.
16. Conditions are necessary in the interests of compliance with statutory requirements relating to the commencement of development [1], certainty [2] and to secure the materials to ensure a satisfactory external appearance [3].

17. Conditions are also necessary to restrict the proposed flank windows to obscure glazing for amenity reasons [4], and to ensure appropriate provision for cycle storage to help facilitate sustainable modes of transport [5].
18. Condition [6] is required to secure the implementation of noise mitigation measures as set out in the submitted noise survey to ensure that an appropriate standard of accommodation is provided for future occupiers. The Council suggested a similar condition in relation to the submitted flood risk report however there is no reference to the property being at risk of flooding and no specific flood mitigation measures are identified.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed, and planning permission granted.

G Ellis

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved drawings: - location plan, EFP/South End - 1 Rev B and EFP/South End - 2 Rev B.
3. The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. EFP/South End - 1 rev b.
4. The development hereby permitted shall not be occupied until the flank facing windows serving the bedrooms of proposed flats 3 and 6 shall be constructed so that no parts of the framework less than 1.7m above finished floor level shall be openable. Any parts below that level shall be fitted with obscure glazing and shall thereafter be retained as such.
5. No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. EFP/South End - 2 rev b for cycle parking and shall thereafter be retained.
6. Prior to the occupation of the development noise mitigation as set out in Noise Survey by Nova Acoustics dated 23 November 2018 will be implemented to achieve internal noise levels in accordance with BS8233:2014. The mitigation measure will be retained thereafter.