



Appeal Decision

Site visit made on 30 May 2019

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2019

Appeal Ref: APP/L5240/W/18/3216899

11 Barham Road, South Croydon CR2 6LD

- 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 Craig Budge against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/03319/FUL, dated 3 July 2018, was refused by notice dated 13 November 2018.
 - The development proposed is the conversion of the property to form 5 self-contained flats (3x 1 bed, 1 x 2 bed and 1 x 3 bed); formation of basement accommodation with front and rear light wells, erection of part 1, part 2 side and rear extensions, erection of a rear roof dormer, insertion of 3 roof lights in front roof slope; provision of associated hard and soft landscaping, a new front boundary wall and refuse and cycle parking .
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the property to form 5 self-contained flats (3x 1 bed, 1 x 2 bed and 1 x 3 bed); formation of basement accommodation with front and rear light wells, erection of a part 1, part 2 side and rear extensions, erection of a rear roof dormer, insertion of 3 roof lights in front roof slope; provision of associated hard and soft landscaping, a new front boundary wall and refuse and cycle parking at 11 Barham Road, South Croydon CR2 6LD in accordance with the terms of the application, Ref 18/03319/FUL, dated 3 July 2018, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Craig Budge against the Council of the London Borough of Croydon. This application is the subject of a separate Decision.

Preliminary Matter

3. The appellant submitted a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (the Planning Act) during the appeal. The Council was given the opportunity comment on this document and so I have taken it into account in my decision.

Main Issue

4. The main issue is whether the proposal would provide adequate living conditions for the future occupiers of the proposed dwelling in terms of internal accommodation and outdoor amenity space.

Reasons

5. The appeal site comprises a large, semi-detached house on Barham Road, a cul-de-sac on the southern outskirts of Croydon. The rear garden of the property consists of mature vegetation in a verdant, relatively secluded setting despite the position of the property in a medium-density, urban environment.
6. The appeal scheme proposes the conversion of the property into 5 flats. The plans submitted with the appeal indicate that approximately 176 square metres of communal rear garden would be provided for flats 1, 2, 4 and 5, which would be accessed using a footpath running along the north boundary, and 120 square metres of private garden for flat 3, which would comprise light wells at basement level and a garden at ground level accessed via steps.
7. The London Housing Supplementary Planning Guidance (SPG) states that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings and an extra 1 square metre for each additional person. Only Flat 3 (the 3-bedroom flat) would have access to private amenity space; this would be in excess of the minimum standards. However, the SPG also notes that in exceptional circumstances where site constraints make it impossible to provide private outdoor space for all dwellings, a proportion of dwellings may instead have additional internal living space equivalent to the area of the private open space requirement.
8. I am satisfied that it would be difficult to provide private balconies to the upper floors as they would be likely to result in the increased perception of overlooking of the neighbouring garden of the adjoining property and school to the north, which is undesirable. Therefore it would not be appropriate to enforce the standards in respect of private outdoor space.
9. Internally, flats 1, 2 and 5 have living spaces which exceed the minimum area requirements. Only flat 4 does not comply, with a shortfall of some 1.2 square metres. I consider that this difference is insufficiently significant to weigh heavily against the proposed development. The deficiency both in overall terms and in respect of individual room sizes within flat 4 seems to me to be marginal and not so severe as to create a substantial conflict with the provisions of the SPG. Moreover, I am satisfied that the proportion of dwellings provided with additional internal space to offset the shortfall in outdoor space is acceptable.
10. Whilst only communal space would be provided for four of the units, I have no doubt that the area would be attractively laid out subject to the imposition of a landscaping condition, would retain some sense of its seclusion and would be likely to be well used. Taken together, the quality and amount of internal space and the extent of the outdoor rear garden would compensate for the lack of private amenity areas.
11. I therefore conclude that the proposal would provide adequate living conditions for the future occupiers of the proposed dwelling in terms of internal accommodation and outdoor amenity space. Whilst there would be a minor conflict due to the slight deficiency, it would comply with the overall intentions of Policies SP2.8 and DM10.4 of the Croydon Local Plan 2018 (LP) and the SPG. The scheme would also be in accordance with policy DM16 of the LP and policy 3.5 of the London Plan 2016. Taken together these policies seek to ensure

housing development is of the highest quality internally and externally to meet the needs of residents.

12. In its submissions the Council has raised the provisions of the National Planning Policy Framework (the Framework). I consider that the scheme would be consistent with the Framework, which seeks to ensure safe and healthy living conditions and states that good design is a key aspect of sustainable development.

Other matters

13. Local residents have expressed a range of other concerns over the impact of the proposal, including traffic generation, noise and air pollution, lack of parking, loss of character, loss of a family house, insufficient bin storage, drainage and the proximity to the school entrance gate. However, these issues would either be dealt with through the imposition of conditions or have been previously addressed in the planning officer's Committee report. Therefore whilst I can understand the apprehension of local residents, their concerns are not supported by any substantive evidence that would justify the dismissal of the appeal on these grounds.
14. The Council refers to the need for an obligation under Section 106 of the Planning Act to remove the rights of future occupiers from having access to parking permits in the controlled parking zone. This is to prevent the proposed development having any impact on the surrounding parking stress. The submitted Unilateral Undertaking secures this restriction.
15. I consider that the measures in the Undertaking are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the tests for planning obligations set out in the Framework and I have taken account of them in reaching my decision.

Conditions

16. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. Additionally, conditions relating to details of materials, hard and soft landscaping works, any retaining walls, refuse/cycle storage and child play space would ensure that the external appearance of the proposal is satisfactory.
17. A condition to limit water consumption rates per dwelling would be necessary to protect the environment and ensure the efficient use of resources. A pre-commencement condition requiring the submission of a construction management plan would control site operation both in the interests of the living conditions of adjacent occupants and highway safety. To ensure no adverse loss of privacy to neighbouring occupants, conditions limiting the use of the roof as external amenity area and requiring obscure glazing to the upper floors' north facing windows.
18. It is necessary to impose a condition requiring the removal of the existing dropped kerb in the interests of visual amenity and highway safety. Pre-commencement conditions concerning potential land contamination and groundwater flooding, to include the approval and implementation of a

Sustainable Urban Drainage System, are imposed to minimise the impact on the local environment and to ensure the management of surface water run-off. I have amended the Council's suggestions in the interests of precision without changing their overall intention.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

C Hall

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 following approved plans: 09, 10, 11, 12, 13A, 14A, 15A, 16, 17, 18, 19, 20, 21, 22, TH/A3/1790/TPP.
- 3) No development above ground level shall be commenced until details of the materials to be used in the construction of the external surfaces of the building have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development above ground level shall be commenced until details of the hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. The submitted details shall include: boundary treatments; any retaining walls; child play space; hard surfacing materials; tree, hedge, shrub, other plants and grass planting plans; schedules of the species, sizes and proposed numbers/densities for the new planting; and an implementation programme for the undertaking of the hard and soft landscaping works. The development shall be carried out in accordance with the approved details.
- 5) Prior to the occupation of the development details of the external refuse and cycle storage areas shall be submitted to and approved in writing by the local planning authority. The external refuse and cycle storage areas shall be installed in accordance with the approved details prior to the first occupation of the development and shall be retained thereafter.
- 6) The dwellings shall not be occupied until the optional requirement for water efficiency of 110 litres per person per day as set out in regulations 36 and 37 of the Building Regulations 2010 as amended, shall have been complied with.
- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding;
- e) wheel washing facilities;
- f) measures to control the emission of noise, dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) delivery, demolition and construction working hours; and
- i) site contact details in case of incident.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No part of the roof area of the development hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 9) The development hereby permitted shall not be occupied until the windows in the first and second floor north-facing flank elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. The windows shall be permanently retained in that condition thereafter.
- 10) The development hereby permitted shall not be occupied until the existing vehicular access point has been removed and the pavement re-instated.
- 11) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 12) Prior to the commencement of development, a scheme for the management of surface water run-off shall be submitted to and approved in writing by the local planning authority. The scheme shall identify appropriate site drainage and

flood risk management measures in order to manage surface water run-off as close to its source as possible in accordance with the Mayor's drainage hierarchy. The proposed scheme should ensure that the peak run-off rate for the 1 in 100 year 6-hour rainfall event will be as close as practicable to and no more than 3 times the calculated greenfield run-off rate for the same event.

- 13) Prior to the occupation of the development, written confirmation that the scheme for the management of surface water run-off, including SuDS, has been implemented shall be submitted to and approved in writing by the local planning authority. Where different from the approved details, further evidence must be provided to show that the peak run-off rate for the 1 in 100 year 6-hour rainfall event (plus climate change) will be as close as reasonably practicable to and no more than 3 times the calculated greenfield run-off rate for the same event, and ensure a minimum discharge rate of 5 litres per second per outfall. All the measures implemented shall be retained thereafter.