The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2019

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/L5240/W/19/3225653
172 Parchmore Road, Thornton Heath, Croydon, CR7 8HA

- 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 G Solari-Masson against the decision of the Council of the London Borough of Croydon.
- The application Ref 18/05041/FUL, dated 15 October 2018, was refused by notice dated 15 January 2019.
- The development proposed is described as revisions to planning permission ref. 16/05935/FUL for alterations to the two-storey element to the rear comprising: an extension to the rear by 0.9 metres; alterations to fenestration, including the provision of 2 no. dormer windows on its northern side; and conversion of the first floor to provide an additional one-bedroom flat (6 no. one-bedroom flats in total); and all associated works.

Decision

1. The appeal is dismissed.

Procedural Matters

2. This proposal follows a number of similar proposals relating to alterations and extensions to the property involved in its conversion into flats. Permissions have been granted in the past for conversion into 4 flats and then 5 flats. There have since been further applications for conversion into 6 flats, which have been refused by the Council and dismissed on appeal. At the time of my visit, the property had already been converted into 6 flats, all of which appeared to be occupied. The conversion carried out so far does not comply with or conform to approved plans.

3. Some of the plans submitted by the appellant in the appeal documents, relating to previous and current proposals, do not appear to relate to the right scheme. For the avoidance of doubt, I have based my considerations on the plans listed by the Council on its decision notice.

Main Issue

4. The main issue in this case is the effect of the proposed alterations on the living conditions of the occupiers of the proposed flats and neighbouring flats in the block by way of internal and external space, privacy and outlook.

Reasons

5. The appeal property is a two-storey dwelling with a rear roof dormer, a two-storey side extension, and a long rear extension which is partially sunk below

ground level and which has a pitched roof. There are currently four flats in the main two-storey part of the property, and two flats in the rear extension. The most recent permission relates to the creation of five flats. This proposed scheme would involve the splitting of an approved two-storey flat in the rear extension into two separate small flats, one on each floor. These are referred to on the submitted plans as Flats 3 and 4. There is a small front garden at the property containing refuse bins, and a small rear patio area. From the rear patio there are steps up to a fenced-off area associated with the property. This area appears to contain a long modern outbuilding.

6. The Council contends that the proposal would result in a contrived and unsustainable form of development, resulting in poor layout with limited outlook to the main living area of the ground floor flat (Flat 3) and poor layout with limited outlook to the top floor flat (Flat 4). It also contends that the proposed development would result in the formation of a one-bedroom flat (Flat 4) with no private amenity space.

7. The government's Technical housing standards – nationally described space standard (THS) indicates that a 1-bedroom, 1 person flat should have a minimum Gross Internal Area (GIA) of 39 sq metres for a flat with a bathroom and 37 sq metres for a flat with a shower room. Flat 3 has a shower room and is just above the minimum standard required. Flat 4 has a room described as a shower, but this room is of a size of, and appears to be set up as a bathroom. On this basis, the flat does not meet minimum GIA requirements, albeit by a small amount.

8. In addition, the THS indicates that the minimum floor to ceiling height should be 2.3m for at least 75% of the GIA and the Council's Housing Supplementary Planning Guidance (SPG) recommends that this figure should be increased to 2.5m. Flat 4 is situated within the pitched roof space of the rear extension and, from the plans and evidence before me, it would appear doubtful that there would be a 2.3m clearance over 75% of the GIA.

9. I also note from the plans that Flat 4 would rely on rooflights for light and ventilation in the south-east facing roof pitch. It is stated that these would be a minimum of 1.7 metres above floor level to avoid issues of overlooking into neighbouring units and properties. However, from the submitted plans it would appear that the bottom of the majority of the rooflights would be at the identified 1.5m headroom level and, at this low height, they would result in harm to the living conditions of the occupiers of neighbouring units by way of privacy and overlooking.

10. Flat 4 would also have two small dormer windows in the north-west facing roof pitch. These would avoid overlooking issues across the rear of the appeal property, and I note that the appeal decision letter of a previous inspector indicated that there would be no significant other overlooking issues with regard to these windows. I do, however, have some concerns that these windows would effectively be on or almost on the side boundary of the rear extension, where there is an access road to a parking area for an adjacent block of flats. This could result in noise issues if the windows were to be opened. Also if the windows opened outwards they may open over the access road, whereas, if they opened inwards they would encroach on the already limited GIA. This may not be a significant issue, but it adds to my general concerns that the both the layout and the scale of this flat are cramped.

11. With regard to private amenity space, Policy DM10.4 of the Council's Local Plan (LP) requires that all proposals for new residential development should provide a minimum amount of private amenity space of 5 sq metres per 1-2 person unit. Flat 4 would have no private amenity space. Flat 3 would have private space to the rear with access along the side of the extension from patio doors serving the living area. However, the space allocated to Flat 3 would be somewhat below the level of the adjacent access to the rear communal garden and the communal garden itself. Therefore, to ensure adequate privacy, there would need to be a high, opaque boundary treatment, the apparent height of which would be exacerbated by the fact that it would already be well above the ground level of Flat 3. I consider that this would result in an oppressive outlook for the occupiers of Flat 3 while using the private amenity space, particularly given the fact that windows in the south-east elevation of the flat would be high level and obscured for privacy reasons, and also from the rear bedroom window.

12. I note that Flat 1 and Flat 6 also have no private amenity space, while Flat 5 has a rear balcony, which appears to be unauthorised and which currently directly overlooks the small private amenity area serving Flat 2. There is therefore potentially a situation where up to 4 flats could have no private amenity space, contrary to the requirements of Policy DM10.4. The appellants contend that there would be a large communal space to the rear of the plot. This may well be the case, although I note significant differences in ground level, in that the rear of the plot is higher than that immediately around the buildings, and that it is also currently largely occupied by recently constructed outbuildings.

13. The submitted landscape plan does not indicate differences in ground levels, and there is no mention in the documentation that it would be necessary to demolish a large amount of one outbuilding in order to create a meaningful and useable space. In addition, the increase in ground level necessary to provide a communal space on the current site of the outbuilding could potentially worsen the sense of overlooking for the occupiers of Flat 3. I have significant concerns that the provision of communal space as shown on the submitted plan would fail to compensate for the fact that up to four flats would have no private amenity space whatsoever.

14. In conclusion, I find that the proposed scheme would result in unsatisfactory and inadequate living conditions for the occupiers of the proposed flats 3 and 4, by way of internal and external space, privacy and outlook, and that the scheme as submitted could result in harm to the privacy of the occupiers of neighbouring units by way of potential overlooking. It would, therefore, conflict with Policy DM10 of the LP and with provisions in the THS and SPG.

Other Matters

15. The Council has indicated that it is not satisfied that sufficient detail has been provided to ensure that the proposal would result in the provision of adequate refuse storage facilities for 6 flats, and therefore would be contrary to Policy DM13 of LP. Whilst there is no indication of appropriate sizes of bins in the Policy itself, I note that in the case of the earlier permission relating to 5 flats, the Council's officers raised no objection to the position of the bins but considered that the proposal should provide storage in the form of 1x1100ltr landfill bin, 1x1280ltr co-mingled dry recycling bin, and 1x140ltr food recycling

bin. The current proposal, which is for 6 flats, shows a much reduced capacity of only 760ltr for landfill and 360ltr for recycling. I have concerns that this would be inadequate and this adds to my concerns regarding the cramped nature of the proposal for 6 flats at the property, and the unsustainability of the overall proposal.

16. Policy SP2.4 and related policies in the London Plan, referred to in the Council's decision notice, appear to relate solely to matters of affordable housing. I do not consider the matter of affordable housing to be an issue in this case.

17. I note that Flat 2 has a GIA of around 41 sq metres. However, the bedroom in this flat appears to more than meet the requirement in the THS for a double bedroom in terms of both GIA and width. The flat should, therefore, be considered as a one-bedroom, two-person flat and it should have a minimum of 50sqm GIA. This adds to my concerns about the overall cramped nature of the scheme.

18. The current scheme appears to have developed incrementally in response to previous appeal decisions. The inspector in a previous decision indicated that the appeal process should not be used to evolve a scheme, and I concur with that view.

J D Westbrook

INSPECTOR