



Appeal Decision

Site visit made on 13 August 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/L5240/W/19/3230469
605 Mitcham Road, Croydon CR0 3AF

- 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 F Khan against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/02008/FUL, dated 17 April 2018, was refused by notice dated 19 December 2018.
 - The development proposed is described as the subdivision of existing house into 2 No. self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would comply with local housing policies; and
 - the effects of the proposed development on the living conditions of future occupiers having regard to the internal floor area available.

Reasons

Whether the proposed development would comply with local housing policies

3. The appeal site is a two storey mid terrace property which has had a loft conversion undertaken to include a dormer window to the rear elevation, and a further single storey ground floor extension to the rear of the property.
4. Policy DM1 of the adopted Croydon Local Plan (2018) states that the Council will permit the redevelopment of residential units where it does not result in the net loss of 3 bedroom homes (as originally built) or the loss of homes smaller than 130 square metres. The appellant considers that the Council has not taken into account the floorspace of the dwelling as extended which would be approximately 121 square metres and therefore equivalent to a 5 bedroom 7 person dwelling. However, the adopted policy is clear that the calculation of a small family dwelling would be based on the dwelling as originally built or where the dwelling would be below 130 square metres. In this case, I am satisfied that notwithstanding the number of bedrooms now in existence, the second part of Policy DM1 would be triggered and the proposal would result in

the loss of a small family dwelling which would still be below the Council's 130 square metres threshold.

5. Whilst the subdivision of the property would result in the net gain of two smaller properties which would themselves contribute to the local housing stock, this benefit would be offset by the loss of a small family dwelling which would be difficult to replace and itself a valuable part of the local housing stock.
6. Policy DM1 of the adopted Croydon Local Plan (2018) states that the Council will permit the redevelopment of residential units where it does not result in the net loss of 3 bedroom homes (as originally built) or the loss of homes smaller than 130 square metres. Having regard to the existing floor space of the extended dwelling being 121 square metres, I conclude this would result in the loss of a small family dwelling contrary to Policy DM1 of the Local Plan.

The effects of the proposed development on the living conditions of future occupiers

7. The ground floor of the property is proposed to be converted into a 1 bedroom 2 person flat of approximately 50 square metres, and the upper floor into a 2 bedroom 3 person dwelling of approximately 64 square metres according to the appellant's measurements which would be spread over two floors. The upper floor flat is not shown to have any external amenity space. However, as this is a mid-terraced property this would be extremely difficult to provide due to the lack of side access to the rear of the dwelling.
8. The upper floor flat, and in particular the space available in the second floor, would be cramped due to the partly restricted ceiling height as a result of it being located in the converted loft space. Therefore, whilst I agree the upper flat would have good light and outlook, it would nonetheless fail to provide sufficient floorspace having regard to the partly restricted ceiling height. As such, it would result in a development that would cause harm to the living conditions of future occupiers.
9. Policy 3.5 of the London Plan (2016) which embeds the Nationally Described Space Standards (NDSS) requires proposals for a 2 bedroom 3 person dwelling of 2 storeys to be a minimum of 70 square metres internal floor area. As the proposed development would only provide 64 square metres of internal floorspace, I conclude the proposed development would be contrary to Policy 3.5 of the London Plan.

Other Matters

10. My attention has been drawn to other schemes in the vicinity where the principle of subdivision has been accepted, including a proposal further along Mitcham Road at No 565-567, and a further scheme at Beddington Terrace. No details have been provided in relation to the scheme at Beddington Terrace. However, I note that the application at No 565-567 Mitcham Road dates from 2009, and the Beddington Terrace scheme from 2016. Whilst the principle of subdivision may have been acceptable at those points in time, the adoption of both the London Plan (2016), and more recently the Croydon Local Plan (2018) have resulted in a material change in planning policies for the area and include the latest Nationally Described Space Standards. This appeal must be determined on its individual planning merits in accordance with the Development Plan for the area at the time the decision is made. Therefore,

these developments are only of limited relevance to my consideration of this appeal. As such, they have not altered my findings on the main issues above.

Conclusion

11. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

P Mileham

INSPECTOR