



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/19/3229283

6 Ashburton Gardens, Croydon CR0 6AS

- 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 Massimiliano Netti against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/00809/FUL, dated 14 October 2018, was refused by notice dated 7 May 2019.
 - The development proposed is described as the conversion of a dwelling into two flats.
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Decision

1. The appeal is dismissed.

Procedural issues

2. The appellants initial description of development on the application form described the proposal as a 'flat roof and pitched'. However, it is clear from the plans and the Council's description that this proposal is for the conversion of a dwelling to two flats. As such, in the interests of clarity I have adopted the Council's description of development in this instance as no concerns have been raised to the contrary.

Main Issues

3. The main issues are:
 - Whether the proposed development would be contrary to local housing policies in respect of the loss of a small family dwelling;
 - The effects of the proposed development on the living conditions of future occupiers having regard to the availability of internal floorspace and amenity space available; and
 - Whether the proposal would preserve or enhance the character or appearance of the East India Estate Conservation Area (CA).

Reasons

Whether the proposed development would be contrary to local housing policies

4. The appeal site is a 2 storey semi-detached double bay front property dating to around the mid 1930s and is similar to those in Ashburton close which forms part of the CA.

5. The appeal proposal as originally constructed would be approximately 95 square metres according to the Council's measurements. My attention has been drawn to Policy DM1 of the adopted Croydon Local Plan 2018 (LP) which seeks to resist the loss of small family dwellings of under 130 square metres with the aim of protecting such dwelling stock from being lost. Whilst it is noted that the appellant does not consider the property to be a small family dwelling, its floorspace and original number of bedrooms indicates it would fall within the scope of this policy. I am therefore satisfied that the proposed development would be classed as a small family dwelling under Policy DM1.
6. Whilst the subdivision of the dwelling would provide two smaller dwellings and the net gain of an additional dwelling would provide benefits in housing land supply and housing mix terms, my attention has been drawn to evidence from the Croydon Strategic Housing Market Assessment 2015 which suggests a need for a high percentage of larger homes in the Borough. Whilst I recognise that the location is in an area with excellent commuting distances into London and beyond, a small family dwelling would clearly be lost as a result of the proposed development. As such, these potential benefits would be offset by the loss of a small family dwelling.
7. Policy DM1 of the LP 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. In light of the fact the dwelling as originally constructed is approximately 95 square metres, I conclude that the proposal would result in the loss of a small family dwelling and would be contrary to Policy DM1 of the LP.

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

8. The proposed upper floor flat would be spread over two levels and proposes 2 bedrooms with an internal floorspace of approximately 62 square metres according to the Council's measurements. The Council has indicated that Policy 3.5 of the London Plan 2016 (London Plan) includes within it the Nationally Described Space Standards (NDSS) which requires 2 bedroom 3 person dwellings of 2 storeys to be of at least 70 square metres internal area. Furthermore, Policy DM10 of the LP sets out the requirements for the private amenity space required. The appellant has indicated that the flat would provide a good standard of accommodation, and I note that the upper floor flat would have good levels of light and outlook. However, the proposed second bedroom in the roof space would be cramped, which is compounded by the amount of floor space that would have restricted headroom due to the pitch of the roof. Furthermore, there is no indication that the occupants of the upper floor flat would have any access to the outdoor amenity space as this would appear to only relate to the proposed ground floor flat. However, the plans do not indicate any subdivision of the existing garden to demonstrate that each of the proposed dwellings can meet the required level of private amenity space.
9. The proposed development would result in an upper floor flat of 62 square metres, and along with the lack of evidence of the level of private amenity space that would be provided would be sufficient to serve both proposed dwellings, would harm the living conditions of future occupiers having regard to the availability of internal floorspace and amenity space available. This would be contrary to Policy 3.5 of the London Plan, and Policy DM10 the LP which

seeks to ensure housing is of the highest quality and that new development provides sufficient private amenity space to support new dwellings respectively.

Effect on the Conservation Area

10. The proposed subdivision of the property would result in the need for additional refuse bins and cycle storage to be provided and these would be sited in the front garden of the property. My attention has been drawn to the presence of other refuse bins within Ashburton Close being stored within the front gardens of the properties which are already resulting in harm and this was confirmed at my site visit. However, I did not observe any other examples of cycle storage in the front gardens of properties in the close.
11. The East India Estate Conservation Area management plan recognises the threat to the street scape of the Conservation Area due to the lack of screened storage for refuse or recycling bins. The management plan goes on to indicate that all development proposals should include such in order to preserve the Conservation Area. Whilst the management plan does not specifically refer to the threat from cycle storage, I consider that the presence of such in the front garden would lead to a cluttered and out of keeping frontage to the property. Indeed, this part of the development would be significantly at odds with most of the other frontages in the street which are characteristically more open. In the context of paragraph 196 of the National Planning Policy Framework (the Framework) the aforementioned harm to the CA would be less than substantial. However, there are no identified public benefits that would outweigh such harm.
12. For the reasons given above, I conclude that the proposal would not preserve or enhance the character or appearance of the CA. Therefore, it would not accord with Policy DM18 of the LP which requires development to preserve and enhance the character, appearance and setting of Conservation Areas within the Borough or with the conservation requirements of the Framework.

Conclusion

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

P Mileham

INSPECTOR