
Appeal Decision

Site visit made on 16 September 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2019

Appeal Ref: APP/L5240/W/19/3232147

72 Woodside Green, South Norwood, London SE25 5EU

- 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 M Mehta of Sterling Rose Developments Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01531/FUL, dated 28 March 2019, was refused by notice dated 12 June 2019.
 - The development proposed is the creation of a second floor to accommodate a 1 x 2 bedroom (3 person) self-contained flat.
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Decision

1. The appeal is allowed, and planning permission is granted for the creation of a second floor to accommodate a 1 x 2 bedroomed (3 person) self-contained flat at 72A Woodside Green, South Norwood, London SE25 5EU in accordance with the terms of the application Ref 19/01531/FUL, dated 28 March 2019, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matters

2. The application site is variously described as 72, 72A and R/O 72 Woodside Green. I have taken the site address in the banner heading above from the original application form. The site is accessed to the side of No 72, and the existing building, above which the proposed development would take place, stands to its rear. To avoid confusion with the existing No 72 I have therefore granted permission for development at 72A Woodside Green, the address used by the Council in issuing its notice of refusal.
3. Signs at the property indicate it is in a current use for a curtains and soft furnishings business. The current use is, although described by the Council as an office/workshop, said to be an office use in Use Class B1(a), and benefits from two separate 'prior approvals' granted under the Town and Country Planning (General Permitted Development) (England) Order 2015 to convert the property into residential flats. The first of these was to form 4 flats, and the second to form 6 flats.
4. Although the existing proposal is confined to the addition of an additional storey to form another flat, the application plans show the proposed elevations of the whole building, together with floor plans of all proposed floors. The lower floors relate to the second of the grants of prior approval, showing a layout consisting of 6 flats over the ground and first floors of the existing property.

5. It therefore appears that the existing proposal is designed to be contingent upon the exercise of permitted development rights to complete the conversion of the existing property into flats. I have considered the implications of this further in the section dealing with planning conditions below.

Main Issues

6. The main issues arising in the appeal are the effect of the proposed development on:
- (i) The character and appearance of the area;
 - (ii) The living conditions of nearby occupiers, particularly having regard to the outlook for surrounding properties and the privacy of the occupiers of Nos 72 and 74 Woodside Avenue;
 - (iii) The adequacy of children's play space; and
 - (iv) The adequacy of refuse storage and collection arrangements.

Reasons

Character and appearance

7. The appeal property is situated between a mix of commercial and residential premises on Woodside Green, Stroud Road and the Salisbury Road cul-de-sac. The commercial properties are found on Woodside Green, within easy walking distance of bus stops and the Blackhorse Lane tram stop. The property is accessed from the side of No 72 Woodside Green to the north, and stands around 35m from the road. A large oak tree adjoins it to the west, with a row of mature trees lying beyond that.
8. The surrounding properties are a mix of 2 and 3 storey buildings, with the third storeys mostly found in the roof spaces, such as at Nos 72 and 74 Woodside Green, the dormer conversion at No 2 Stroud Road, and the larger houses at Nos 8 – 10 Stroud Road. Some larger properties abut the main roads in the area, with a 4 storey property across the green, and a modern block of flats on Woodside Green further to the west. The appeal proposal is to add an additional storey to the existing flat-roofed commercial premises, in order to provide a 2-bedroomed residential flat.
9. The appeal drawings show the additional storey to consist of a flat roofed structure, inset from the existing parapet walls mostly by around 1.3m. The overall height of the building would be raised by 1.2m, from 6.4m to 7.6m. A small outdoor amenity area is shown to the front of the structure, atop the existing flat roof to its northern side, where it would be accessed from the proposed living/kitchen/dining area of the flat. Windows are shown only on the northern front elevation, corresponding with the fenestration below. The structure would be zinc-clad, contrasting with the brick edifice below, with powder coated aluminium framed windows and doors.
10. Chapter 4.2 of the Council's Suburban Design Guide of 2019 ('the SPD') is generally supportive of additional storeys to flat-roofed buildings where there is adequate separation, do not result in unreasonable loss of light or overlooking, and are designed to respond to the existing building. Setbacks may be appropriate.

11. The Council refers to the SPD's requirements (in Chapter 2.12) for developments in rear garden sites to achieve a subservient relationship with the host and neighbouring dwellings. This advice does not appear appropriate here, where the development does not involve the redevelopment of a garden site. The SPD at chapter 2.13 advises that the height of other backland developments should generally be no greater than the predominant surrounding buildings, and that stepping the height can help to retain a sense of openness when viewed from neighbouring properties.
12. The proposed roof structure would in my view amount to a modest upwards extension of the building that could be acceptably accommodated in its surroundings. The overall height of the building would not appear out of kilter with the buildings in the vicinity, and would not be obtrusive in the area. The setback of the structure from the existing elevations would retain the sense of openness in this location. The materials, similar to those in use elsewhere in the local area, although not in the immediate vicinity of the site, would provide an acceptable contrast with the brick elevations below and modernise the appearance of the building.
13. Therefore on this issue I conclude that there would be no conflict with the relevant aspects of the SPD, or with policies SP4 or DM10 of the Croydon Local Plan 2018 ('the LP') as they relate to the requirements for developments to be of a high quality that is consistent with local character.

Living conditions

14. The above policies also seek to protect the living conditions of existing and future occupiers, and in this regard the SPD seeks separation distances of 18m between new and existing dwellings, in the interests of avoiding overlooking. Policy DM10 of the LP is supportive of development proposals that do not result in unacceptable direct overlooking of habitable rooms or garden areas and provide adequate sunlight and daylight levels to existing and future occupiers.
15. The only windows to the proposed structure would be north facing, and partially below the existing parapet. Whilst noting that the light levels into the property would be low, the Council do not raise an objection to the proposal on these grounds, and I do not consider that the light levels into adjoining houses or gardens would be unacceptably reduced. No neighbours to the east, south or west would be directly overlooked. However the windows and proposed amenity area would overlook the rear of the properties to the north, particularly Nos 72 and 74, the latter having a garden area.
16. The sectional plan suggests that there would be limited overlooking from the flat and the proposed roof terrace area, because of the existing parapet wall that is almost 1.5m above the proposed floor level. The parties agree that further screening is required, and this can be achieved by the imposition of a condition. On this basis I do not consider that any unacceptable overlooking would result, notwithstanding the separation requirements of the SPD which would be marginally undershot here. I am mindful that the properties at Nos 72 and 74 would also be overlooked by the flats (and existing offices) below, and consider that the appeal proposal would add negligibly to that position.
17. As to the outlook of the neighbours, the addition of 1.2m to the overall height of the appeal building would not result in an unduly overbearing impact. The roof structure would be imperceptible from a distance of around 6m away at

ground level, and even at the greater heights and distances that would result here I do not consider that the neighbours' outlook would be harmed. The resulting building would have a small additional impact to the existing one, and I do not consider the result to be oppressive or to adversely affect the neighbouring living conditions.

18. Therefore on this issue I find that, although the 18m separation distance of the SPD will not be met, and that there is some limited potential for overlooking of private outdoor space to the rear of neighbouring gardens, overall the aim of Policy DM10 to protect the amenity of the occupiers of adjoining buildings would be adequately met in this case.

Children's play space

19. Policy DM10 also requires that all flatted developments provide a minimum of 10m² per child of new play space. This requirement is not proposed to be met here, and a conflict with Policy DM10 would arise. As the proposal is for a 2-bedroomed flat, family occupation can be expected and this shortcoming weighs against the proposal, although is partially compensated for by the large tracts of public open space in the vicinity of the site including Woodside Green and Brickfields Meadow.

Refuse facilities

20. The Council has referred to (but not supplied) its Waste and Recycling Policy Document, and expresses concern that the building is further away from the carriageway than the maximum pulling distance for a refuse bin. Policy DM13 requires that sensitively integrated and screened facilities are provided, in layouts that ensure facilities are safe, conveniently located and easily accessible by occupants, operatives and their vehicles. Waste Management Plans are required for major developments and those likely to generate large amounts of waste.
21. The proposed site plan shows a bin storage area beyond the existing car park to the front of the building. Whilst this appears to be reasonably convenient and accessible, it is limited in detail and I agree with the Council that further details are required. However I consider that this matter can be overcome by the imposition of a planning condition.

Other matters

Transport and highways

22. The Council raise no objection to the lack of parking spaces provided, noting that the site is located in an area with a PTAL of 3 and that no controlled parking zone is in operation. Nearby residents express grave concerns about the absence of parking as part of the proposal, but no policy requirement is identified. At my site visit I saw that there was unrestricted parking on the surrounding streets, with a number of available spaces on a weekday afternoon.
23. Space within the proposed roof apartment (as well as the other proposed flats) is identified as being for the storage of a folding bicycle. However, policy 6.9 of the London Plan 2016 identifies a requirement to provide cycle parking facilities that are not only secure but also convenient and accessible. LP Policy DM30 seeks to ensure that such parking facilities are also accessible for use by

mobility scooters or motorcycles. The proposed cycle storage here, in one of the bedrooms on the second floor, does not appear to be convenient and I agree with the Council that a planning condition requiring further details is necessary in order to meet policy requirements.

24. No objection is raised by the local highway authority concerning the traffic safety impacts of the proposal. I have no evidence of the circumstances of any past accidents in the vicinity of the site. The appeal site is accessed on a bend in the road, near to a junction by the War Memorial. However, no on-site car parking is being provided, and the access appeared to be adequately navigable by cyclists and pedestrians.

Pollution

25. Noise during construction works can be an inevitable consequence of any development, but here I do not anticipate a prolonged or especially noisy construction period that would require planning controls over hours of work or the use of machinery. Concerns are also expressed about noise from the development when occupied, but I have no reason to believe that any unreasonable noise impacts would result from the occupation of an additional residential flat. The Council have not required an air quality assessment.

Trees and ecology

26. Concerns are expressed about the possible impacts on a damson tree if works are carried out to strengthen the foundations of the building. I have no evidence that any such works are in prospect as part of the proposal. The prospects of the development affecting the local ecosystem as the result of a loss of light into neighbouring gardens appears to be remote, and not a sufficient risk to weigh against the proposal.

Access

27. A number of residents have pointed out that the appeal site is constrained to its sides and rear by the physical footprint of the existing building, and contend that access for scaffolding to permit building works would not be granted. The proposed method of construction is not before me for consideration, and this concerns a private matter between the developer and the residents.

Standard of accommodation

28. A number of residents express concerns about the standard of the living accommodation in the building for the proposed occupiers. I stress that this appeal concerns only the proposed upper floor extension to provide a further 2-bedroomed flat. The conversion works below have been separately considered by the Council under the relevant Regulations concerning permitted development rights. The proposed apartment under consideration here appears to meet the relevant technical standards required for a 2-bedroomed flat for 3 persons, and so I have no grounds upon which to conclude that the living space would not be acceptable.

CIL

29. The Council points out that the proposed development would be liable to make a Mayoral and Croydon Community Infrastructure Levy payment, and that a Liability Notice will be issued. This is noted but does not affect my conclusions.

Conditions

30. The Council has suggested a number of planning conditions. I have referred to above to the need for conditions concerning the waste and cycle storage arrangements, as well as the screening of the roof terrace, all suggested by the Council. The Council also propose conditions requiring the Council's approval of external materials, a reduction in CO² emissions, a water use target, and a detailed drainage scheme. I agree that each of these are necessary to achieve compliance with the requirements of the development plan. A further condition requiring the development to be begun within three years of my decision is also necessary to meet statutory requirements.
31. In addition, a condition is required to secure compliance with the application plans in order to achieve certainty about what has been permitted. Several of the plans, however, show not only the development now under consideration but the conversion works to the floors below, in one version of the prior approval that has previously been granted.
32. The parties proceed on the assumption that the appeal proposal is to add another flat to the post-conversion building, but at present it appears to remain in an office use. I consider it necessary to restrict the occupation of the appeal proposal before the current office use of the existing building has ceased and the use of the existing building has changed to residential Class C3. The servicing of the apartment involving matters such as the waste storage arrangements would require a holistic approach. However, it is unnecessary to tie the development to one or other (or any subsequent) version of the prior approvals. Therefore I have limited my approval of the 'plans' condition to the works that are presently proposed, but impose an additional condition tying the occupation of the appeal proposal to the conversion works generally.

Planning Balance and Conclusion

33. With the exception of the failure to make provision for children's play space, I have found no conflicts with the development plan, and overall I conclude that the appeal proposal complies with the development plan for the area. The existence of significant open spaces and play areas in the vicinity of the appeal site, together with the contribution of the proposal to meeting the Government's policy objective of significantly boosting the supply of housing, are in my view sufficient considerations to outweigh this policy conflict. I have had regard to all other matters raised in the appeal but none of them raise matters of sufficient weight to disturb my conclusion that the appeal should be allowed, subject to the conditions I impose in the Schedule below.

Laura Renaudon

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, insofar as they relate to the creation of a second floor to accommodate a 1 x 2 bedroomed (3 person) self-contained flat:
- Site Location Plan
 - Existing Block & Proposed Site Plans, Dwg P9/001 Rev A
 - Existing Plans, Dwg P9/002
 - Existing Elevations, Dwg P9/003
 - Proposed Ground, First, Second & Roof Plans, Dwg P9/004 Rev A
 - Proposed Elevations, Dwg P9/005
 - Proposed Section A-A, Dwg P9/006
- 3) Notwithstanding condition (2) no development comprising the external surfaces of the development hereby permitted shall be carried out before the details of the external surface materials, including screening to the roof terrace, have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out and subsequently retained in accordance with the approved details.
- 4) The development hereby permitted shall not be occupied before the office use carried on in the existing building has ceased and a residential (Class C3) use of the existing building begun.
- 5) The development hereby permitted shall not be occupied before the details of refuse and cycle storage facilities have been submitted to and approved in writing by the local planning authority, and provided on the site in accordance with the details approved. Such facilities shall thereafter be retained and kept available permanently for their intended use.
- 6) The development hereby permitted shall achieve a reduction in carbon dioxide emissions of 19% beyond the requirements of the 2013 Building Regulations.
- 7) The development hereby permitted shall achieve a water use target of 110 litres per capita per day.
- 8) The development hereby permitted shall not be occupied before a detailed drainage scheme (to include the disposal of surface water by means of sustainable methods) has been submitted to and approved in writing by the local planning authority, and provided in accordance with the approved details.