

Appeal Decision

Site visit made on 9 December 2019

by K Savage BA MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2020

Appeal Ref: APP/L5240/W/19/3237862

52 Brook Road, Thornton Heath CR7 7RB

- 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 Narinder Chandi against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/03603/FUL, dated 31 July 2019, was refused by notice dated 11 September 2019.
 - The development proposed is conversion of SFDH into 2x units.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner above is taken from the application form. It is clear from the supporting plans and documents that the proposal seeks the conversion of a single dwellinghouse into two self-contained flats, one at ground floor level and one at first floor level. I have considered the appeal on this basis.

Main Issues

3. The main issues are, firstly, whether the proposal would provide an appropriate housing mix, with particular regard to provision of housing suitable for family occupation and, secondly, the effect of the proposal on the living conditions of future occupants, with respect to the provision of private amenity space.

Reasons

Housing mix

4. Brook Road is residential in character, having a suburban layout of mainly two storey terraced properties, set back from the street behind modest front gardens. The appeal building, at the time of my visit, was laid out as per the submitted plans, but was stripped out internally and appeared to be undergoing complete renovation. The submitted plans give the existing layout as a three bedroom dwellinghouse.
5. Policy DM1 of the Croydon Local Plan 2018 (the CLP) seeks to enable housing choice for sustainable communities. Policy DM1.2 states that the Council will permit the redevelopment of residential units where it does not result in the net loss of three bedroom homes (as originally built) or the loss of homes smaller than 130sqm.

6. The Council puts the floorspace of the existing dwelling at 152 sqm, though the appellant confirms the property has been recently extended. I cannot be certain that the original dwelling was less than 130 sqm, but notwithstanding this, the proposal would result in the loss of a three bedroom dwelling capable of family occupation, which would be contrary to Policy DM1.2.
7. The appellant suggests that the dwelling is very large for single occupancy, though such a position is rather undermined by the substantial extension works which were in progress at the time of my visit. In any event, the dwelling did not appear to me to be excessively large for a three bedroom unit or one suitable for family occupation, and I have no evidence that a three bedroom dwelling would not be financially viable for the appellant or that it could not be marketed for sale or rent. Moreover, though I acknowledge the proximity of public transport, this would not itself justify the loss of a family-sized dwelling.
8. The appellant also refers to properties in the surrounding area where conversions to flats have been allowed on appeal. However, beyond headline details, I have no further information pertaining to these appeals to establish if they are comparable to the appeal before me. In any event, none are located on the same street, and all of the cases cited preceded the adoption of the CLP in 2018 and so were considered under a different policy context. As such, they are of limited relevance and I have considered the appeal scheme on its merits.
9. The Council also cites conflict with Policy SP2.7 of the CLP, which states that the Council will seek to ensure that a choice of homes is available in the borough that will address the borough's need for homes of different sizes. The policy sets a strategic target of 30% of all new homes up to 2036 to have three or more bedrooms. I have no details of whether this target is presently being met, exceeded or missed, but given that the proposal would not create a new three bedroom unit, but would result in the loss of one such unit, it would not contribute positively to the strategic target of 30% and so would conflict with the aims of Policy SP2.7.
10. The proposal would therefore reduce the availability of family-sized accommodation and would fail to contribute to a housing mix which meets the needs of the Borough, contrary to Policies DM1.2 and SP2.7 of the CLP.

Living Conditions

11. Policy SP2.8 of the CLP requires that all new homes achieve minimum standards set out in the Mayor of London's Housing Supplementary Planning Guidance and National Technical Standards 2015 or equivalent.
12. Policy DM10.4 sets out that all proposals for new residential development will need to provide private amenity space that is of high quality design and provide a minimum amount of functional private amenity space of 5 sqm per 1-2 person unit. In addition, all flatted development must provide a minimum of 10 sqm per child of new play space. Policy DM10.5 requires flatted development to incorporate high quality communal outdoor amenity space designed to be flexible, multifunctional, accessible and inclusive.
13. The first floor flat would not include any form of private amenity space as the rear garden would form part of the ground floor unit. I acknowledge that in conversion projects, the requirements to provide private amenity space may be difficult to achieve. However, the Council refers to the Croydon Suburban

Design Guide Supplementary Planning Document (April 2019) which suggests shared outdoor amenity space can be provided in lieu of directly accessible private space, when applicants have demonstrated the provision of private space is not possible.

14. Given the flats are not of a size intended for family occupancy, I find the requirement to provide 10 sqm of new play space could not reasonably be insisted upon in this case. Aside from this, I have no evidence from the appellant to demonstrate why no amenity space at all could be provided for the first floor flat. However, at 60 sqm, the floorspace of the first floor flat would exceed the Technical Housing Standards: Nationally Described Space Standard, as incorporated locally in the London Plan (March 2016), for a one bedroom, two person unit of 50 sqm. It would also provide a suitable layout with dual aspect and outlook from each room. Moreover, the appeal site is within a short walk of a recreation ground and the shops and other facilities on Brigstock Road and High Street.
15. These factors, in my view, would overcome the lack of private amenity space and future occupants of the first floor flat would not be subject to unacceptable living conditions. This is a material consideration which would outweigh the conflict with Policies DM10.4 and DM10.5 of the CLP in this case.

Other Matters

16. The proposal would add a dwelling to the Borough's housing stock, and the conversion works would temporarily add to economic activity in the area. However, given the small scale of the proposal, these benefits would carry only limited weight in favour of the appeal and would not outweigh the harm that I have identified to the Borough's housing mix from the loss of family-sized accommodation.
17. No objection was raised by the Council in respect of neighbours' living conditions, cycle parking waste storage or flood risk, subject to potential conditions in some cases. I have no evidence to lead me to different conclusions on any of these matters, but an absence of harm in these respects, and in relation to the provision of amenity space, is a neutral factor weighing neither for nor against the proposal.
18. In respect of parking, the Council points to the site being within a Controlled Parking Zone with high levels of parking stress and the subsequent need for the development to be restricted from applying for parking permits. The Council suggests a Grampian-style condition requiring the appellant to enter into a legal agreement to secure a permit-free development. However, as my findings above point to the appeal being dismissed for other reasons, it is not necessary for me to further consider the need for the development to be permit-free, or the appropriate mechanism for securing it, as this would not alter the overall outcome of the appeal.

Conclusion

19. For the foregoing reasons, therefore, the appeal is dismissed.

K. Savage

INSPECTOR