



Appeal Decision

Site visit made on 14 January 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/L5240/W/19/3230183

83-84 High Street, South Norwood, London SE25 6YZ

- 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 B & K Investment against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/00770/FUL, dated 18 February 2019, was refused by notice dated 20 May 2019.
 - The development proposed is described as 'rear extension, conversion part of gf and basement into a sc flat.'
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Different plans with the same reference but with different dates and different layouts showing the proposed ground floor and basement floor were submitted as part of the appeal¹. The Council has confirmed that the plan used to determine the application and which was the subject of public consultation was a different plan but with the same reference and date as one submitted with the appeal (Ref: Drawing Number GLA-O2L, dated 27 January 2019), but which incorporates a small extension. I note that this plan is also the one used in the Assessment of Daylight and Sunlight Provision by Herrington Consulting Limited. As such, I have determined the appeal on the basis of that plan.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the vitality and viability of the local area;
 - Whether the proposed development would provide acceptable living conditions for future occupiers, with regard to light and the provision of private amenity space; and
 - Whether the proposed development would provide adequate refuse and cycle storage.

¹ Ref: Drawing Number GLA-O2L, dated 12 July 2018 and Ref: Drawing Number GLA-O2L, dated 27 January 2019.

Reasons

Vitality and viability of the local area

4. The appeal building is a three storey, terraced property located on the southern side of the High Street within the local shopping area. It is also situated within the South Norwood Conservation Area (SNCA). The ground floor and basement were previously occupied by a bank. There are retail premises at ground floor level to either side of the appeal building. There are existing extensions to the rear of the appeal building and outbuildings located within the backland area nearby.
5. The proposed development comprises the erection of a small, single storey extension to the rear and the conversion of part of the ground floor and the basement to create a two bedroom, self-contained residential unit.
6. Under Policy SP3.6 of the Croydon Local Plan adopted 2018 (CLP) South Norwood is defined as a District Centre. The boundary of the South Norwood District Centre was reviewed during the preparation of the CLP, which was supported by a review of the town centre designations². This review confirms that the appeal building is located on the Main Retail Frontage of the High Street within South Norwood.
7. Policy DM4.1 of the CLP seeks to ensure that the vitality and viability of Croydon Metropolitan Centre and the borough's District and Local Centres is maintained and increased by not permitting new developments or changes of use which would result in a net loss of ground floor Class A uses within a Main Retail Frontage (unless it relates to the expansion of an existing community use). Policy DM4.2 of the CLP states that within Croydon Metropolitan Centre and the borough's District and Local Centres development proposals and changes of use on the ground floor must accord with Table 5.3. Table 5.3 of the CLP confirms that all changes of use to a non Class A ground floor space within Main Retail Frontages will be refused.
8. I acknowledge that the proposed development would mean that there would be no alteration to the front elevation of the property and that most of the ground floor would remain available for Class A use. Nevertheless, it would cause a significant reduction in Class A floorspace at ground floor level. As such, combined with the additional loss of space at basement level, it would be highly likely to impact on the way the ground floor would be able to operate as a retail unit. This could potentially deter future operators. Moreover, if the building remained vacant, in my view, it would reduce the variety and level of services and facilities available to the local community. As a result, it would have a detrimental impact on the vitality and viability of this Main Retail Frontage on the High Street.
9. Accordingly, I conclude that the proposed development would have a harmful effect on the vitality and viability of the local area. Therefore, it would conflict with Policies SP3 and DM4 of the CLP referred to above.

Living conditions for future occupiers

10. Policy DM10.6 of the CLP seeks to ensure that development provides adequate sunlight and daylight to potential future occupants. Policy 3.5 of the London

² A Review of Town Centre Designations Croydon Local Plan 2013.

Plan (consolidated with alterations since 2011) 2016 (LP) states that, amongst other things, housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment.

11. An Assessment of Daylight and Sunlight Provision was submitted by the appellant to support the planning application³. It examined the provision of natural daylight and sunlight to the habitable rooms of the proposed development taking into account Building Research Establishment (BRE) guidelines⁴ and the British Standard (BS) code of practice⁵. It concludes that the main living space of the dwelling, which would be located at ground floor level and have three windows, would meet the minimum required threshold for the provision of natural daylight. Furthermore, the two bedrooms, which would be located at basement level with one window each to the rear, would receive reasonable levels of natural daylight albeit marginally below the aspirational target values set out within the guidance.
12. I note that the guidance set out within the London Plan Housing Supplementary Planning Guidance 2016 (Housing SPG) and Paragraph 123(c) of the National Planning Policy Framework (Framework) states that with regard to making efficient use of a site, a flexible approach should be taken in applying policies, guidance or BRE guidelines relating to daylight and sunlight. However, Paragraph 2.3.39 of the Housing SPG also requires single aspect dwellings to demonstrate that all habitable rooms are provided with adequate ventilation, privacy and daylight. Furthermore, Paragraph 127(f) of the Framework requires places to be of a high standard of amenity for existing and future users.
13. I have had regard to the limitations of the modelling software used in the Assessment in factoring in the external stairs and calculating the amount of light that the bedrooms would receive, and that the BRE guidelines and BS code of practice are not absolute targets. However, it is apparent that, whilst the proposed development would meet some of the recommended daylight and sunlight target values and standards in the Housing SPG in some of the rooms, it would fall short in the provision of adequate light into both of the bedrooms. This would not provide satisfactory living conditions for future occupiers.
14. Policy DM10.4 of the CLP, amongst other things, requires development to provide private amenity space that is of a high quality, functional and a minimum of 5m² per 1-2 persons and an extra 1m² per extra occupant thereafter.
15. The appellant declares in their planning statement submitted with the application that the proposed development would provide amenity space. However, the plans submitted with the appeal do not illustrate the provision of any private amenity space. Moreover, it is not clear where within the appeal site any private amenity space that would meet the requirements of Policy DM10.4 of the CLP and Policy 3.5 of the LP could potentially be located.
16. Therefore, from the evidence before me, I conclude that the proposed development would not provide acceptable living conditions for future occupiers, with regard to light and the provision of private outdoor amenity

³ Herrington Consulting Limited, Assessment of Daylight and Sunlight Provision, Dated March 2019.

⁴ Building Research Establishment, 'Site Layout Planning for Daylight and Sunlight – a Guide to Good Practice' (Second Edition 2011).

⁵ British Standard 8206-2:200: 'Lighting for Buildings – Part 2: Code of Practice for Daylighting.'

space. As such, it would not comply with Policy DM10 of the CLP, Policy 3.5 of the LP and the Housing SPG referred to above.

17. The Council also cites Policy SP2.6 of the CLP in its reason for refusal. However, this policy relates to commuted sums on sites with 10 or more units in lieu of on-site provision of affordable housing. As such, it is not relevant to the main issue of the living conditions for future occupiers.

Provision of refuse and cycle storage

18. Policy DM13 of the CLP seeks to ensure that the location and design of refuse and recycling facilities are treated as an integral element of the overall design of developments and stipulates their required form and design. The Council has stated that the flat would require space for 140 litre (ltr) landfill, 120ltr comingled recycling, 120ltr paper and card recycling and 23ltr food recycling.
19. The appellant asserts that the proposed development would provide refuse storage. It is also confirmed in the application form and the appeal statement that refuse and recycle bins would be placed on the road on the day of collection. The appellant argues that this would be the same procedure as the occupiers of the flats on the upper floors of the building and could be controlled by condition.
20. However, the plans submitted do not show where any refuse and recycling facilities would be stored prior to or after collection. I note that the floor plan showing the proposed basement⁶ includes a store of 4m² which could potentially be used to store refuse. However, there is no evidence before me to confirm that this is the proposed refuse storage location, that it would provide sufficient space for all of the refuse and recycling containers specified by the Council or that it would be an appropriate and acceptable location for refuse and recycling storage. In these respects, I find that refuse storage has not been treated as an integral element of the proposed development and could not be appropriately controlled by condition.
21. Policy DM10.2 of the CLP states that the Council will support proposals that incorporate cycle parking within the building envelope. Policy DM30 of the CLP seeks to ensure that, amongst other things, developments provide car and secure cycle parking spaces as set out within the CLP. Policies 6.9 and 6.13 of the LP declare that, amongst other things, developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards as set out within the LP. The Council states that to be compliant with the LP the proposed development would need to incorporate space for two cycle parking spaces.
22. The appellant states that the proposed development would provide secure cycle storage. However, the plans submitted do not show where any cycle storage would be located. It may be that cycles could be parked within the identified store at basement level. Nevertheless, there is no evidence before me to confirm that this is the proposed cycle storage location, that it would provide sufficient space for two cycle parking spaces or that it would be an appropriate and acceptable location for cycle storage.

⁶ Ref: Drawing Number GLA-O2L, dated 27 January 2019 (with small extension).

23. Furthermore, if the identified store at basement level is proposed to be used for refuse storage, it would be highly unlikely that it could also be used for cycle storage or vice versa.
24. Taking the above into account, I conclude that there is insufficient evidence before me that the proposed development would provide adequate refuse and cycle storage. As such, it would conflict with Policies DM10, DM13 and DM30 of the CLP and Policies 6.9 and 6.13 of the LP.
25. The Council also cites Policies SP4.1 and SP8.3 of the CLP in its reason for refusal. However, these policies relate to urban design and local character, managing the pattern of urban growth and the use of land in order to reduce the need to travel. As such, they are not relevant to the main issue of refuse and cycle storage.

Other Matters

26. The appeal building is located within the SNCA. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
27. The special interest and significance of the SNCA largely relates to the intact state of the old shopping streets, including the High Street, which display an interesting variety of styles, materials and quality. The High Street is predominantly characterised by three storey buildings, with a straight building line, located at back of pavement, with shops on the ground floor and residential flats above.
28. Taking into account the location, limited size and matching materials of the proposed extension to the rear, and the extent and form of the opening up of the lightwell and the associated internal works, I am of the opinion that the proposed development would have a neutral effect on, and thus preserve, the character and appearance of the SNCA. As such it would not harm the significance of this designated heritage asset and would not conflict with the provisions within the Framework which seek to protect the significance of designated heritage assets. However, the absence of harm in this respect weighs neutrally in the planning balance and does not amount to a consideration in support of the appeal.
29. In their planning statement the appellant highlights the intention of the Government Guidance - The Plan for Growth, the Framework and the London Plan 2011 to promote development. I accept that the proposed development would provide a two bedroom flat in an established residential area which is in close proximity to services and facilities, and that it would contribute to the Borough's housing stock. However, the benefits arising from a single, two bedroom flat would be limited and do not outweigh the harm that I have found.
30. I have had regard to the fact that the Council considers that the proposed development would not have a detrimental impact upon the living conditions of any nearby residents, with regard to outlook and privacy, and that the sizes of

the proposed rooms would comply with the Technical Housing Standards⁷. However, these are neutral considerations in the planning balance and do not outweigh the identified harm.

31. None of the other matters raised, individually or collectively, outweigh my overall conclusions on the main issues.

Conclusion

32. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

⁷ Technical housing standards – nationally described space standard, Department for Communities and Local Government March 2015.