



Appeal Decision

Site visit made on 10 March 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 17 March 2020

Appeal Ref: APP/L5240/W/19/3242553
19 Ashburton Road, Croydon CR0 6AN

- 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 Abbass Datoo against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/03971/FUL, dated 21 August 2019, was refused by notice dated 25 October 2019.
 - The development proposed is conversion of existing outbuilding to residential flat.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Abbass Datoo against the Council of the London Borough of Croydon. This application is the subject of a separate Decision.

Procedural Matter

3. As the appeal property lies within the East India Conservation Area I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the East India Conservation Area.
 - Whether it would create satisfactory living conditions for future occupiers of the proposed flat in terms of the outlook and standards of light.
 - The impact of the proposed development on the living conditions of occupiers at 19 Ashburton Road in terms of loss of privacy and garden space.
 - Whether it would make adequate provision for refuse storage.

Reasons

Character and appearance

5. The appeal property is a large detached single storey outbuilding located to the rear of a 2 storey property known as 19 Ashburton Road that is currently subdivided into 5 flats. The area is residential in nature and characterised by substantial detached and semi detached dwellings of suburban appearance. Properties in the area generally sit towards the front of long and narrow plots, giving them substantial rear gardens. The depth of the rear gardens contributes to the open nature of the surroundings. The large apartment block known as College Court shares a side boundary with the appeal property.
6. The East India Estate Conservation Area Appraisal and Management Plan (2014) highlights the spacious and distinctive formal layout of the general area. It notes that generally building plots are rectangular and that back gardens provide spacing between the terraces of tightly packed street facing buildings. Ashburton Road is identified as having more varied character than other streets within the conservation area due to its slightly later and less consistent development. No 19 is identified as being an Edwardian building of a simpler design than others in the area.
7. The existing outbuilding is a substantial structure that takes up much of the rear garden of No 19. Whilst not easily seen in public views, due to its scale and expansive roofscape the outbuilding is highly visible from the rear windows of flats in No 19 and windows and outdoor spaces in neighbouring properties. In these views the outbuilding is a dominant feature and inconsistent with other outbuildings that are generally much more modest.
8. Overall the existing outbuilding is considered to detract from the character and appearance of the conservation area and has a disruptive impact on the overall plot and the open appearance of the rear of this part of Ashburton Road. Notwithstanding this, due to its external appearance and general nature the building is currently visually interpreted as being an outbuilding which to a degree assists with making it less apparent in its surroundings.
9. The proposed development would domesticate the outbuilding, changing its character to the degree that it would be identifiable as a residential dwelling. The form, appearance, and features of the new dwelling would give it the characteristics of a large flat roofed chalet – including domestic style windows and doors, glass panel balustrade, and covered porch area. I find that the proposal would give the building additional prominence in the rear garden. A dwelling in this location would not be consistent with the prevailing pattern of residential development in the area and the overall effect would detract from its character and appearance. The prominence of the building would be heightened further by its associated domestic use, including more intensive lighting at night through windows and the large rooflights. As such, I consider that the proposed development would fail to preserve the character and appearance of the conservation area.

10. I note the appellant's evidence about the outbuilding already being in existence and that conversion cannot therefore harm the character of the area. However, as addressed in detail above, I find that domestication of the outbuilding would serve to draw additional prominence to a building that detracts from the overall character of the area.
11. The appellant states that some of the external finishes for the building and landscaping could be secured via planning condition. However, given the design and location of the proposed development I do not think that its impact could be lessened to an acceptable level through use of conditions governing the external finish or landscaping.
12. In reaching a conclusion on this matter I have paid regard to Policy on considering potential impacts on heritage assets, including conservation areas, in Chapter 16 of the National Planning Policy Framework (the Framework). In assessing the harm to the significance of the heritage asset resulting from the proposal I conclude that it would be less than substantial. In these circumstances, Paragraph 196 of the Framework requires me to consider whether the harm identified should be weighed against any public benefits.
13. The proposal would result in the creation of 1 dwelling, which brings with it potential social and economic benefits. I am also mindful that the Framework acknowledges that small sites can make an important contribution to meeting the housing requirements of an area. However, given the small contribution that a single dwelling would make to overall housing supply, I do not consider that this would outweigh the harm identified to the character and appearance of the conservation area. I also do not consider that the proposed development would secure the optimum viable use of a heritage asset. As such, I conclude that the public benefits of the proposed development do not outweigh the harm identified.
14. For the reasons discussed above, the proposed development would have a harmful effect on the character and appearance of the surrounding area and would preserve neither the character nor appearance of the East India Conservation Area. Consequently, I find conflict with Policies SP2 and DM10 of the Croydon Local Plan and Policies 3.5 and 7.4 of the London Plan, which taken together seeks to ensure that development is of a high quality.

Living conditions – future occupiers

15. I note the Council's concerns about the quality of outlook from some of the habitable room windows as a result of their positions in relation to the boundary wall and the dependence on downward light from rooflights as a source of lighting.
16. In relation to light conditions, my attention is drawn to the Sunlight and Daylight Assessment dated 26 November 2019. The assessment confirms that all habitable rooms would be above the average daylight factor, some well above. I have no evidence or other reason to dispute this assessment. Based on the assessment I also see no reason to remove the covered porch roof as suggested by the appellant.

17. Turning to outlook, whilst the proximity of some windows to the side boundary wall is not ideal, in the case of habitable rooms this is limited to a window serving a kitchen that has other sources of outlook. The bedrooms to the rear would look onto the small garden area. Whilst the garden area would be enclosed, I find this to be satisfactory for these rooms.
18. In light of the above, the proposed development would create satisfactory living conditions for future occupiers of the proposed dwelling. Consequently, I find no conflict with Policy DM10 of the Croydon Local Plan or Policy 3.3 of the London Plan regarding quality of living accommodation.

Living conditions – existing occupiers of 19 Ashburton Road

19. The Council's main concerns relating to living conditions centres on the impact on existing occupiers of the main property at 19 Ashburton Road in terms of loss of privacy and garden space.
20. In relation to privacy, it is noted that access to the proposed dwelling would be gained from Ashburton Road via a pedestrian access to the side of the existing dwelling and an area that is identified on the plans as a communal area. The existing ground floor flat of No 19 has a small amenity space that is adjacent to the communal area and separated by a high fence. As the property is divided into flats there is already likely to be a degree of communal activity in the side access and rear area. This activity would not increase significantly as a result of the proposed development to the degree that it would impact on privacy conditions.
21. The front wall of the proposed dwelling would be located close to the rear wall and amenity space of the ground floor flat of No 19. However, as the proposed dwelling would include a high level window in the front wall and an obscured privacy screen to the amenity space, I find this to be satisfactory in terms of impact on privacy conditions.
22. In terms of loss of amenity space, it is noted that the enclosed rear garden of the ground floor flat of No 19 and the communal area and access would remain unaffected by the proposed development. As such, I conclude that there would be no loss of garden space or similar amenity resulting from the proposed development, including the space provided for cycle parking and refuse storage, that would impact negatively on the living conditions of existing occupants of No 19.
23. In light of the above, the proposed development would not have a harmful effect on the living conditions of occupiers at 19 Ashburton Road in terms of loss of privacy or garden space. Consequently, I find no conflict with Policy DM10 of the Croydon Local Plan in relation to standards of amenity.

Refuse storage

24. The plans show provision for refuse storage in the front area of No 19, adjacent to Ashburton Road. This area already serves as waste storage for the 5 flats at No 19. The appellant has submitted evidence to demonstrate that the need for additional waste storage would not increase appreciably as a result of the proposed development.

25. From my site visit, I also noted that refuse storage to the front is a common feature of other properties in the street. I also note the appellant's comments that suitable storage for refuse bins could be the subject of a condition. I find that would deal with this matter appropriately and that the provision for refuse storage would not therefore have a harmful impact on the appearance of the street scene.
26. Whilst not close, I do not consider the distance between the proposed dwelling and the identified refuse storage to be excessive or significantly further in terms of distance than someone travelling from a typical top floor flat to a ground floor refuse store.
27. For the reasons set out above, the proposed development would make adequate provision for refuse storage. Consequently, I find no conflict with Policy DM13 of the Croydon Local Plan in relation to refuse storage.

Other Matters

28. Both parties make reference to the lawful use of the building and its degree of connection with the main dwelling at No.19 from a land ownership perspective. Beyond the matter of loss of amenity space to No 19 considered above, other issues of this nature have had limited bearing on my conclusions.
29. Representations from other parties are noted, including those which support the Council's reason for refusal and are discussed above. I have taken other representations into account but they do not affect my findings on the main issues.

Conclusion

30. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR