



Appeal Decision

Site visit made on 16 March 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2020

Appeal Ref: APP/L5240/W/19/3242600

59 Isham Road, Norbury, London SW16 4TG

- 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 & Mrs Shah against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04039/FUL, dated 25 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is conversion of existing dwelling into two self contained 2 bed flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (i) the effect of the proposed development on the provision of family housing and (ii) whether or not the proposed development would provide acceptable living conditions for occupiers of the first floor flat with particular regard to access to outdoor amenity space.

Reasons

Provision of Family Housing

3. The appeal relates to an end-of-terrace dwelling located at the junction of Tisbury Road with Isham Road. At the time of my visit, the internal layout of the dwelling included one bedroom on the ground floor, and 3 bedrooms and a study at first floor level. To the rear of the dwelling, a terraced garden steps down to a detached garage which is accessed from Tisbury Road.
4. Policy DM1 of the Croydon Local Plan 2018 (the CLP) refers to providing housing choice for sustainable communities, and sets out at DM1.2 that the redevelopment of residential units will be permitted where it does not result in the loss of 3-bedroom homes (as originally built) or the loss of homes smaller than 130sqm. Although not cited in the Decision Notice, my attention has also been drawn to CLP Policy SP2. This seeks to address the borough's need for homes of different sizes and includes at SP2.7 a strategic target for 30% of all new homes delivered to 2036 to have 3 or more bedrooms.
5. While it has since been extended, there is no dispute between the main parties that the appeal dwelling was originally a 3-bedroom home with a floor area of less than 130sqm. The proposal would result in the loss of a 3-bedroom home as originally built, and so would be contrary to CLP Policy DM1.2

6. The appeal proposes 2 dwellings and so the requirement at CLP Policy DM1.1 to provide a proportion of 3 or more-bedroom homes on sites of 10 or more dwellings does not apply. Even so, the proposed flats would each have 2 bedrooms and the net loss of a 3+ bedroom dwelling would not contribute positively to the strategic target within CLP Policy SP2.7 for 30% of new homes to have 3+ bedrooms.
7. Although the appellant comments that the existing dwelling is very large, I saw that it is nevertheless occupied as a family dwelling currently and it does not appear to be significantly larger than others nearby. I also have no compelling evidence to demonstrate that the size of the dwelling means it is not viable or that there is no need for it, as affordable housing or otherwise.
8. I note the appellant's suggestion that the proposed 2-bedroom flats would still be suitable for smaller families, but the proposed first floor flat would have no direct access to external garden space. Although the appellant proposes that the garden could be subdivided to afford garden space for this flat, access to this space would be via Tisdale Road. Despite the short distance involved, it would not therefore represent a good quality design or be well-suited to occupation by families with children. The ground floor flat would have access to garden space, but given the smaller size of this dwelling I am not persuaded that the proposed flats would effectively mitigate the loss of the existing 3+ bedroom dwelling on the provision of family housing.
9. I accept that the development would add to the overall supply of housing, but this must be considered in light of measures seeking mixed communities. For the reasons given above, I therefore conclude on this main issue that the proposal would adversely affect the provision of family housing. This would be contrary to the need to provide a mix of homes to support sustainable communities and would conflict with Policies DM1.2 and SP2.7 of the CLP.

Living Conditions

10. CLP Policy DM10.4 requires all new residential development to provide high quality and functional private amenity space and states that a minimum of 5sqm of private outdoor space should be provided for 1-2 person units with an extra 1sqm per additional occupant. I acknowledge that the proposal relates to the conversion of the existing dwelling, but it would result in an additional dwelling on the site. In my view, it therefore constitutes new residential development and the requirements within Policy DM10.4 are relevant.
11. The proposed ground floor flat would have access to the rear garden which would provide adequate private outdoor space for occupiers of this dwelling. No access is shown for the flat at first floor level. However, the appellant has suggested that the garden could be subdivided to provide space for the first floor flat and I note that there is an existing gate providing access to the rear garden from Tisdale Road. The scale and layout of the garden is such that it could be subdivided while still offering functional space of a suitable quality for each flat, and I am satisfied that details of the layout and access to the space could be required by means of an appropriately worded condition.
12. I acknowledge that access to the outdoor space would require occupiers of the first floor flat to exit the building and pass along Tisdale Road. While this is less than ideal, given the small distances involved and the location of the site within a residential area, I am not convinced that this would result in any significant

inconvenience or present a barrier to access of this space by those households without children who would be more likely to occupy a smaller 2-bedroom flat.

13. I therefore conclude on this main issue that there would be adequate access to outdoor amenity space and the proposal would provide acceptable living conditions for occupiers of the proposed development. Accordingly, I find no conflict with CLP Policy DM10.4.

Other Matters

14. The proposal would result in an additional dwelling and would make effective use of the previously developed site within an existing residential area, contributing towards objectives which are strongly supported by the National Planning Policy Framework, as well as by the development plan. However, the extent of these benefits is limited by the small scale of the proposal and would not outweigh the harm that I have identified to the overall housing mix.
15. The appellant has suggested that the proposal would provide a choice of affordable homes, but the application form indicates that the flats would be market housing and I have no evidence before me demonstrating that the development would otherwise meet the definition of affordable housing as set out within national or local planning policy.
16. I note the examples put forward by the appellant of other properties where conversion to flats has been allowed. However, I am required to consider the appeal proposal on its own, specific merits. Furthermore, not all of the details of these cases have been provided to enable meaningful or direct comparison with the circumstances in this appeal. The approval of planning permission for other forms of development elsewhere is therefore a matter of limited weight.

Conclusion

17. Notwithstanding my findings with regard to the living conditions of future occupiers, the development would adversely affect the provision of family housing and the overall housing mix. The proposal would therefore conflict with the development plan as a whole and I find that there are no material considerations which indicate that a decision contrary to the development plan should be reached. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR