



Appeal Decision

Site visit made on 14 January 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2020

Appeal Ref: APP/L5240/W/19/3239330

129 Mersham Road, Thornton Heath CR7 8NT

- 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 Hunter against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01534/FUL, dated 29 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed is addition of a dormer window and 2 no rooflights on the main roof; rear first floor extension; creation of a roof terrace and addition of an external rear staircase to convert the existing ground/first floor flat into 1noXstudio and 1noX2bed duplex self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's officer report refers to the appeal property currently as having three bedrooms, basing this assessment on historic marketing material for the property. However, this material has not been submitted by the Council and therefore, based on the evidence before me (including the submitted plans), I consider the appeal property to be a two-bedroomed flat and have determined the appeal on this basis.
3. The appellants have also stated that due to a drafting error, the submitted plans show three proposed refuse storage bins rather than four (two for general waste and two for recycling). Consequently, I have considered the appeal on this basis and do not consider that any parties will have been prejudiced by my doing so.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the supply of family housing in the area;
 - The effect of the proposed development on the living conditions of its future occupiers, having particular regard to internal floorspace, amenity space and cycle storage;
 - The effect of the proposed development on the living conditions of neighbouring occupiers having particular regard to matters of privacy; and
 - The effect of the proposed development on the character and appearance of the area and on the living conditions of neighbouring occupiers having particular regard to matters of outlook.

Reasons

Supply of family housing

5. The appeal property is a two-bedroom first-floor flat with currently unused loft/storage space on the floor above which forms part of a two-storey building that also has another self-contained flat on the ground floor (no.131). The appeal property also has a small utility and storage area on the ground floor to the very back of the building which is accessed from above via a stairway. The property is situated on a residential street characterised by similar properties which also appear to comprise self-contained flats. The proposed development would sub-divide the existing two-bedroomed flat to form a new two-bedroomed apartment in combination with the conversion of the currently unused upper loft/storage area, which would become an open plan kitchen, dining and living area. This loft conversion and rear extension would also include a large rear dormer window and external roof terrace. The current living room, smaller bathroom and dining area would form another self-contained studio apartment with a new sleeping area being provided within this area in an open-plan arrangement.
6. Policy DM1.2 of the Croydon Local Plan 2018 (CLP) does not permit the redevelopment of existing residential units where this would result in the net loss of a three-bedroomed home (as originally built) **or** the loss of homes smaller than 130 square metres. The appeal property is a two-bedroomed flat measuring approximately 70 square metres in area. Whilst both parties agree on the approximate floor area of the flat, they do not agree on the number of bedrooms. In any event, as set out in the procedural matter above, I consider the appeal property to be a two bedroomed flat and not a three-bedroomed flat.
7. The appellant has argued that as the appeal property is a two-bedroomed flat that the requirements of Policy DM1 are not applicable in this case. However, whilst this may be true in relation to the flat's number of bedrooms, it is not the case in relation to its floor area. Consequently, as the proposal would create two new apartments with approximate respective floor areas of 36.5 square metres and 70 square metres, I consider that it would result in the loss of a family home smaller than 130 square metres.
8. I therefore conclude, on this main issue that the proposal would conflict with Policy DM1 of the CLP (adopted September 2018) which seeks to enable housing choice for sustainable communities, amongst other considerations.

Living Conditions of future occupiers

9. With regard to internal floorspace, the Council have raised concerns in relation to the proposed two-bedroomed apartment which it advises falls approximately 9 square metres below the required standard for a two-bedroom, four-person dwelling. In addition to this it has raised a concern in relation to proposed bedroom no. 2 which in its view would result in cramped living conditions for its future occupants due to it being classified by the Nationally Described Space Standard (NDSS) as a double room and not a single room as indicated on the submitted plans.
10. I note the appellants' points that whilst it is technically classed as a double bedroom, the fact that it is only just above the minimum specified size, there are no maximum standards and that each case should take existing constraints into account, means that it should not be classified as such. However, the fact remains that it could potentially be used as a double bedroom and given its very small size (just above the minimum standard), I consider that this would potentially result in a cramped sleeping space. Consequently, this combined with the failure of the

proposed two-bedroomed flat to meet the overall minimum space standard leads me to consider that there would be unacceptable harm caused to the living conditions of its future occupiers with regard to a lack of adequate internal floorspace.

11. With regard to amenity space, the Council have raised a concern that the proposed roof terrace/balcony would not meet the standards required by Policy DM10.4 of CLP for a two-bedroomed dwelling with four occupiers. I note the appellants' point that the proposed roof terrace exceeds the minimum standard when the planting and flowerbeds are included. However, my reading of Policy DM10.4 is that the amenity space standards refer to functional amenity space (excluding areas of planting) which according to the plan (Ref P03) submitted by the appellants for the proposed roof terrace/balcony measures approximately 4.8 square metres which is below the policy requirement. The proposed roof terrace/balcony would also only just meet the minimum width/depth of 1.5 metres required by Policy DM10.4. As a result, I consider that the proposal would cause harm to the living conditions of its future occupiers with regard to a lack of adequate functional amenity space.
12. The proposal would provide a covered and secure cycle storage area to the rear of the property with capacity for two bicycles which would be sufficient to meet the requirements for the first-floor studio-apartment, notwithstanding the current access issues in relation to the public footpath to the rear of the appeal property. However, the proposal would not provide any cycle storage for the future occupiers of the proposed two-bedroomed flat above and fail to meet the required standard set by table 6.3 of the London Plan Spatial Development Strategy for London Consolidated with Alterations since 2011 (London Plan) (adopted March 2016) thereby causing harm to the living conditions of future occupiers.
13. I note the appellants' point that it was not possible to provide any cycle parking or storage to the front of the property or elsewhere in the area under their ownership due to a lack of adequate external space. However, the standards set by the London Plan are a minimum requirement, and for residential dwellings (such as the proposal) where it is not possible to meet these, innovative alternatives that do meet their objectives are instead required. Consequently, as the appellants have not submitted any substantive evidence to demonstrate this, I consider that the required standards have not been met.
14. I therefore conclude, on this main issue, that the proposed development would conflict with Policies SP2.8 and DM10 of the CLP (adopted September 2018) which aim to ensure that new homes meet the needs of residents over a lifetime, contribute to sustainable communities, and protect the amenity and well-being of residential occupiers, amongst other considerations. It would also conflict with Policy 3.5 of the London Plan (adopted March 2016) which aims to ensure that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment, amongst other considerations.

Living conditions of neighbouring occupiers - privacy

15. The proposed balcony/roof terrace would be located behind the proposed rear dormer roof extension and given its design, location and orientation in relation to neighbouring properties, I consider that it would lead to the direct overlooking of the rear gardens of nos. 125, 127, 133 and 135 Mersham Road, thereby harming the living conditions of their occupiers with regard to loss of privacy.
16. I note the appellants' points that the proposed roof terrace would be designed to be inset within the roof outrigger; be well-screened; and have flowerbeds to

ensure that users would not be at the edge thereby reducing any potential adverse impact. However, this would not be sufficient to reduce all potential instances of overlooking from the roof terrace, neither would it in any way mitigate any potential overlooking from the living room via the large proposed rear dormer windows.

17. The appellants have indicated that the chimneys at the corner of the proposed roof terrace would provide additional screening to views of the rear gardens and that the southern party wall (with additional screening on top) would similarly screen views. However, this would only be the case if users of the balcony remained in stationary positions as the evidence submitted by the appellants¹ shows. This would not be the case for users standing in the middle of the terrace or at its eastern edge.
18. The appellants have also stated that they would be willing to reduce the height of the roof terrace in order to mitigate any potential overlooking of the rear garden of no. 133. However, I am not convinced that this would sufficiently mitigate any potentially harmful impact to the living conditions of neighbouring occupiers as any height reduction would be limited due to the living space required for the occupiers of the first-floor studio apartment below.
19. I also acknowledge the appellants' point that as the external spiral staircase would not be regularly used the instances of potential overlooking would be 'transient', causing no more harm than current levels of overlooking from the existing rear kitchen window. However, the fact that the proposed spiral staircase is located externally to the rear of the property means that by virtue of its more prominent location, that even though instances of potential overlooking would be fewer, their impact would be more acute as the viewer would be able to see much more of the rear gardens.
20. Accordingly, I therefore conclude, on this main issue, that the proposed development would conflict with Policies SP4.1 and DM10 of the CLP (adopted September 2018) as supported by the Croydon Suburban Design Guide Supplementary Planning Document (adopted April 2019) (SPD) which require that new development is of a high quality and aim to protect the amenity and well-being of residential occupiers, amongst other considerations. It would also conflict with Policy 7.6 of the London Plan (adopted March 2016) which aims to ensure that buildings and structures do not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy amongst other considerations.

Character and appearance and living conditions of neighbouring occupiers (outlook)

21. Externally the appeal property and the surrounding properties comprise two-storey terraced buildings that have two-storey rear extensions with pitched roofs that contribute to the established character of the street when viewed from the back. The proposal would introduce a large rear dormer roof extension (including the proposed screening panels), a smaller first-floor rear extension and an external spiral staircase to this street scene, which, in combination would represent a discordant addition to both it and the host property which would be at odds with and thereby harm the established character and appearance of the area.
22. I note the appellants' point that the proposed screening to the roof terrace could be reduced in height in order to mitigate any potential harm to the character and appearance of the host property and street-scene. However, given the overall

¹ See sketch 1 on page 6 of Appellants' statement

design, scale and massing of the proposal, I consider that this would be insufficient to adequately mitigate this harm. In any event, any reduction in the height of the proposed screening would likely increase the harm to living conditions regarding loss of privacy that I have identified above.

23. In relation to the lack of adequate proposed bin storage, the Council have raised the concern that this would result in additional unscreened bins being stored at the front of the property which would have a detrimental visual impact thereby harming the character and appearance of the area and the living conditions of the occupiers of no. 131 due to loss of outlook from the ground floor front window.
24. I note that the proposal would provide four 240L bins to be located at the forecourt of the building which would meet the required standards. I also note that the storage of bins in front forecourts is relatively commonplace elsewhere in the street and surrounding area and that there are no suitable alternative spaces to store the refuse elsewhere within the appeal site that would not compromise the provision of shared amenity space as per Policy DM13.
25. However, given the presence of the existing planting within the front forecourt I consider that there would not be sufficient space to fit in the four proposed bins without them blocking access to the front doors of either the appeal property or no. 131, or indeed causing harm to the occupiers of no. 131 with regard to loss of outlook from the ground floor front window. Moreover, the storage of bins in other forecourts along the street can only be done in an orderly fashion by placing them in a linear arrangement using the entire width of the forecourt which could not be done in this case given the existing planting, the size of the forecourt and the number of bins proposed. As a result, the proposed bin storage arrangement would appear disorderly and cluttered thereby also causing visual harm to the character and appearance of the area.
26. I therefore conclude, on this main issue, that the proposed development would conflict with Policies SP4.1, DM10 and DM13 of the CLP (adopted September 2018) as supported by the SPD (adopted April 2019) which require new development to be well-designed and of a high quality, which respects and enhances local character, amongst other considerations.

Other Matters

27. I note the appellants' point that the appeal property is within a 15-minute walk to Thornton Heath station, a 12-minute walk from shopping and leisure facilities at Grangewood Park and that there are bus routes along Brigstock Road which connect to local services. However, these matters do not outweigh the harm that I have identified in relation to the main issues above.

Conclusion

28. For the above reasons the proposed development would harm the supply of family housing, the living conditions of future and neighbouring occupiers, and the character and appearance of the area contrary to the development plan. The appeal is therefore dismissed.

C Coyne

INSPECTOR