



Appeal Decision

Recommendation by Elizabeth Davies BSc (Hons) PIEMA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/L5240/W/19/3243975

97 Birchanger Road, South Norwood, London SE25 5BH

- 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 M Berger of London and Capital Housing Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01905/FUL, dated 24 April 2019, was refused by notice dated 25 June 2019.
 - The proposed development is a change of use of the first floor as a 1 bed two person flat (C3) from HMO (C4).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of the first floor as a 1 bed two person flat (C3) from HMO (C4) at 97 Birchanger Road, South Norwood, London SE25 5BH in accordance with the application, Ref 19/01905/FUL, dated 24 April 2019 subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Unnamed Site Location Plan (Scale 1:1250), Unnamed Block Plan (Scale 1:500), BRC.97.EX.FP.01. and BRC.97.EX.FP.02

Appeal Procedure

2. A recommendation by an Appeals Planning Officer is set out below, to which the Inspector has had regard before deciding the appeal.
3. In response to travel restrictions currently in place due to the COVID-19 pandemic I consider that this appeal can be determined without the need for a physical site visit. This is because I have been able to reach a decision based on the information already available. Both the appellant and the Council have been consulted on this approach and neither has objected to the appeal proceeding on this basis.

Preliminary Matters

4. There is disagreement between the parties regarding the current use of the property, with the Council suggesting the site is already in use as a 1 bedroom

flat, and the appellant stating it is two self contained flats. However, this has had no bearing on my consideration of the planning merits of the appeal.

Main Issue

5. The main issue in the appeal is whether the proposed development would provide satisfactory living conditions for its occupiers with regard to amenity space and child playspace.

Reasons for the Recommendation

6. The appeal property is a two storey, semi-detached residential building. The appeal relates to the conversion of the first floor of the property to a one bedroom flat. It is not disputed that the principle of residential use is acceptable. However, the flat would not have access to any private amenity space. Policy DM 10.4 of the Croydon Local Plan 2018 (the 'Local Plan') states that all proposals for new residential development will need to provide private amenity space of 5m² per 1-2 person unit and all flatted development must provide a minimum of 10m² per child of new play space. Policy DM10.5 of the Local Plan states that in addition to the provision of private amenity space, proposals for new flatted development will also need to incorporate high quality communal outdoor amenity space.
7. The appellant contends that the development is not a new flatted development as it would be a change of use from existing residential accommodation. I consider that although the requirements to provide private and communal amenity space is desirable; as the appeal property is already in residential use and has no access to the rear garden due to its first floor position, it would not be essential or practical in this particular case.
8. Furthermore, I note that the floorspace of the flat would exceed the minimum internal space standards by 4.3m² for a one bed, two person flat set out in the London Plan (March 2016). Whilst this additional space above the minimum space standards is not enough to be equivalent to the amenity space requirement for the flat, I am of the view that this additional internal space would go some way to compensate for the lack of private amenity space. My attention has also been drawn by the appellant to the proximity of the appeal site to Brickfields Meadow Park, which appears to be a very short walk from the appeal property. The park offers a large area of open space which would be available to occupiers of the development and its proximity to the park adds to the mitigating factors against the flat's lack of private amenity space.
9. With regard to the policy requirement to provide child play space, I agree with the appellant that it is unlikely a 1 bedroom flat would be occupied by a family with children and I do not consider the requirement to provide new play space is therefore necessary in this case.
10. Taking the above matters into consideration, despite the fact that the flat does not have any private or communal amenity space, I am satisfied that occupiers of the flat would have satisfactory living conditions. Though the proposal would be contrary to Policy DM 10.4 and DM 10.5 of the Local Plan, this conflict would be outweighed by other material considerations namely the proximity of the appeal site to Brickfields Meadow Park, the exceedance of the minimum internal living accommodation space standards, and the fact that the flat would not be likely to be suitable for families with children.

Conditions

11. I have imposed the standard condition relating to the commencement of development and a condition specifying the relevant plans in order to provide certainty.

Conclusion and Recommendation

12. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal is allowed.

Elizabeth Davies

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR