



Appeal Decision

Site visit made on 1 June 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/L5240/W/20/3245987

5 Jamaica Road, Thornton Heath CR7 7HD

- 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 Mrs Jamila Chaudary against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04240/FUL, dated 5 September 2019, was refused by notice dated 20 December 2019.
 - The development proposed is the conversion of a single dwelling to one x 1 bedroom flat and one x 2 bedroom flat, and alterations to the property including the erection of a single storey rear extension and the erection of a dormer in the rear roof slope.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the supply of family dwellings in the borough, and
 - the character and appearance of the area.

Procedural Matters

3. I was unable to gain access to the property on my site visit. However, I was able to view the property from the road and side alley and I am satisfied that I was able to see everything I needed to determine the appeal.
4. The description of development was amended at the application stage to include reference to the rear extension and dormer. While it appears that these could be built under permitted development rights if the property is used as a single dwellinghouse, they require planning permission if carried out as part of the proposed conversion scheme. Neither had been constructed at the time of my visit and as both form an integral part of the conversion scheme it is necessary to include them in the description of development for clarity.
5. The building appears to have already been converted into two flats, but this form of development does not benefit from planning permission and may be in breach of an enforcement notice dating from 2008. Whether further enforcement action is expedient is a matter for the Council to consider. I have determined the appeal based on the description of the development and the submitted plans.

Reasons

Supply of family dwellings

6. Policy DM1 of the Croydon Local Plan 2018 seeks to prevent the net loss of 3 bedroom homes (as originally built) or the loss of homes smaller than 130m². The reason for the policy is that there is an identified need in the borough for three bedroom residential units to house families and the existing stock needs to be retained to assist in that provision. The policy applies to the conversion of single family houses into flats to ensure that such conversions do not further reduce the provision of three bedroom homes.
7. I note that there is a reference to the building having 2 bedrooms as originally built¹, but from the submitted drawings it is apparent that it has 3 first floor habitable rooms that when built are likely to have been intended as bedrooms. I therefore consider the appeal property to be a 3 bedroom house. The size of the existing dwelling has also been variously described as 100m² in pre-application advice and 127m² by the appellant's agent in her appeal statement. Whichever of these figures is correct, the dwelling is less than the 130m² specified in the policy. I am therefore satisfied that the existing dwelling is the type of property that Policy DM1 seeks to retain as a single family dwelling.
8. Conversion of the existing dwelling as proposed would result in the net loss of a three bedroom family dwelling and consequently would have an adverse effect on the supply of family dwellings in the area, contrary to Policies DM1 and DM10 of the Croydon Local Plan 2018 and Policy 3.5 of the London Plan 2016, which seek to retain housing stock in demand and ensure good quality accommodation that meets identified needs.

Character and appearance

9. The building has previously been extended with a dormer window on the side and rear of the original hipped, pitched roof. This is proposed to be further extended over an existing outrigger at the rear of the building to form an L-shape.
10. The design of the proposed roof extension, because of its size, elongated form and flat roof would appear poorly proportioned and unsympathetic to the existing building. While it would not be visible from the road, it would be seen from the rear of other properties and as a result would cause harm to the character and appearance of the area. This would conflict with Policies SP4 and DM10 of the Croydon Local Plan 2018, Policies 3.5, 7.4 and 7.6 of the London Plan 2016 and the Croydon Suburban Design Guide 2019, all of which require the design of new development to be of a high quality and contribute positively to its locality.
11. I note a lawful development certificate has been granted for the dormer extension and a rear ground floor extension, but this does not change my judgement on the impact of the dormer extension on the appearance or character of the area. The change of use has taken place, and permission is required for the proposed extension works.

¹ Pre-application advice from London Borough of Croydon dated 6 March 2019

Other Matters

12. I understand that the appellant was advised by the local planning authority to apply for a lawful development certificate before applying for the development before me, and that the proposal would be considered favourably. However, such permitted development rights would only apply prior to the change of use which has occurred at the property. I also note that the change of use only required one stud wall and a couple of doors. Nevertheless, on the evidence before me, the change of use has occurred and I have determined the appeal on that basis. While I sympathise with the appellant in these matters it does not alter my findings which are based on the planning merits of the case.
13. My attention has been drawn to other flat conversions in the vicinity. I do not have full details of when these conversions took place but having regard to information in a previous appeal decision² it is likely that they predated the adoption of policies seeking to retain family homes. I have based my decision on the current Development Plan. In any event, each appeal is determined on its merits.

Conclusion

14. For the reasons given above, the appeal is dismissed.

Guy Davies

INSPECTOR

² APP/L5240/A/09/2102919