
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: 17 June 2020

Appeal Ref: APP/L5240/W/20/3245704

28A Portland Road, South Norwood SE25 4PF

- 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 Richard Bransby against the decision of the Council of the London Borough of Croydon.
 - The application ref 19/03505/FUL, dated 25 July 2019, was refused by notice dated 10 October 2019.
 - The development proposed is to change the class use from sui generis (William Hill store) to C3 Residential. Change of shop front and rebuild facing brick and window to match as existing with a new side entrance via security gates.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the vitality and viability of the South Norwood District Centre
 - whether it would preserve or enhance the character or appearance of the South Norwood Conservation Area
 - whether it would provide acceptable living conditions for future occupants in respect of lighting, privacy and outdoor space
 - its effect on highway safety, with respect to parking provision.

Procedural Matters

3. Revised plans were submitted after the Council's decision showing a cycle storage facility at the rear of the property. I consider this does not prejudice anyone's case as it is a minor amendment and a matter that could have been the subject of a condition. I have therefore taken the revised plans into account in reaching my decision.

Reasons

Vitality and viability of the district centre

4. The site lies within the South Norwood District Centre Secondary Retail Frontage as defined in the Croydon Local Plan 2018 (CLP). Policy DM4 of the CLP resists the introduction of uses other than shops and related activities,

community or business uses in secondary retail frontages, with limitations on the latter two categories of use to ensure they do not undermine the retail function of the frontage.

5. At the time of my site visit the premises were no longer vacant and were being used as a fishmongers and grocery store. A change from a shop to residential use would change the ground floor from an active to a passive frontage, removing the opportunity for an activity that complements the retail-led purpose of the district centre.
6. There are several vacant properties along Portland Road. Information provided by the appellant shows the extent of vacancies, albeit some of these are premises lying outside the district centre. I have some sympathy with the view that this level of vacancy is indicative of the difficulty of attracting and retaining retail and associated businesses to secondary retail locations. However, there is no evidence that the premises have been marketed for commercial purposes for a reasonable period of time. The fact that the premises have recently been occupied by the current retail use is indicative that there is interest from uses suitable for a secondary retail frontage. Unless it can be shown that there is no commercial demand for the premises, the loss of the current unit for retail or associated purposes would undermine the vitality and viability of the South Norwood District Centre, contrary to Policy DM4 of the CLP.

Character and appearance of the Conservation Area

7. The appeal site lies within the South Norwood Conservation Area. This part of Portland Road forms part of the original core of early Victorian buildings around the railway station. The area is characterised by mainly two and three storey buildings providing a continuous frontage with active uses on the ground floors and residential accommodation above. Portland Road originally formed the main shopping street before relocation of the station and growth of the High Street changed the focus of commercial activity in South Norwood. The significance of this part of the Conservation Area lies not only in the age of the buildings but also the variety of commercial uses.
8. The appeal building is a modern infill into this historic frontage. It is of no architectural or historic merit itself but does reflect the general pattern of development in the area with a continuous street frontage built up to the back edge of the pavement with active uses on the ground floor.
9. The Council criticises the introduction of windows in place of the shopfront. These would be similar in design to windows in the remainder of the building and reflect domestic scale windows in the ground floor frontages of some other buildings in the Conservation Area. Their appearance would not, therefore, in my opinion be harmful to the appearance of the Conservation Area.
10. However, the change of use of the ground floor from commercial to residential use would reduce the active nature of the frontage, which does form an important element of the character of this part of the Conservation Area. Unless it can be demonstrated that the premises are likely to become vacant in the long term, which in itself could be detrimental to the Conservation Area, the loss of an active frontage would fail to preserve or enhance the character of the Conservation Area, contrary to Policy SP4 of the Croydon Local Plan 2018,

which requires new development to respect and enhance local character and heritage assets.

11. In the parlance of the National Planning Policy Framework, the proposal would lead to less than substantial harm to the significance of the conservation area. This is nonetheless serious harm that requires clear and convincing justification. The harm is to be weighed against any public benefits of the proposal including securing its optimum viable use. I acknowledge that the scheme would provide two additional units of residential accommodation, but that is of limited benefit to housing supply and would not outweigh the clear identified harm to the significance of the designated heritage asset.

Living conditions of future occupants

12. The proposed flats would be largely single aspect with windows lighting what are quite deep floorplans. The main living spaces for each flat are positioned in the forward part of each floorplan, with the rearmost parts occupied by bathrooms and closet areas where direct lighting is less important. Having regard to the layouts, I consider each flat would be adequately lit. Mechanical ventilation of bathrooms and kitchenette areas could be used to overcome any issues relating to ventilation.
13. The principal windows to Flat A would be positioned directly adjacent to the back edge of the pavement along Portland Road. This is not an unusual arrangement in an urban area and privacy could be maintained without harming light levels in Flat A, for example by using net curtains or similar. There are examples of such windows elsewhere in Portland Road.
14. Both flats would have limited outdoor space, constrained to a small area in front of Flat B, and shared circulation areas at the side and rear of the building. The provision of outdoor amenity space is a laudable aim for new development but in the case of the conversion of existing buildings there may need to be a degree of compromise. In this case, there is sufficient room to serve some of the functions of outdoor amenity space, such as the storage of refuse bins and cycle storage, which help mitigate the lack of garden area.
15. Having regard to the matters set out above, I consider the living conditions of future occupants would be acceptable in terms of light, privacy and outdoor space, and therefore the development would comply with Policy DM10 of the CLP, which seeks to ensure new development is of good design quality.

Highway safety

16. The site lies in an area with good public transport accessibility and the Council acknowledges that the development without vehicular parking would be acceptable in this location. There is adequate space within the site for cycle storage, which could be secured by condition.
17. The Council has raised concern at the lack of restriction on future occupants from applying for parking permits. I have not been provided with any evidence that such a restriction is necessary to prevent unacceptable pressure for car parking offsite, or that it would harm highway safety. On street parking is already controlled in the streets around the property, and at the time of my visit there was no difficulty in finding a parking space.

18. In the absence of any evidence to the contrary, I do not consider that highway safety would be compromised, and therefore the development would comply with Policy DM30 of the Croydon Local Plan 2018, which seeks to promote sustainable growth and reduce the impact of car parking.

Conclusion

19. I have found that the development would provide adequate living conditions for future occupants and would not harm highway safety due to the lack of parking. However, I have found harm to the vitality and viability of the district centre and the character of the South Norwood Conservation Area.
20. Consequently, I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR