
Appeal Decision

Site visit made on 9 June 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 July 2020

Appeal Ref: APP/L5240/W/20/3245939

47 Portland Road, South Norwood, London SE25 4UF

- 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 Mazahar Hussain against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/03401/FUL, dated 10 July 2019, was refused by notice dated 14 November 2019.
 - The development proposed is for the conversion of vacant retail premises into a single person studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - 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, and;
 - The living conditions of future occupants in relation to lighting, outlook, privacy, ventilation and outdoor space, including space for refuse and cycle storage.

Procedural Matter

3. The appellant's name is spelt differently in the submitted documents. I have taken the spelling used above from the application form.

Reasons

Vitality and viability

4. The site lies in the South Norwood District Centre Secondary Retail Frontage as defined in the Croydon Local Plan 2018. Within the secondary retail frontage Policy DM4 of the Plan promotes the retention of active ground floor commercial uses and resists changes of use for non-commercial purposes, other than community or business uses and only where they do not undermine the retail function of the frontage.
5. A change from retail to residential use at the appeal site would conflict with the policy, altering the ground floor from an active to a passive frontage and

removing the opportunity for an activity that complements the retail-led function of this part of the district centre.

6. The appellant states the unit has been vacant since 2006, that the secondary retail frontage along Portland Road is in long term decline as evidenced by the level of vacancies, and that it is unrealistic to expect that trend to stop or reverse. I have some sympathy with the view that the level of vacancy is indicative of the difficulty in retaining and attracting retail and associated businesses to secondary retail locations, but there is little evidence to show that the premises have been marketed for uses that would be appropriate in a secondary retail frontage. There are two painted signs on the shopfront offering the unit for sale, and a letter from a management agency stating that the property has been on the market for the past four years. However, there are no details of how actively it has been marketed, at what rent/price, and what expressions of interest have been received. I therefore do not consider that adequate efforts have been made to date to find an appropriate commercial occupier for the premises.
7. I note that the Council has secured funding for a project aimed at bringing empty properties in the South Norwood District Centre back into use. I have no details of the project, but it demonstrates that the Council is aware of the difficulties in retaining and attracting businesses to the district centre and is seeking to address the problem.
8. In the absence of convincing evidence to demonstrate that there is no commercial future for the unit, I find that the loss of an opportunity for an active frontage would harm the vitality and viability of the South Norwood District Centre, contrary to Policy DM4 of the Croydon Local Plan 2018.

Conservation Area

9. The unit lies within the South Norwood Conservation Area. This part of Portland Road forms part of the original core of early Victorian buildings which were developed around the railway station. The area is characterised by mainly two and three storey buildings providing a continuous frontage to the road 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 therefore lies not only in the age and appearance of the buildings but also the variety of commercial uses that creates a busy, bustling place.
10. The appeal site reflects the significant features of the Conservation Area in that it forms part of a two storey building, with ground floor commercial premises on a prominent corner location. Although currently appearing somewhat run down, it has the potential to contribute positively to the character and appearance of the Conservation Area.
11. The proposed conversion would have little impact in visual terms on the unit, as the shop windows would be retained. 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 adequately demonstrated that the unit is likely to remain vacant unless reused for non-commercial purposes, which in itself could be detrimental to the Conservation Area, the loss of the

active frontage would fail to preserve or enhance the character of the Conservation Area, contrary to Policy 7.8 of the London Plan and Policy DM18 of the Croydon Local Plan 2018, which require new development to preserve, and enhance the character, appearance and setting of heritage assets.

12. Having regard to the advice in the National Planning Policy Framework, the loss of an active frontage would lead to less than substantial harm to the Conservation Area, although it would nevertheless cause harm to its character to which I attach considerable weight and importance. Such harm should be weighed against the public benefits of the proposal. In this case the proposal would provide an additional single unit of accommodation which, although a benefit, given its scale attracts only modest weight. This would not, therefore, outweigh the harm I have found to the Conservation Area.

Living conditions

13. The living accommodation would be on two levels, with the ground floor used as a living/sleeping area, and the basement as a kitchen/dining room and bathroom/toilet. The basement is mainly below ground level and has very limited natural light or outlook, other than for a small high level slit window in the southern elevation and indirect daylight coming down the stairwell. I consider the lack of daylight, sunlight and outlook would result in a gloomy and oppressive living environment here. As the basement would make up about half of the living accommodation where occupants could be expected to be for a considerable length of time, this would in my view result in inadequate living conditions for future occupants.
14. The Council raises concerns on the grounds of privacy and ventilation. Mechanical ventilation of the basement area, including the bathroom and toilet, could be used to overcome any issues relating to ventilation. Privacy could also be maintained by, for example, using net curtains or similar behind the retained shop front windows.
15. The unit does not have access to any outdoor space. In the case of the conversion of existing buildings, outdoor space standards may need to be treated with a degree of flexibility. However, in this case not only would there be no outdoor space for recreation, but there would not even be space to store a domestic refuse bin or provide room to store a bicycle externally to the living accommodation. The lack of any outdoor space compounds the deficiencies of using the unit for residential accommodation.
16. In summary, while I consider that adequate ventilation and privacy could be achieved, the oppressive nature of the basement for living accommodation through lack of natural light and outlook, and the lack of outdoor space, would in my view result in harmful living conditions for future occupants, in conflict with Policies SP2, SP4, DM10, DM13 and DM30 of the Croydon Local Plan 2018 and Policy 3.5 of the London Plan, which all seek to ensure that new residential development achieves a good standard of accommodation.

Other Matters

17. The appellant's agent has criticised the way the Council determined the application, and its historic approach to planning in the district centre but these are matters that lie outside the issues considered in this appeal.

Conclusion

18. I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR