
Appeal Decision

Site visit made on 4 August 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2020

Appeal Ref: APP/L5240/W/20/3248946

132 Norbury Court Road, Norbury, London SW16 4HY

- 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 Shailesh Gandhi against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/05732/FUL, dated 4 December 2019, was refused by notice dated 7 February 2020.
 - The development proposed was initially described as “alterations to the existing dwellinghouse to form five self-contained flats.”
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. At Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered which reflects that which was also used by the Council in their decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. On visiting the site, it was apparent that development has been undertaken and, in this regard, the main parties submissions indicate that Certificates of Lawfulness¹ for proposed developments and a planning permission² exist that would enable development to occur at the site. In this case, as the development appeared to be on-going, I can proceed on the basis that the appeal is not retrospective.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the site and the surrounding area.
 - The effect of the development on the living conditions of future occupiers with particular regard to the outlook and light serving bedroom 3 of flat 1 and the privacy and effect of noise and disturbance within the bedroom of flat 2.
 - The provision of car parking and the access to the proposed cycle parking.

¹ 19/00144/LP and 19/01174/LP

² 19/01079/HSE

Reasons

Character and Appearance

5. Norbury Court Road is a residential street that features semi-detached dwellings and short terraces that are set back from the road by a generally consistent amount, thereby providing space for gardens and car parking at the front of the dwellings. Low boundary walls, fences and retaining walls are a common feature of the frontages of the dwellings of the locality. The end-of-terrace building at the appeal site is currently the subject of on-going works as described in the procedural matter above.
6. The proposal would involve similar extensions to the building as previously approved, albeit a lightwell adjacent to the boundary shared with 130 Norbury Court Road would be larger than previously approved. Unlike the previous permission, the resultant building would host five flats, with two car parking spaces and a refuse store to the front of the building and five garden areas and a cycle store at the rear.
7. The proposed refuse store would be positioned at the frontage of the site and fill a substantial part of the space adjacent to the side boundary between the front of the dwelling and the footpath of Norbury Court Road. Whilst the structure would be of low height, the overall size of the store would cause it to have a substantial and dominating effect on the frontage of the appeal side which would be prominent from the public domain, particularly due to the ground levels leading it to be elevated from the footpath. For these reasons, the structure would appear incongruous in the context of the surrounding area.
8. Although there are other small refuse stores at the frontage of properties within the vicinity of the site and it has been brought to my attention that other refuse stores have been approved within the London Borough of Croydon, the other examples appear to be of smaller size, less prominent or remote from the appeal site and, as such, are either substantially different in appearance or effect or are viewed in a different setting to the development that is the subject of this appeal.
9. The appellant has identified that the ground levels at the frontage of the site could be lowered to address this matter and I recognise that some alterations to the ground levels in this area appear to have occurred already. However, although a drawing has been provided within the appeal submissions, the suggested works at the frontage of the site are not shown on the plans which have accompanied the appeal and, in this instance, the proposed works would substantially exceed the development for which planning permission was sought. As such, it would not be reasonable to secure this amendment through the imposition of a condition, particularly as interested parties would not have had opportunity to comment on such an amendment. I shall therefore proceed on the basis that the development would be undertaken as shown on the submitted plans.
10. As the on-going works at the appeal site indicate that the other permission would be implemented if this development were not approved, this represents a fallback position that I afford significant weight. Therefore, given that the proposed extensions would have a similar effect on the character and appearance of the area as the previously approved development, I do not find that they would be visually unacceptable. Moreover, although the existing garden area would be divided and additional activity would be likely to occur at the site and within the area as a result of the occupation of the proposed flats, these aspects of the proposal would have a small visual effect and would not result in the use being incongruous with the residential area in which the site is located. Therefore, in all respects other

than the proposed refuse store, the use of the site as five flats rather than as a single dwellinghouse would have little effect on the character of the area or represent overdevelopment. This does not, however, compensate for or address the other harm that has been identified above.

11. For the above reason, the development would have an unacceptable effect on the character and appearance of the site and the surrounding area. The proposal would, therefore, be contrary to Policies SP4, DM10 and DM13 of the Croydon Local Plan 2018 (The CLP) which, together, require development to be of high quality that respects local character and also require refuse facilities to be an integral element of the overall design through being sensitively integrated or located where they are not visually intrusive. The proposal would also be contrary to Policies 3.5, 7.4, and 7.6 of the London Plan (adopted 2016)(The LP) which require that development is of the highest architectural quality and makes a positive contribution to the streetscene. The proposal would also fail to accord with the Council's Suburban Design Guide Supplementary Planning Document (April 2019)(The SPD) which states that refuse stores should be provided in a visually discreet location.
12. Although Policies DM30 of The CLP and 6.3 of The LP have also been referred to by the Council in relation to this matter, as they relate to car and cycle parking and transport capacity, they are not determinative in this regard.

Living Conditions of Future Occupiers

13. Bedroom 3 of Flat 1 would be served by a lightwell that would be enclosed by the walls of the single storey rear extension and the fence that exists at the boundary of the appeal site that is shared with 130 Norbury Court Road. As a result, the outlook from the two openings that are shown to serve bedroom 3 would be substantially restricted, with the enclosure of the room caused by the abovementioned walls and fence having an overbearing and oppressive effect on the outlook from that bedroom.
14. The proposed lightwell would be larger than that which was previously approved and built at the site. However, the plans show that the smaller lightwell in that development would have served a family room and kitchen and would not have been the only source of outlook to that room. Accordingly, the occupiers would have been less dependent on that lightwell and the sense of enclosure would not have had such a significant effect on the living conditions of the occupiers of the room it served. Moreover, whilst it has been brought to my attention that lightwells have been approved at other sites within the London Borough of Croydon, that does not alter my assessment of the adequacy of the outlook that would be afforded to the occupiers of bedroom 3 of flat 1. Whilst The SPD identifies that courtyards can be used to provide outlook, in this instance, the evidence before me does not demonstrate that the lightwell would be sufficient to achieve this.
15. The evidence before me is not conclusive in terms of demonstrating whether or not the proposed bedroom would receive adequate light. However, even if I proceed on the basis that an adequate level of light would reach that bedroom, this would not compensate for the restricted outlook and the consequential effect on living conditions within that bedroom.
16. The single bedroom of flat 2 would be at the front of the building, with its window on the front elevation being in close proximity to the two car parking spaces that are proposed at the frontage of the site. The layout of the development also means that users of the parking spaces and the residents attempting to reach the

- gardens and cycle store at the rear of the site would be likely to pass the abovementioned bedroom window. Whilst the effect on privacy is likely to be limited, this would reduce the living conditions within that flat to a small extent.
17. The intended allocation of the parking spaces has not been clarified but, as they are the only parking spaces at the site, it is likely that at least one of the car parking spaces would be used outside the control of the occupier of flat 2. The close proximity of the parking spaces to the sole window serving the only bedroom within that flat means that it would be likely that moving vehicles would be heard within that bedroom, particularly if the window were open. The use of the car parking space would, therefore, be likely to cause noise and disturbance within flat 2 and the relationship with that parking space may affect the occupiers desire to open the window and receive ventilation.
 18. Whilst other developments have been identified where bedroom windows are provided in a similar manner, this does not provide reassurance that such an arrangement represents the creation of a high standard of amenity in this case, as is required by paragraph 127 of the National Planning Policy Framework (The Framework). In this regard, the Housing Supplementary Planning Guidance to the London Plan (March 2016)(The SPG) identifies that proposals should demonstrate how habitable rooms will be provided with adequate levels of privacy and limit the transmission of noise to sound sensitive rooms. The evidence before me does not demonstrate that proposed arrangement would accord with these requirements.
 19. Whilst it has been identified that the proposal would comply with the quantitative aspects of the Technical Housing Standards - Nationally Described Space Standard (The THS), this does not compensate for the harm identified in the qualitative respects which do not form part of those standards.
 20. For the reasons given above, the proposal would have an unacceptable effect on the living conditions of future occupiers with particular regard to the outlook serving bedroom 3 of flat 1 and the privacy and effect of noise and disturbance within the bedroom of flat 2. The proposal would therefore fail to accord with Policies SP2 and DM10 of The CLP which together require that the needs of future residents are met. The proposal would also be contrary to Policies 3.5 and 7.6 of The LP which require new dwellings to be a place of retreat and provide high quality indoor spaces. The proposal would also fail to accord with those parts of The SPD and The SPG that have been set out above.

Provision of Car Parking and Access to Cycle Parking

21. The proposed development would include a cycle storage area at the rear of the site that would only be accessible through the use of a long and narrow path at the side of the site. This arrangement would result in access to the cycle store being made awkward for a person with a bicycle and, as such, the proposal would not provide cycle parking in a manner that is sufficiently accessible or convenient to encourage cycling. The submissions of the Council do not identify the source or status of their 1.2 metre width expectation and, as such, I give that dimension no weight. However, this does not affect my assessment that the access to the cycle store would be constrained to the extent that it would not be conveniently located.
22. Whilst I have had regard to the comparable means of access to cycle stores that the appellant has identified have been found acceptable at other sites, it has not been demonstrated that the layouts in those developments have resulted in the cycle stores being sufficiently conveniently located or accessible to encourage their use. As such, those examples do not lead me to conclude that the layout proposed in this case should be found acceptable. Moreover, as I see no scope to increase

the width of the access to the cycle store, I am not satisfied that it would be possible to address this matter through the imposition of a condition.

23. The five flats proposed would be served by two car parking spaces. The appellant has provided a parking stress survey which concludes that Norbury Court Road and the surrounding area is not the subject of undue parking stress. Although the Council has identified that the provided survey does not meet their expectations, I have no evidence before me that demonstrates that the findings of the report are not representative of the extent to which on-street parking occurs within the locality. Therefore, whilst Policy DM30 of The CLP seeks to reduce the impact of parking in areas of parking stress, the evidence before me does not indicate that this is a circumstance where this approach is applicable.
24. The parking standards contained within The CLP reflect the maximum parking standards of The LP but also states that the flexible approach in less accessible locations that is encouraged by Policy 6.13 of The LP should not be applied. In this regard, even if I proceed on the basis that access to public transport connections are limited as indicated by the PTAL rating that has been brought to my attention, the provision of two car parking spaces would represent a balance between meeting the needs of the development without providing excessive car parking that could undermine cycling, walking and public transport use. In any event, given the abovementioned assessment in relation to parking stress, even if the level of car ownership at the site exceeded the number of parking spaces available, the evidence before me does not give me reason to conclude that this would cause additional parking stress or a reduction of highway safety within the surrounding area.
25. For these reasons, whilst I have found that the level of car parking would be adequate in the interests of balancing the need to provide parking and promote the use of more sustainable modes of transport, the proposal would not provide adequate access to the proposed cycle parking. The development would therefore be contrary to Policy DM10 of The CLP which requires that cycle parking is conveniently located.

Planning Balance and Conclusion

26. The proposal would represent a small boost to housing supply and, in this respect, I have had regard to the encouragement provided by The Framework and the policies of the development plan for the more efficient use of land and the development of small and underused windfall sites. I also recognise that The Draft London Plan identifies new housing targets for the London Borough of Croydon but, as that has not yet been adopted and minimal evidence has been provided in relation to the supply of housing that already exists, I afford the emerging housing targets little weight.
27. In any case, whilst I acknowledge that the proposal would bring about benefits in the manner set out above and be acceptable in several respects, including in terms of the provision of adequate parking and flats that accord with The THS, these factors do not outweigh the harm that would be caused in respect of the effect on the character and appearance of the site and the surrounding area, the living conditions of future occupiers and the accessibility of the proposed cycle parking.
28. Therefore, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR