
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: 03 September 2020

Appeal Ref: APP/L5240/W/20/3249706

26 Beulah Road, Thornton Heath CR7 8JE

- 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 Carl Knox against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/05015/FUL, dated 22 October 2019, was refused by notice dated 31 January 2020.
 - The development proposed was initially described as the proposed conversion and roof extension of second floor with a new mansard roof to form 2 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 has been used by the Council in their decision notice. However, 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.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the site and the surrounding area.
 - The living conditions of future occupiers with particular regard to the provision of internal space.

Reasons

Character and Appearance

4. Beulah Road features buildings of varied scale and appearance that are used as houses and flats, thereby giving the area a mixed residential character. The building at the appeal site sits between two pairs of semi-detached dwellings that have subordinate outriggers to the rear. The front part of the building at the appeal site features a pitched roof that rakes away from the road, with a two storey projection at the rear that is narrower in width and lower in height than the front part of the building. The proposal would involve extensions to the roof of the building and the increase of the height of the rear part of the building, with the

- resultant first and second floors containing a pair of flats. A refuse and recycling area would be provided at the frontage of the site.
5. The proposed roof extensions would be largely masked from the public domain of Beulah Road by the existing buildings of the area and the presence of dense vegetation to the rear of the site would screen views of the development from that direction. However, the recessed position of 22 and 24 Beulah Road would enable the side of the roof extension to be partially visible from the road and the roof extensions would be visible from the rear of other properties within the surrounding area and from the parking area of Buttonscroft Close.
 6. When viewed from the rear, the extensions would be large, introduce a new roof form that would contrast with the existing building and add a substantial element of bulk to the roof at high level. Consequently, the extension would result in the outrigger being dominating of the rear part of the building and harmfully unsympathetic to the appearance of the existing building. Whilst other dwellings and buildings within the surrounding area feature projections from the roof, such as at 22 Beulah Road, the scale and design of the extension that is the subject of this appeal would be substantially different and would not be sympathetic to the character and appearance of other buildings within the surrounding area.
 7. Whilst details have been provided by the appellant of other roof extensions to buildings within the locality, including those at 41, 72A and 72B Beulah Road and Selsdon Road, none of those developments appear to be directly comparable to the development that is the subject of this appeal in terms of scale and appearance. Consequently, they do not lead me to conclude that the visual effect of the proposed development is acceptable in its context.
 8. Although the number of flats would increase, the existing building already contains flats. Therefore, despite it being likely that there would be an increased need to provide refuse and recycling facilities at the site, the increase in the number of units at the site would not result in additional bins being stored at the site to the extent that this would cause a substantial increase of the visual effect of such provisions. As this would not cause a substantial change to the appearance of the site and as refuse and recycling provisions at the frontage of buildings appears to be a common feature of the locality, the effect of this aspect of the development would be limited. Moreover, any effects of this could be addressed through the imposition of a condition requiring the screening of the refuse and recycling facilities. This does not, however, alter my assessment in respect of the other aspects of the proposed development.
 9. For the reasons given above, the roof extensions would have an unacceptable effect on the character and appearance of the site and the surrounding area. Consequently, the development would be contrary to Policy DM10 of the Croydon Local Plan 2018 (CLP) which requires that development is of high quality and respectful of the scale, height and appearance of the surrounding area. The proposal would also be contrary to Policies 7.4 and 7.6 of the London Plan (2016)(The LP) which require that developments are of high quality design that complement local architectural character. The proposal would also fail to accord with the Council's Suburban Design Guide Supplementary Planning Document (2019) which requires that extensions are designed to respond to the existing building.
 10. Whilst policies DM18 of The CLP and 7.8 and 7.9 of The LP have also been referred to by the Council within their first reason for the refusal of the application, as they relate to heritage and I have not been made aware of any heritage designations

being relevant to this proposal, I do not find that they are determinative in this case.

Living Conditions

11. The proposed development would involve the creation of two flats, with Flat A having three bedrooms and utilising parts of the first and second floor of the resultant building. The main parties disagree over the likely level of occupancy of Flat A, but the measurements of the bedrooms that have been provided by the Council have not been challenged by the appellant and, I have no evidence before me that demonstrates that the flat would not be of sufficient size to be occupied by 5 people. The appellant's submissions indicate that Flat A would measure 83 square metres and, therefore, would not comply with the Technical Housing Standards - National Described Space Standard (THS). As such, the evidence before me indicates that the Flat A would be of insufficient size to afford its potential future occupiers internal living conditions of sufficiently high standard.
12. Flat B would be at second floor only, with one bedroom and a floor area that is stated to measure 50 square metres on the submitted plans. Again, the main parties disagree in relation to the potential rate of occupancy of the flat, but the bedroom measurements provided by the Council have not been challenged and, as such, the flat would be required to measure 50 square metres in order to accord with the requirements of the THS. In this regard, the conflicting measurements of Flat B provided by the main parties are not conclusive in relation to compliance with the THS. However, even if I proceed on the basis that the measurements stated on the submitted plans are correct and therefore Flat B would be of sufficient size, this would not be reason to reach a different conclusion in respect of Flat A.
13. No case has been made that the shortfall of floorspace and the effect on living conditions would be compensated for or mitigated by other factors. Accordingly, the proposal would not provide a high standard of amenity for all future users as is required by paragraph 127 of the National Planning Policy Framework (The Framework).
14. For the reasons given above, the development would have an unacceptable effect on the living conditions of the future occupiers of Flat A with particular regard to the provision of internal space. The development would therefore be contrary to Policy SP2 of the CLP which requires that developments meet the minimum standards set out within the THS. The proposal would also be contrary to Policy 3.5 of The LP which states that new homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose. The proposal would also fail to accord with the Mayor of London's Housing Supplementary Planning Guidance which also seeks compliance with the THS.
15. Although the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for flats to be created in some instances without regard to the THS being required, the evidence before me does not indicate that those permitted development rights would enable the development that is the subject of this appeal. Therefore, they do not give me reason to conclude that the abovementioned requirements of the development plan and the THS should be interpreted in an alternative manner.

Other Matters

16. Whilst the development plan and The Framework promotes the boosting of the supply of housing, and the efficient utilisation of land, including previously developed land, it also requires development to be of high quality design, function

well and provide high quality standard of amenity for future users. Accordingly, whilst I acknowledge that some benefits would be derived from the proposal, including the retention of a flat that would be large enough to be occupied by a family, these factors do not lead me to conclude that the other important aspects of The Framework should be afforded diminished weight, particularly as the benefits arising from the provision of one additional flat would be modest. Moreover, although it has been brought to my attention that the appellant has attempted to address the reasons for refusal of a previous application, that does not lead me to reach a different conclusion in respect of the main issues.

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR