The Planning Inspectorate

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: 04 September 2020

Appeal Ref: APP/L5240/W/20/3248012
90-92 Penhurst Place, Southbridge Road, Croydon CR0 1AF

- 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 Sterling Rose Developments Ltd against the decision of the Council of the London Borough of Croydon.
- The application Ref 19/05643/FUL, dated 28 November 2019, was refused by notice dated 21 February 2020.
- The development proposed was initially described as "the conversion of flat 2 into 2x1 bed 1 person flats."

Decision

1. The appeal is dismissed.

Procedural Matter

2. The address used above has been taken from the application form that was originally submitted with the application. The Council's Decision Notice and Appeal Questionnaire and the appellant's Appeal Form use alternative addresses but the differences between all of the addresses used are minor and, in conjunction with the submitted plans, the use of the abovementioned address would not prejudice any party.

3. 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 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.

Main Issues

4. The main issues are the effect of the development on the living conditions of the future occupiers of the proposed studio flat, with particular regard to the provision of garden space, privacy and outlook, and the supply of family housing.

Reasons

Living Conditions

5. The appeal site features a building that has recently been built following the granting of planning permission[1] which allowed for the creation of two flats at ground floor, each with three bedrooms and a small area of private outdoor space

[1] 18/05530/FUL

at the rear of the site. The proposed development would see two flats provided in place of one of the flats, with the studio flat at the front of the building having no private garden space and a reliance on two windows at the front elevation.

6. The windows at the front elevation would provide the only outlook to serve the proposed studio flat and, due to the windows being in close proximity to the public domain of Southbridge Road, users of the footway would have clear views into the flat, thereby reducing privacy and the appeal of opening windows. Consequently, the living conditions of future occupiers of the proposed studio flat would be constrained and would not be of a high standard.

7. Although the relationship of the abovementioned windows with the public domain would be no different to the previously approved development, the reliance on those windows would be increased as, rather than serving a bedroom, they would serve the whole flat and represent the only source of natural ventilation. Moreover, the room served by those windows would be the only indoor space available to the occupier of that flat and, as such, the need for privacy in that room is of heightened importance. Furthermore, whilst the individual rooms within the approved flat only have windows facing in one direction, as is common, overall those flats would have had windows providing more than one aspect. In contrast, the proposed flat would only have an outlook in one direction. In these respects, the previously approved development at the site does not provide grounds to support the restricted living conditions that would be provided to serve the future occupiers of the proposed development.

8. The provision of communal garden space at the site would enable future occupiers of the studio flat to have some access to outdoor space. However, this outdoor space would not be private and would be small in area. Consequently, this space would make a minimal contribution to the living conditions of future occupiers and would not accord with the Council's Suburban Design Guide Supplementary Planning Document (2019)(The SDG) which identifies that private outdoor space should be either directly accessible from the dwelling or, where it is provided communally, should be of high quality with semi-private spaces. In this regard, the harm arising from the provision of limited outdoor space would be exaggerated when considered in addition to the other constraints that would be imposed on the living conditions of future occupiers that are set out above.

9. Whilst the appellant has identified that other developments in the area have resulted in flats being served by no private amenity space, I have insufficient details of the planning history of those developments before me to be able to afford them weight in this case. In any event, I am not persuaded that other developments should be reason to find acceptable the provision of limited outdoor space to serve the future occupiers of this site.

10. Given that paragraph 127 of the National Planning Policy Framework states that developments should function well and create places with a high standard of amenity for future users, the lack of opportunity to provide additional windows to serve the flat, does not lead me to conclude that living conditions of reduced standard should be found acceptable. For similar reasons, whilst the accessibility of public transport connections and the advantages arising from the location of the development may be of value to future residents, these factors do not reduce the importance of providing a high standard of amenity. Moreover, in the absence of evidence demonstrating a shortfall of housing supply, I do not find that the need for housing should be a factor that reduces the importance of providing high quality living conditions for future occupiers.

11. For these reasons, the development would have an unacceptable effect on the living conditions of the future occupiers of the proposed studio flat with particular regard to the provision of garden space, privacy and outlook. Consequently, the proposal would be contrary to Policy DM10 of the Croydon Local Plan 2018 (The CLP) which requires the provision of private amenity space and high quality communal space. The proposal would also fail to accord with The SDG which, in addition to the requirements set out above with respect to outdoor space, states that development should avoid creating single aspect dwellings.

Supply of Family Housing

12. Policy SP2 of the CLP includes a strategic target for 30% of all new homes to have three or more bedrooms in order for a choice of homes to be available and address a need that exists for homes of different sizes. Whilst the policy goes on to state that a preferred housing mix would be specified for developments of 10 or more units, this does not indicate that regard should not be had to the abovementioned strategic target in all developments or that larger units are only expected to be provided within larger schemes.

13. Policy DM1 of The CLP identifies that the redevelopment of residential units will only be supported where it does not result in a loss of three bedroom dwellings. In this regard, whilst the evidence of the parties indicates that the approved flat has not been occupied, it also indicates that it was integral to the approved development that both ground floor flats would have had three bedrooms, thereby reflecting the aims of the abovementioned policies. Accordingly, whilst an existing family dwelling would not be lost, the proposal would undermine the aim of providing family housing.

14. The appellant has identified that they have undertaken developments at other sites that include more family housing than is sought by the abovementioned policies. However, no policies have been brought to my attention that indicate that shortfalls could be off-set by other developments and, given that the development by the appellant that has been brought to my attention amounts to 6 houses, this does not lead me to conclude that the need to provide 3 bedroom dwellings within the Borough as a whole has been met or that there is no need for larger units to be provided at the appeal site.

15. The appellant has identified that larger flats are often unaffordable to local residents and that it is more difficult to sell larger flats than smaller flats which are more sought after. A letter from a local estate agent supports this stance and identifies that larger flats are attractive to people downsizing rather than families. However, the evidence before me does not conclusively demonstrate that these factors are reflective of an absence of need for larger flats.

16. In the absence of evidence of a shortfall of housing land supply or any compelling evidence, such as a viability appraisal, that the inclusion of larger units effects the viability of the development, these are not factors that lead me to conclude that the housing mix should not meet local needs. Furthermore, as the approved flat was at ground floor, I do not find that the absence of a lift within the building would discourage the occupation of the previously approved flat.

17. For the reasons given above, the development would have an unacceptable effect on the supply of family housing. Consequently, the proposal would be contrary to the abovementioned elements of Policies SP2 and DM1 of the CLP. The proposal would also be contrary to Policy 3.8 of the London Plan 2016 which requires that new developments offer a range of housing choices in terms of the mix of housing sizes.

18. Notwithstanding the comments of both main parties, the Croydon Opportunity Area Planning Framework (The COAPF) appears to show that the boundary of that area follows Southbridge Road and, as such, does not include the appeal site. Even if regard were to be had to The COAPF, that document identifies that 45% of dwellings within the adjacent part of the opportunity area should feature three bedrooms. As such, this would not lead me to reach a different conclusion.

Conclusion

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

Ian Harrison

INSPECTOR