
Appeal Decision

Site visit made on 1 September 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2020

Appeal Ref: APP/L5240/W/20/3250583

339 Limpsfield Road, Hamsey Green, South Croydon, Surrey CR2 9BY

- 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 Solely Property against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01993/FUL, dated 26 April 2019, was refused by notice dated 20 September 2019.
 - The development proposed is demolition of an existing single garage, the erection of a 1-bed, 2-person residential unit at first floor level, along with the provision of a shared private amenity space with an existing 2-bed first floor flat; 2 undercroft car parking spaces and pedestrian access, with automatic lighting sensor system; communal bin store; two cycle racks, with a separate outdoor amenity area on the ground floor provided to the rear of the hairdressing salon.
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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 local centre
 - The living conditions of future occupants with respect to outdoor space, outlook and access.

Reasons

Vitality and viability of local centre

3. The appeal site lies within the primary shopping area of the Hamsey Green Local Centre. Within this area, Policy DM4 of the Croydon Local Plan 2018 seeks to maintain the vitality and viability of the centre by not permitting new development which would result in a net loss of ground floor Class A uses within Main Retail Frontages. Development proposals on the ground floor must accord with the uses detailed in Table 5.3 of the Local Plan. Residential use is not one of the specified activities.
4. The proposed development, being at the rear of 339 Limpsfield Road, would not alter the current retail floorspace or frontage onto Limpsfield Road. However, the site does provide an ancillary function, including parking and

storage, in support of the primary retail use. As such, I consider it forms part of the ground floor of the local centre for the purposes of Policy DM4.

5. The current retail occupier, a barbers, has indicated that it does not use the rear yard area. While that may be the case, future retail occupiers may well have a need for ancillary storage and parking, as is the case with other businesses within the same parade. It is important that any change that might reduce the attractiveness of retail premises is avoided, particularly in local centres such as Hamsey Green, where such premises may be vulnerable to fluctuating demands in the retail market.
6. Although the residential accommodation would be provided largely at first floor level, the development would significantly reduce the ability of the yard to support the retail use by taking up space through the physical structure at ground floor level and allocation of the remaining parking space to the proposed and existing flats. The loss of this ancillary space would, in my view, have an adverse impact on the long term future of the retail unit. This would cause harm to the vitality and viability of the local centre thereby conflicting with Policy DM4 of the Croydon Local Plan 2018.

Living conditions

7. The Council has raised concern about the quality of the proposed residential accommodation on the grounds of lack of private amenity space, the aspect and outlook from the proposed flat, and the safety and security of the access.
8. Policy DM10 of the Croydon Local Plan 2018 requires new residential development to provide private amenity space that is functional and is a minimum of 5m² per 1-2 person unit. In the case of the appeal proposal, the development would provide an amenity area at first floor level in excess of the minimum space requirement but shared with the existing flat at 339 Limsfield Road. Because it would not be private in the sense of being for the exclusive use of the proposed flat, I consider this aspect of the scheme would fail the policy requirement. I recognise that there are beneficial features such as the size of the communal space and the additional benefit it would provide to the existing flat by increasing the outdoor recreation space available to it, but these do not overcome the conflict with the policy requirement.
9. The appellant has drawn attention to two appeal decisions in which communal amenity space was considered acceptable. In both cases, the schemes related to the conversion of existing buildings to residential accommodation, in which compromises may have to be made as an alternative to having the buildings remain vacant and unused. I distinguish those cases from new build, such as that proposed in the appeal, where in general I consider that the development should meet the policy requirements for new residential accommodation. The appeals also relate to different sites with different considerations in each case. I therefore give only limited weight to these other appeal decisions.
10. The proposed accommodation would have a single aspect looking out across the access road towards the rear gardens of properties in Kingswood Avenue. While the proposed unit is quite deep in plan, the open plan layout allows the kitchen/dining area to gain light and view from the lounge area, and the kitchen, bathroom and corridor would gain additional daylight from skylights set in the roof and an obscured glazed rear door. Having regard to the design

of the unit, I consider it would have adequate light and outlook and these aspects would not be harmful to the living conditions of future occupants.

11. Similarly, I find no harm caused by having the unit accessed from the rear service road running behind 339 Limpsfield Road. Although a shared pedestrian and vehicular surface, the service road serves only a few premises and the amount of vehicle movements along it is consequently limited. Existing flats above the shopping parade already gain access from the rear and I saw no obvious pedestrian or vehicular conflict when I visited the site. I note that automatic lighting would be installed in the undercroft to keep this area lit during night-time.
12. I conclude that because of the lack of private outdoor amenity space, the proposal would have a limited detrimental impact on the living conditions of future occupants in conflict with Policy DM10 of the Croydon Local Plan 2018, which requires a minimum amount of private amenity space for new residential development. I do not however consider there to be any conflict with Policies DM10 and DM29 of the Croydon Local Plan 2018 in relation to aspect, outlook or access to the proposed flat for the reasons set out above.

Other Matters

13. There would be benefits arising from the scheme through the addition of a small residential unit in a sustainable location; and also being the type of site that would provide employment for small and medium sized builders. However, I consider these modest benefits would not outweigh the harm that I have identified on the main issues.
14. Adjoining residents at 1 and 2 Kingswood Avenue have objected to overlooking of their rear gardens from the proposed development. While I have some sympathy with these views, I note that the Council did not consider such overlooking to amount to a reason for refusal, and as the appellant points out there are existing first floor windows in the adjoining property that are closer. Some additional overlooking would be caused, but I consider that this does not amount to a separate reason to dismiss the appeal.
15. Although not included as a reason for refusal the Council in its report raised concern at the impact of the development on the outlook from the existing flat at 339 Limpsfield Road. I consider that the proposed building would be sufficiently separated from the existing flat so as not to appear overbearing. While views from it would be more limited, these would not be so curtailed as to be harmful to the living conditions of its occupants.
16. I note the email correspondence between the Council and the appellant, and the differing views of officers within the Council. However, I must determine the appeal on the basis of the decision made by the Council rather than discussions leading up to it.

Conclusion

17. I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR