
Appeal Decision

Site visit made on 15 September 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 October 2020

Appeal Ref: APP/L5240/W/20/3251891

98 Bensham Manor Road, Thornton Heath CR7 7AU

- 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 Mark Fitzsimons against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/00136/FUL, dated 10 January 2020, was refused by notice dated 23 April 2020.
 - The development proposed is the change of use from a single dwelling to 4 flats, 1 x 2 bed/3p, 2 x 1bed/2p & 1 bed/1p.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner heading above is taken from the application form dated 10 January 2020. I have been provided a copy of an amended application form dated 26 February 2020 and associated plans. The amended form states that the proposed development is the conversion of a single dwelling into 4 self-contained flats, 1 No 3-bed and 1 No 1-Bed and 2 No studio flats. This is the basis upon which the Council dealt with it, so shall I.

Main Issues

3. The main issues are the effect of the proposal on;
 - the living conditions of the occupiers of the appeal property with regards to internal accommodation of flat 2;
 - the safe and efficient operation of the highway network with regard to parking; and
 - the range of housing provision, with regard to small family homes.

Reasons

Living Conditions

4. The appeal proposal comprises the conversion of 98 Bensham Manor Road into 4 separate flats. The Council's concerns regarding living conditions relate to internal accommodation of flat 2. This would be a one bed, one person dwelling accommodated within an extended outrigger to the rear of the property. It would be arranged over two storeys at the first and second floors. Access to

the property would be at the first floor via a communal staircase. The lower level would contain an open plan kitchen/living/dining room, and a shower room. The flat would have its own internal staircase leading to the bedroom on the upper floor. Externally, the flat would also benefit from 38m² of private amenity space.

5. The parties dispute the floor area of the bedroom in flat two. The Council officer's report stating that it appears to be over 11.5m², and the appellant claiming that it is 10.6m². Notwithstanding this, the Council submit that that a 1 bed two storey dwelling should have a minimum Gross Internal Area (GIA) of 58m², to reflect the NDSS (2015), and table 3.3 of the London Plan (2016). At 37m², flat 2 of the proposed development falls significantly below this standard.
6. The appellant contends that the 58m² standard above relates to 2 person dwellings. Whereas, the appellant's view is that the appeal proposal is a 1 person dwelling and should therefore be assessed against the standard for single storey, 1-bed, 1 person dwellings, which requires a GIA of 37m².
7. However, the minimum GIA standard for a 1 bed flat, relates to a single storey dwelling, this would not ordinarily require a staircase. So, it is reasonable to assume that the minimum 37m² standard for a single storey 1 bed, 1 person dwelling is not designed to take into account the need to accommodate a staircase.
8. The effect the staircase has on useable living space is evident on drawing no 98BMR/P/02 Rev A. This drawing shows the substantial amount of the GIA taken up by the staircase and the void above, and the effect this has on the overall useable living space. This is particularly evident when a comparison is made with the room sizes of proposed flat 3, which although has a similar GIA of 38m², the rooms are significantly more spacious.
9. Therefore, bearing in mind these are minimum standards, and that 37m² would ordinarily apply to a single story dwelling, the necessity of a staircase within such a modest sized flat, has a significant effect on the useable floor space, and would provide unsatisfactory living conditions for future occupiers.
10. The appellant contends that the overall quality of accommodation needs to be considered, and an assessment should not just be based on measuring the area of accommodation. I have taken into account, the overall quality of accommodation, including the multiple aspects to the living area, the level of private amenity space that would be provided. However, these would be of limited benefit that would not outweigh the harm that would be caused by the size of internal living accommodation.
11. I therefore conclude that the proposal would not provide adequate living conditions for the future occupiers of flat 2, in terms of internal accommodation. It would not accord with Policies DM10 of the Croydon Local Plan 2018, Policy 3.5 of the London Plan 2016, Policies D2 and D4 of the Draft London Plan 2018, and the Croydon Suburban Design Guide 2019. Collectively, these policies seek to ensure housing development is of the highest quality internally and externally to meet the needs of residents.

12. Reason 1 of the Council's decision notice also refers to Policy SP4 of the Croydon Local Plan 2018, this relates to Urban Design and Character, it is therefore not relevant to this main issue.

Parking

13. Policies 6.3 and 6.13 of the London Plan (2016) and Policy DM30 of the Croydon Local Plan (2018) set maximum parking standards for development. These standards are informed by the public transport access level (PTAL) for the location of the development.
14. In this case the appeal site has a public transport access level (PTAL) rating of 4, and a parking standard of up to 1 off street parking space per dwelling. The appeal proposal is for 4 self-contained flats, therefore based on the above standards has a parking requirement of up to 4 off street parking spaces.
15. The appeal proposal is to provide 1 off-street car parking space to the front of the property, that would be accessed via a footway crossover from Bensham Road. The appellant submits that the provision of 1 space is sufficient, as the PTAL rating of 4 means the site has a good level of accessibility by public transport. The appellant also contends that the parking requirement should be viewed as a maximum, not a minimum standard.
16. Policy DM30 states that to promote sustainable growth in Croydon and reduce the impact of car parking new development must (a) reduce the impact of car parking in any development located in areas of good public transport accessibility or areas of existing on-street parking stress.
17. I have been provided a copy of the Croydon Council Suburban Design Guide Supplementary Planning Document (2019) (SPD). The SPD recognises that in some locations, as a result of a development additional parking may occur on the street, and that such proposals will be assessed on a case by case basis. It also states that such proposals must be supported by a documented parking assessment demonstrating that there is kerb side capacity for car parking using the Lambeth Methodology.
18. The kerbside capacity of an area is referred to as parking stress and expressed as a percentage of available on street parking spaces. An 85% stress level would be considered to be saturated, and anything at or over this level would be considered to be an area of high parking stress. The appellant has provided a parking survey, which states it has been carried out in accordance with the Lambeth parking survey methodology. The survey has identified that the overall unrestricted parking stress in the area was 83% on 29th January 2020 and 82% on 30th January 2020. Therefore, levels of parking stress in the area are marginally below the 85% level of saturation.
19. The appeal proposal is likely to generate additional parking demand, that would exacerbate existing levels. Therefore, in accordance with Policy DM30 the proposal should seek reduce the impact of car parking. The provision of only one parking space is likely to result in overspill onto the surrounding road network, exacerbating existing parking stress levels to the detriment of the safe and efficient operation of the highway network. Whilst I acknowledge parking standards are a maximum, given parking stress in the area is close to saturation the provision of 1 car parking space cannot be justified.

20. The Council state that the submitted parking survey has not been undertaken in accordance with the Lambeth Methodology, as it does not take into account the cumulative demand from recently consented or built development. However, the appellant states that there are no other permissions in the immediate vicinity of the appeal site since permission 18/04671/FUL was granted for the conversion of No 87. In any event this does not alter my concerns regarding the proposed level of parking.
21. The appellant submits that the 2011 Census data indicates that only 39% of households on Bensham Manor Road have motor vehicles. However, given the time that has elapsed since the Census, it is reasonable to expect car ownership to have changed. Whereas the parking survey was carried out in January 2020 and is likely to provide a more accurate representation of current parking conditions in the area.
22. I acknowledge that the road is not designated as a controlled parking zone (CPZ), and if it was, the appellant would have entered into a legal agreement to restrict parking. The appellant also claims that permission (18/04671/FUL) was granted without a parking survey, however I am not aware of the full circumstances of that case. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
23. Consequently, I conclude that the proposal would exacerbate existing parking stress levels and would be harmful to the safe and efficient operation of the highway network. It does not accord with Policies 6.3 and 6.13 of the London Plan 2016, Policies SP8, DM29 and DM30 of the Croydon Local Plan 2018 and the SPD. Collectively these seek to ensure a balance is struck between promoting new development, preventing excessive car parking demand and promoting alternative mode of transport.

Range of housing

24. Policy DM1.2 of the Croydon Local Plan (2018) seeks to prevent the net loss of 3 bedroom homes (as originally built) or the loss of homes smaller than 130m².
25. The Council state that at the time of determining this application, the submission did not provide plans of the dwelling as originally built, to demonstrate that the property was larger than 130sqm and had more than 3 bedrooms. They also claim that they had issues with scaling from the drawings. This resulted in them concluding that the proposal would result in the loss of a small family home smaller than 130m².
26. However, the Council have drawn my attention to a subsequent application (20/01897/FUL) that has been approved for a conversion of the property into 3 flats. I understand that as part of that application the applicant provided additional information including floor plans, photographs and auction details to demonstrate that the property as originally built was larger than 130m² and had more than 3 bedrooms. An extract of this in the form of a set of annotated floor plans, has been provided in the appellant's statement for this appeal.
27. The Council are now satisfied that the proposal would not result in the loss of a smaller family home and they do not wish to defend the second reason for refusal on the decision notice. Based on the evidence before me I have no good reason to disagree.

28. Therefore, I find that the proposal would not cause harm to the range of housing provision with regard to small family homes. It accords with policy DM1 of the Croydon Local Plan (2018) which seeks to ensure housing choice for sustainable communities, in this regard.

Conclusion

29. For the reasons given above the appeal is dismissed.

R Cooper

INSPECTOR