
Appeal Decision

Site visit made on 12 October 2020

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal Ref: APP/L5240/W/20/3254250
672 London Road, Thornton Heath CR7 7HU

- 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 Dibakar Kulasingam against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04944/FUL, dated 17 October 2019, was refused by notice dated 12 December 2019.
 - The development proposed is conversion of vacant garage to create 1 bedroom flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form describes the appeal site as ground floor shop premises, but at the time of my site visit these had been converted to a 1-bed flat.
3. The above description of development is taken from the application form. However, the decision notice refers to the 'demolition of existing garage, excavation and construction of single storey house with basement level and pitched roof'. This is a more accurate description of what is being proposed.

Main Issues

4. The main issues are:
 - a) whether or not the proposed dwelling would provide acceptable living conditions for future occupiers, internally and externally;
 - b) the effect of the proposal on the living conditions of the occupiers of 670 and 672 London Road, with particular reference to outlook; and
 - c) the effect of the development on the character and appearance of the area.

Reasons

Quality of living environment

5. The new home would be built across two storeys. The bedroom would be located at street level with a bay window fronting directly onto the pavement of Earlswood Avenue. The remainder of the accommodation would be contained within a basement which would account for approximately two-thirds of the overall floor area. The main living areas, including kitchen and reception rooms,

would be located below ground. These internal spaces would be lit by a glazed skylight but levels of natural light within the house would be generally poor and the only form of outlook, barring views of sky, would be from the bedroom window. Although the dwelling would meet the national minimum space standards, future occupiers would live a largely subterranean existence, which to my mind does not equate to a high standard of internal accommodation.

6. Future occupiers would be provided with an area of external amenity space behind the bins. Although policy compliant in terms of size, this area would be overlooked from adjacent properties and it would be inconveniently located in relation to the main living rooms. Furthermore, the amenity area would need to provide somewhere for a covered cycle store in order to meet the requirements of development plan policy and this would reduce the available space. The walk-on glass would be the principal means of providing natural light to the basement and this would discourage its use for siting garden furniture or plant pots, all of which would obstruct daylight and sunlight from penetrating below.
7. Overall, I conclude that the quality of internal and external living environment would be poor. There would be conflict with Policy DM10 of the Croydon Local Plan 2018 (CLP) and Policy 3.5 of the London Plan, insofar as these policies seek to ensure that housing developments are of the highest quality internally and externally, including through the provision of high quality private amenity space and adequate daylight, sunlight and privacy for future occupants. Whilst the Council has cited CLP Policies SP2 and DM1, these policies are not directly relevant to this issue.

Living conditions for residents of adjoining properties

8. The proposal would truncate the curtilage of No 672, with the existing ground floor flat being allocated a small area closest to the building. Occupants of the flat would have an outlook directly onto a building which is closer and taller than the modest single garage it is replacing. The loss of outlook would materially harm the living conditions of the occupiers of the ground floor flat of No 672.
9. Policy DM10.4(e) of the CLP stipulates that in the case of development in the grounds of an existing building which is retained, a minimum length of 10m and no less than half or 200m² (whichever is smaller) of the existing garden area is retained for the host property, after the subdivision of the garden. I do not know, based on the evidence before me, whether the area proposed for the new dwelling would otherwise be allocated to the flat as amenity space. Even if it were not, the land is part of the grounds to No 672 and as such there would be a clear conflict with Policy DM10.4(e), both in terms of the depth of the retained garden and its overall size relative to existing.
10. The Council is also concerned regarding the impact on the occupiers of No 670. Although the new building would be larger than the garage it would be set back from the boundary and its roof would be pitched away. There would be some sense of increased enclosure due to the height of the replacement building, but the additional mass would be off to one side and the loss of outlook would be nowhere near as great as in the case of No 672. The development would be obtrusive for the occupiers of the latter property and it would bring the scheme into conflict with CLP Policies DM10 and SP4 and London Plan Policy 7.6. These policies seek, amongst other things, to enhance well-being and ensure that the amenity of the occupiers of adjoining property is protected.

Character and appearance

11. The proposed development would face onto Earlswood Avenue. This residential street is characterised by 2-storey terraced housing. The garage on the appeal site is unremarkable in appearance, but it is innocuous in local views. The form of the proposed dwelling, with its diminutive scale and elaborate fenestration, would bear little resemblance to the houses surrounding it. The new building would read not as a domestic outbuilding, which one might expect in this location, but as a prominent and discordant addition to the street scene.
12. Accordingly, I conclude that the proposal would be materially harmful to the character and appearance of the area. It would conflict with CLP Policies SP4 and DM10 and London Plan policies 7.1, 7.4 and 7.6, to the extent that these seek high quality design which respects local character and context.

Conclusion

13. The proposal would deliver a small home in a location which is well-related to shops and services and with moderate accessibility to public transport. However, these benefits do not outweigh the harm that would arise in relation to the quality of the residential environment, the living conditions of neighbouring occupiers and the character and appearance of the area.
14. For the reasons given above and having had regard to all other material considerations, including the present dilapidated appearance of the site, I conclude that the appeal should fail.

Robert Parker

INSPECTOR