



Appeal Decision

Site visit made on 16 October 2020

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2020.

Appeal Ref: APP/L5240/W/20/3248588

25A Limes Road, Croydon CR0 2HF

- 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 K O'Callahan (Foxleyhall Ltd) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/03164/FUL, dated 5 July 2019, was refused by notice dated 30 August 2019.
 - The development proposed is described on the application form as "*the erection of two storey building to provide a duplex studio flat, together with associated landscaping, bin store and bike store*"
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposal would provide acceptable living conditions for future occupiers; (ii) the effect on the living conditions of the occupiers of the flats to the rear, with particular regard to natural light, outlook and privacy; and (iii) the effect of the proposal on the character and appearance of the surrounding area.

Reasons

Living Conditions of Future Occupiers

3. The appeal site comprises a narrow plot of land situated between 25 and 27 Limes Road. It is located in a residential street comprising predominately 2-storey terraced housing. To the rear there is a 2-storey building that at the time of my visit was in the process of being converted into 2 small flats. The front portion of the site provides access to this building.
4. The proposal would involve the erection of a 2-storey 1-bedroom dwelling within this gap. The ground floor would include a covered passageway to provide access to the flats at the rear. As a consequence the ground floor kitchen and dining space would be long, extremely narrow and lacking in natural light and adequate outlook. Privacy within the dining area would be compromised by the fact the occupiers of the flats to the rear would walk past the sole window serving this space. In addition, future occupiers of the dwelling would not have access to any private outdoor amenity space.

5. Due to its size, layout, siting and lack of outdoor space, the proposal would provide unacceptable living conditions for future occupiers. It therefore fails to comply with Policy SP2 of the Croydon Local Plan 2018 (CLP) which requires that all new homes achieve the minimum standards set out in the Mayor of London's Housing Supplementary Planning Guidance and the Technical Housing Standards - National Described Space Standard (THS). There is also conflict with Policy 7.6 of the London Plan (2016) (LP) which seeks the provision of high quality indoor and outdoor space.

Living Conditions

6. The proposal would largely fill the gap between the properties to either side and would be located directly to the south of the pair of small flats at the rear of the site, which already have limited access to natural light and constrained outlook. The proposal would make a poor situation worse in these respects. In addition, the rear first floor bedroom in the proposal and the bedroom window in the first floor flat would be in close vicinity resulting in poor levels of privacy in these opposing rooms. The space between the 2 buildings would be small, enclosed and over-shadowed and would therefore provide little in the way of amenity space for the occupiers of the flats.
7. Due to its height, siting and design the proposal would have an unacceptable effect on the living conditions of the occupiers of the flats at the rear of the site. The proposal therefore conflicts with CLP Policy DM10 which requires that the amenities of the occupiers of adjoining buildings are protected with particular regard to overlooking between habitable rooms and loss of sunlight and daylight to adjoining occupiers. There is also conflict with LP Policy 7.6 which states that buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to, amongst other matters, privacy and overshadowing.

Character and Appearance

8. I recognise that the proposal would not directly reflect the prevailing character and appearance of the terraced housing to either side of the appeal site. However due to its narrow width and the fact the terraces are generally viewed obliquely, it would be a relatively inconsequential element in the street scene, which I note is by no means uniform.
9. For these reasons I am satisfied that the proposal would not result in an unacceptable level of harm to the character and appearance of the surrounding area. It therefore accords with CLP Policies SP4 and DM10 which seek to promote development that respects local character and contributes positively to the public realm.

Conclusion

10. For the reasons set out under the first and second main issues, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR