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## 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.**

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**Appeal Ref: APP/L5240/W/20/3251225**

**96 Portland Road, South Norwood, London SE25 4PJ**

- 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 A Soora against the decision of the Council of the London Borough of Croydon.
  - The application Ref 19/05683/FUL, dated 25 November 2019, was refused by notice dated 31 March 2020.
  - The development proposed is the demolition of the attached rear ancillary storage building with ancillary kitchenette and wc. Alterations and erection of a detached two storey building at rear comprising 2 self-contained live/work units. Provision of associated ground floor terrace area and refuse and cycle storage.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. In the interest of clarity I have used the description of development given on the appeal form and the decision notice in the banner heading above as this more comprehensively describes the scope of development proposed.
3. Whilst the description refers to "live/work units", the drawings show a pair of self-contained flats without any associated employment space. For this reason I do not consider the proposed units would be mixed use and have considered the appeal on the basis that two self-contained flats are proposed.

### Main Issues

4. The main issues are the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and natural light; and whether it would provide acceptable living conditions for future occupiers, with particular regard to outdoor amenity space.

### Reasons

#### *Living Conditions of Neighbouring Property Occupiers*

5. The appeal property comprises a shop fronting Portland Road to the rear of which there is a single-storey structure containing an ancillary storage area and a kitchenette. This structure is accessed via a service lane from Werndee Road. It abuts Geraldine House, 1B Balfour Road, on one side and the garden to the rear of 1 Balfour Road on another side.

6. The proposal would comprise the redevelopment of the single-storey rear structure to create a 2-storey building with a 1-bedroom flat on each floor. There would be an increase in height of development on the boundary shared with Geraldine House, which includes a ground floor window close to the boundary. This would result in a significant reduction in levels of natural light to, and outlook from, this window.
7. The proposal would result in an increase in the height of development on the boundary shared with 1 Balfour Road. This would result in a significant reduction in outlook from the rear of the property and from the garden, which is already significantly enclosed by Geraldine House.
8. Due to its siting, height and bulk the proposal would have an unacceptable effect on the living conditions of the occupiers of neighbouring properties. It therefore fails to accord with Policy DM10.6 of the Croydon Local Plan 2018 (CLP) under which the Council supports proposals for development that ensure that the amenity of the occupiers of adjoining buildings is protected. There is also conflict with the aims of Policy 7.6 of the London Plan (2016) (LP) and the Council's Suburban Design Guide Supplementary Planning Document (2019) (SPD). In particular, the former states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings.

#### *Living Conditions of Future Occupiers*

9. The proposed upper floor flat would not have any private amenity space or access to communal outdoor space. Whilst the appellant describes this flat as a 1-person unit, it exceeds the minimum space standard for a 2-person flat and the bedroom has been designed, for no obvious reason, to be slightly less than the minimum requirement for a double bedroom. The upper floor flat is clearly of sufficient size to accommodate 2 people. As such the proposal does not provide an excess of internal space so the absence of outdoor space would not be compensated for in this regard.
10. Due to the absence of outdoor amenity space the proposal would result in unacceptable living conditions for future occupiers of the upper floor flat. It therefore fails to comply with CLP Policies DM10.4 and DM10.5, the former of which requires new residential development to provide private amenity space. The application drawings clearly indicate the upper floor flat would not be created solely through the conversion of the existing building and in any case paragraph 6.72 of the CLP advises that the aforementioned policies apply to both new build flats and conversions.
11. There is also conflict with the aims of Policy 3.5 of the London Plan 2016 and the Council's Suburban Design Guide Supplementary Planning Document (2019) which states that new dwellings should include outdoor amenity space.

#### **Conclusion**

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

*S Poole*

INSPECTOR