
Appeal Decision

Site visit made on 29 September 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 03 December 2020

Appeal Ref: APP/L5240/W/20/3254221
405 Whitehorse Road, Croydon, CR7 8SD

- 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 R Wilson On Site Developments against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04930/FUL, dated 17 October 2019, was refused by notice dated 18 March 2020.
 - The development proposed is conversion of existing dwellinghouse together with two storey rear extension, loft conversion and roof extension to provide 2 self-contained residential units with associated bicycle storage and refuse storage.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by R Wilson On Site Developments against the Council of the London Borough of Croydon. This application is the subject of a separate Decision.

Preliminary Matters

3. Paragraph 1.2 i of the appellant's statement appears to refer to a different case located in the London Borough of Sutton and a decision notice dated 23 April 2020. However, the rest of the statement clearly relates to the site and proposal which is the subject of this appeal. I have therefore not had regard to this paragraph in the determination of this appeal.

Main Issue

4. The main issue is whether the proposed 1 x 1 bedroom flat would affect the living conditions of the future occupier by reason of its size.

Reasons

5. The site is currently comprised of a single terraced house. Under the proposal the house would be converted to two units. The smaller of the two units would be a studio flat with shower room.
6. The principal matter between the parties is whether the staircase area and the void above it can be included in the calculation of the Gross Internal Area (GIA) of the proposed studio flat and therefore whether it complies with the '*Technical housing standards – nationally described space standards*' (NDSS),

March 2015, in terms of its floor area, which have been adopted by the Council in the Croydon Local Plan 2018 (CLP).

7. The NDSS defines GIA of a dwelling as the total floor space measured between the internal facing perimeter walls that enclose the dwelling. In this case the internal faces of the perimeter walls are those that enclose the studio flat at the top floor of the building. This is the area the dwelling occupies and is the usable space available to the occupant. The staircase and voids above stairs referred to in paragraph 8 of the NDSS need to be within the internal facing perimeter walls of the flat in order to be included in the calculation of its GIA.
8. The staircase between the studio flat and the ground floor, in this case, is external to the dwelling and is therefore not used to calculate the GIA in accordance with paragraph 8 of the NDSS. This has to be correct in this case, as the appellant's interpretation would mean that a long or tall staircase accessing a property would add to a flats GIA and reduce the actual usable space available to its occupant.
9. I note what the appellant argues concerning the definition of the GIA given at paragraph 8 of the NDSS as also including partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. However, these still need to be within the internal facing perimeter walls that enclose the dwelling in order to count towards the GIA as defined in paragraph 8 of the NDSS. In this instance the staircase and the void above it are outside the dwelling and therefore do not count towards its GIA. In seeking to further clarify this point, I would highlight the staircase in the larger property in this proposal, where the staircase and void are wholly enclosed within the property, and therefore would be included in the calculation of its GIA.
10. Consequently, I find that the dwelling is below the minimum gross internal floor area of 37 square metres (where a shower room is provided) for a 1 bedroom, 1-person dwelling, as defined in the NDSS.
11. The Council has incorporated the NDSS into Policy SP2 of the Croydon Local Plan (CLP) at paragraph SP2.8. The NDSS are also incorporated into the London Plan (LP) at Policy 3.5. I therefore find that the appeal proposal is in conflict with the policies of the CLP and the LP in that it would not provide an adequate standard of accommodation for potential future occupiers and would as a consequence harm their living conditions.

Other Matters

12. The appellant has given an example of a planning application which was approved by the Council at 95 Birchanger Road, South Norwood. I have had regard to this case in this decision. However, there appear to be material differences between the case before me and the example given. In particular all of the flats in the Birchanger Road case appear to have landings or hallways on the same level of the flats which would add to the GIA. This is not the situation in the case before me with regard to the proposed studio flat. In any event each case must be decided on its own particular merits.
13. The applicant has referred to the contribution the proposal would make to the supply of new dwellings in the area, the improvement it would make to the local environment and its contribution to the local economy. However, I consider that new dwellings should still provide an adequate standard of

accommodation for any potential occupier in order that their living conditions are not harmed. Therefore, and in view of my finding on the compliance of the proposal with the NDDS and the policies of the development plan I give this argument limited weight in the determination of this appeal.

Conclusion

14. Consequently, and having regard to all the arguments put forward by the appellant, I find that for the reasons given above the appeal must be dismissed.

Peter Mark Sturgess

INSPECTOR