



Appeal Decision

Site visit made on 11 January 2021

by Kenneth Stone BSC Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05th February 2021

Appeal Ref: APP/L5240/W/20/3257900

MW House, 41 Chipstead Valley Road, Coulsdon, CR5 2RB

- 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 Valley Property Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/05886/FUL, dated 13 December 2019, was refused by notice dated 29 April 2020.
 - The development proposed is described as 'the erection of a roof extension including the formation of 2 x 1 bedroom units'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a roof extension including the formation of 2 x 1 bedroom units at MW House 41 Chipstead Valley Road, Coulsdon, CR5 2RB in accordance with the terms of the application, Ref 19/05886/FUL, dated 13 December 2019, subject to the conditions contained in the schedule at the end of this decision.

Preliminary matter

2. The application form and appeal form identify the address of the property as 41 Chipstead Valley Road. The Application form includes the building name as MW house. The Plans on which the scheme was determined are included in a bundle referred to as 'Amended full suite of plans received 17-04-20 (12 sheets)'. The legend in these plans refers to the site as 'MW House 410 Chipstead Valley Rd, Coulsdon, CR5 2RB'. The Redline plan included in the application bundle clearly identifies the building to which the application relates as that to the rear of the terrace block fronting Chipstead Valley Road. Whilst the site plan refers to the building as 41a this is not included in the application form or appeal form or in the Council's decision notice. I have therefore used the description of the appeal site as stated in the application form and included reference to MW House. The plans are clear as to which property is the subject of the proposals and it is on the basis of these plans that I have considered the appeal.
3. The proposals seek permission for a roof extension incorporating two 1 bed flats. The building has previously been the subject of prior approval for the change of use of the building to residential accommodation and at the time of my visit there appeared to be residential occupation of the building. The proposal includes alteration of the existing slope of the first floor roof to provide additional first floor volume that increases the useable space for units

in the prior approval scheme as well as a pitched roof over the first floor that accommodates the two flats in the proposed roof void. It also includes windows in the new flank façade of the first floor facing the rear of the terrace fronting Chipstead Valley Road. The alterations to the first floor units does not increase the number or type of units previously accepted under the Prior Approval.

Main Issues

4. The main issues are:

- The effect of the proposed development on the character and appearance of the building and surrounding area;
- The effect of the proposed development on the living conditions of the occupiers of the adjoining properties at 41 and 43 Chipstead Valley Road with particular reference to outlook and enclosure;
- Whether the proposed development provides acceptable living conditions for future occupants, with regard to communal or child play space;
- The effect of the proposed development on highway safety resultant from additional parking pressure;
- Whether the proposal provides for adequate refuse storage facilities.

Reasons

5. The Development Plan for the area comprises The London Plan (consolidated with Alterations since 2011) (LP) published March 2016 and the Croydon Local Plan 2018, which was adopted in February 2018 (The CLP). Other material considerations include the emerging London Plan which at the time of writing this decision had reached the stage whereby the Secretary of State has written to the Mayor of London and confirmed that he is content for the plan to be published with no further changes. The emerging London Plan (eLP) is however not yet published and is therefore not development plan however the policies can be given substantial weight given the advanced stage of the plan making process. Other material considerations include the National Planning Policy Framework (The Framework), the Nationally described technical housing standards – nationally described space standards, the Mayor of London's Housing Supplementary Guidance (SPG) and Croydon Suburban Design Guide Supplementary Planning Document (2019) (SPD) to which I have had regard.

Character and appearance

6. The appeal site is located in an area to the rear of properties fronting main highways. Narrow accessways lead off Chipstead Valley Road to provide access to a number of small commercial units and the rear areas of the properties fronting Chipstead Valley Road as well as Brighton Road to the south and Lion Green Road to the East. The area is predominantly commercial with the frontage properties accommodating retail and commercial floor space on the Ground floor and ancillary accommodation or residential use on the upper floors.
7. Chipstead Valley Road is primarily two storey Edwardian or Victorian terraces with a school almost directly opposite the access to the rear area where the appeal site lies. A proportion of the terraced properties on the southern side of Chipstead Valley Road are however three storey. Moreover, the land to the

rear is at a lower level than the main highway of Chipstead Valley Road and those two storey properties fronting it are three storeys to the rear.

8. In this backland area there are a number of commercial buildings of little relevance or relation to the frontage development. They are more modern insertions, with differing footprint, form, materials, treatment and general appearance. The property the subject of the appeal is one such building and holds a position which has limited relevance to the adjacent frontage terraces in design terms. The building is not readily visible from the surrounding main roads and there is little opportunity for views of the building even across the roof tops. There are some very limited views into this area from access points on the adjacent roads but these are extremely limited.
9. The proposed extensions and alterations would without doubt increase the height, scale and bulk of the building. But there would be extremely limited views in the surrounding areas where this would be visible or noticeable. On many of the through routes and approaches the area is well screened by the frontage development and even in longer views there would be limited visibility of the building, even as extended, available. The lower site level, limited overall height of the building, nature of the surrounding buildings and topography is such that there would be no significant impact on the general street scenes in the immediate vicinity of the appeal site. Within the backland area on the access links where views would be available this would be in the context of the rear of buildings, larger scaled buildings in the vicinity and a variety of other commercial and building forms. As such the proposal would not appear harmful to the character or appearance of the area.
10. These conclusions are in keeping with the principles in the SPD and relationship between buildings and in particular around defining and approaches to character. The proposals would be in accord with policies SP4 and DM10 of the CLP which together seek to ensure development responds to local character with regard to scale, height, massing, pattern, layout and siting etc. Similarly, they would not conflict with the urban design requirements of the LP, in particular policies 7.1, 7.4 and 7.6, or the eLP.
11. For these reasons I conclude that the proposed development would not have a materially harmful effect on the character or appearance of the building or surrounding area.

Living conditions of adjoining occupiers

12. Policy DM10 of the CLP and policy 7.6 of the LP and policies D3 through to D6 in the eLP seek development that is of a high quality that meets appropriate standards for and provides for a good quality environment for occupiers of the development and surrounding properties. These are further elaborated upon in the SPD and SPG.
13. The proposed development would add additional height and bulk to the existing building which is set close to the rear of properties fronting Chipstead Valley Road. Those closest to the building are identified as 43 and 41. And from which the extended building would be set, according to the Council, between 10.5 – 12.6 metres away. These properties are mixed commercial and residential units. The Council acknowledge that it is not aware of the internal arrangements of the buildings but I accept that there is a potential for a number of the rear facing windows to be to habitable rooms.

14. The existing building sits at a lower ground level than this terrace. The lower floors relate to the commercial use on the frontage. The existing outlook is to an area already occupied by a significant industrial style building and an area in which there are a number of such buildings. The additional height and bulk would increase the impact on the rear of these buildings. There would however remain a significant element of sky light and there is a reasonable degree of space around the buildings. The site is in a town centre urban location. The additional accommodation would be incorporated in a roof which has the facing façade sloping away from the rear of the properties the overall height would not be dissimilar to the height of the terrace within which 41 and 43 are accommodated. The Officer report refers to an 18m separation requirement, which derives from paragraph 2.9.11 in the SPD. However, this is between back to back habitable room windows and aimed at protecting privacy. This is not a normal back to back relationship and the first floor of the proposed development would only accommodate two obscure glazed windows that could be fixed shut and secured by condition. The new flats would also have windows in the roof slope but this is in a different plane and at higher level. This would not result in a loss of privacy or direct overlooking or intervisibility between the properties.
15. Overall, I am satisfied that the impact would not be so prejudicial to the outlook for the occupants of those properties that it would warrant dismissal of the appeal given the separation relationship and design of the proposed alterations.
16. Similarly given the position of the roof lights for the new flats and the obscure glazing proposed for the first floor windows in the flank elevation there would be no significant overlooking or loss of privacy.
17. For the reasons given above I conclude that the proposed development would not materially affect the living conditions of the occupiers of the adjoining properties at 41 and 43 Chipstead Valley Road with particular reference to outlook and enclosure. Consequently, the proposals would not conflict with Policy DM10 of the CLP or Policy 7.6 of the LP or policies D3 through to D6 in the eLP.

Living conditions of future occupiers

18. Policy DM10 of the CLP requires all new residential development will need to provide for private amenity space that is of high quality provides functional space (minimum width and depth of balconies should be 1.5m), provide a minimum of 5 sqm per 1-2 person unit and an extra 1 sqm per extra occupant thereafter, all flatted development provide a minimum of 10 sqm per child of new play space and all new flatted development will also have to incorporate high quality communal outdoor space.
19. The Council is concerned at the lack of child play space.
20. The proposal is to add to an existing flatted scheme there is therefore some justification in considering whether this is a 'new' flatted scheme. The proposal provides for two one bed units. And alterations which increase the space for two bed sits. The new units would only have one bedroom and no additional bedroom. There is some question as to whether the development would provide suitable family accommodation that would generate a need for child play space. The proposed development does provide for balcony space of in

excess of 5 sqm and which would be wider than 1.5m and would meet the requirements of DM10.4 in this regard.

21. There is no opportunity to provide for additional communal amenity space around the building and indeed the buildings back land location and in a town centre location would raise questions as to whether this would be suitable for such a small increase in properties.
22. The internal space standards for the properties to be provided would meet the nationally described standards and overall, the level of private amenity space is adequate. The lack of provision of child play space in a development of two additional one bed units which are unlikely to support family accommodation is not inappropriate and indeed has not been clearly demonstrated that it is clearly required by policy.
23. For the reasons given above I conclude that the proposed development provides acceptable living conditions for future occupants, with regard to communal or child play space. Consequently, the proposal does not conflict with policy DM10 of the CLP or Policy 3.5 of the LP.

Highway safety (including parking and cycle provision)

24. This proposal would result in the addition of two one bed flats. The parking requirement would be a maximum of 1 space per unit and therefore two additional spaces as a maximum. But the parking spaces are maximum. The site is located in a reasonably accessible location. It is a town centre location with access to the future occupants needs for day to day living, there are good bus connections and a main line railway station within walking distance. On this basis the lack of parking is not such that would prejudice future occupiers. The street surrounding the site are subject to parking controls and therefore there are restrictions to on street parking in the vicinity of the site. As such the limited additional demand that could potentially be generated by the development would have limited opportunity for parking in the immediate locality and which would likely discourage future car ownership and encourage a car free development, which the rest of the scheme has been accepted on that basis. The Council assert that they are aware that the area is subject to increasing parking stress but do not provide any evidence of this or give an indication of the level or nature of that increase.
25. The Council have suggested a condition which proposes a requirement to restrict future occupants from applying for parking permits in this area. But I have not been provided with any detail of the effect that any potential additional permits would have on the operation of the permit scheme or the harm that would result from further permits being provided. There is no identification of the resultant harm that would arise from the very limited number of units involved or the cumulative effect of such. I have therefore not been provided with the justification for restricting permits or the identification of the harm that would arise from the limited additional pressure that may potentially arise.
26. The development proposals also provide for cycle parking at a ratio that would be compliant with the development plan standard for the whole block. There is an issue as to whether these could be Sheffield stands but the plans make provision for secure covered cycle parking facilities and a suitable condition can be added to ensure the details are submitted and approved by the Council

before occupation. The provision appears to meet the requirements set out in paragraph 2.31.2 of the SPD which lists various matters that secure cycle parking should include. The provision of cycle facilities would further support the reduced need and demand for car parking.

27. Overall, on this issue I conclude that the residual cumulative impacts on the road network would not be severe, which the Framework advises would be necessary in order to prevent development on highways grounds. The parking demand would be limited and with the provision of cycle parking could be ameliorated. There is no evidence to demonstrate that highway safety would be materially harmed. Consequently, I conclude the proposed development would not materially harm highway safety resultant from additional parking pressure and the proposal would not conflict with policies DM29 and DM30 of the CLP or policy 6.13 of the LP.

Refuse facilities

28. The proposal for which permission is sought is for two additional flats. The refuse provision in this context is for those two additional units. The plans identify a location for a refuse storage area and a location for a collection point. The appellant notes that the collection point is similar to that accepted under the prior approval and the nature of the refuse facilities are consistent with surrounding properties. The areas in and around the buildings to the rear are not clearly defined or marked out. There are a number of operators and occupiers and a number of refuse bins and areas in the surroundings. It has not been argued that refuse vehicles cannot access this area and indeed it is accepted that they do and that they do to service other properties.
29. The details of a method statement to deal with the collection day services and how this can be effectively operated can be the subject of a condition as can the details of the overall bin store areas. On this basis I am satisfied that this is not a matter of principle on which the scheme should fall and is a matter that can be adequately addressed by the imposition of a suitably worded condition.
30. For the reasons given above I conclude on this matter that the proposal provides for adequate refuse storage facilities and does not thereby conflict with policy DM13 or SP8.7 of the CLP.

Other matters

31. The appellant draws attention to policies H1 and H2 in the eLP to support the case through the provision of additional homes supporting the Council's housing requirement and the contribution of small sites. The scheme is for two additional units and given the small number of units this only contributes a minor benefit.

Overall conclusions and conditions

32. The proposed development would be in accordance with the Development Plan and there are no material considerations that would indicate a decision otherwise.
33. I have considered the conditions suggested by the Council, as set out in its statement of case, in the context of the advice in the Planning Practice Guidance and have imposed conditions to require the development to be carried out in accordance with the approved plans to ensure that there is no

confusion and clarity is provided on the approved plans. I have imposed conditions in respect of cycle and refuse storage to require additional details for the reasons given above and details of materials and rainwater goods are required in the interest of the appearance of the building and surrounding area.

34. I have not imposed a condition in respect of a restriction on parking permits as requested by the Council for the reasons given above.

35. For the reasons given above I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

Schedule of conditions for appeal APP/L5240/W/20/3257900

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development shall be carried out in accordance with the approved drawings and supporting documents submitted with the application listed below, except where otherwise required by another condition on this permission: U-PP - LP001, U-PP - PP001, U-PP - PP002, U-PP - PP003, U-PP - PE001, U-PP - PE002 and U-PP - Refuse and Bike details
- 3) Notwithstanding condition 2 prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) External facing materials including samples of all facing materials and finishes;
 - b) Any external rainwater goods.

The development shall be carried out strictly in accordance with the details thus approved.

- 4) Cycle parking facilities shall be provided in accordance with details first submitted to and approved in writing by the Local Planning Authority before first occupation of the units hereby approved. Full details shall include the design of the cycle parking, including the nature of the cycle stands. The approved cycle parking shall be retained thereafter.
- 5) Refuse storage facilities shall be provided in accordance with details first submitted to and approved in writing by the Local Planning Authority before first occupation of the units hereby approved. Full details shall include the layout, design, capacity and storage facility along with a management plan for refuse collection. The approved refuse facility and management plan shall be retained and operated as approved thereafter.
- 6) The units hereby permitted shall not be occupied until the windows on the first floor northern elevation have been fitted with obscured glazing, and no part of that/those window[s] that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

End