



Appeal Decision

Site visit made on 22 January 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021.

Appeal Ref: APP/L5240/W/20/3259560

254 Holmesdale Road, South Norwood, London SE25 6HX

- 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 Europa Gold Ltd against the decision of the Council of the London Borough of Croydon.
 - The application, Ref. 19/05593/FUL, dated 24 November 2019 was refused by notice dated 17 March 2020 .
 - The development proposed is retrospective change of use of extended dwellinghouse to 2 x self-contained flats comprising 1 x 1 bed / 1 person flat and 1 2 bed / 3 person flat (Existing use and configuration established in 2005).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the extended dwellinghouse to 2 x self-contained flats comprising 1 x 1 bed / 1 person flat and 1 2 bed / 3 person flat in accordance with the terms of the application, Ref. 19/05593/FUL, dated 24 November 2019, subject to the following conditions:
 - 1) The development shall be carried out in accordance with the following approved plans: Drawing Nos. 254.HR/119/001 Rev. 1 & 254.HR/119/002 Rev.1;
 - 2) Within three months of the date of this decision provision for cycle storage shall be made in accordance with details first agreed in writing with the Local Planning Authority. This provision shall thereafter be permanently retained.

Main Issue

2. The main issue is the effect of the development on the supply of housing accommodation in the Borough.

Reasons

3. Policy DM1.2 of the Croydon Local Plan 2018 ('the Local Plan') permits the redevelopment of residential units where it does not result in the net loss of 3 bedroom homes (as originally built) or the loss of homes smaller than 130m² gross internal floor area 'GIA'. Supporting paragraph 4.31 explains that the policy is intended to ensure that the conversion of single family houses into flats does not further reduce the provision of three bedroom homes.
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4. However, whilst the appeal scheme contravenes Policy DM1.2 in terms of both the loss of a 3 bedroom home and a small dwelling as defined by its GIA, both the Council's officers report and the appellant's appeal documents make it clear that the property has now been in use as two flats and in the existing configuration for over 15 years. In large measure this is because initial enforcement action was not followed through to completion pursuant to a dismissed appeal in 2008.
5. As regards the main issue, the beneficial effects on the housing opportunities in this part of the Borough of the property's reversion to a single house as opposed to its continuing as two flats is disputed by the appellant. On balance I agree with the argument that, having regard to the demographic profile of Selhurst and its urgent requirement for inexpensive housing, a reversion to the original dwelling in this particular case would be of little if any net benefit.
6. This is especially because the ground floor flat does currently provide adequate accommodation for the existing family with a young child, with the rear garden available for play space and amenity. The first floor flat is occupied by a single person with disabilities who at the time of my visit was 'shielding' under the Covid-19 guidance and regulations. The flat has been the occupier's home for almost ten years and the appellant's evidence is that he is keen to remain.
7. I have additionally taken the point that the original 3 bed house had a very small third bedroom, referred to as a 'boxroom', that in the event of the original layout being reinstated would in this regard fail to meet the National Technical Housing Space Standards 2015.
8. Furthermore, in this particular case there are the circumstances of what might now be reasonably regarded as an historic change of use. And in my view, there is at the very least an issue of the appropriateness of a refusal of permission over 15 years since the breach occurred. The rules relating to enforcement time limits do not technically apply in this case because enforcement action was at one point commenced. But they do indicate that the planning system recognises that the length of time of an unauthorised development is a factor to be taken into account in its acceptability, especially bearing in mind that there has been no concealment by the owners / occupiers from the Council that the flats exist (for example the registration of the separate households for Council tax). Furthermore, the housing needs of the existing occupiers should also be given weight.
9. The appeal statement seeks to demonstrate that national and local policy has evolved to support the appeal proposal. However, in the absence of any counter evidence from the Council in this appeal it is unnecessary to address these matters. This is because I am satisfied that having regard to the particular circumstances of this case, as outlined above, there would on balance be no harmful conflict with Local Plan Policy DM1.2. On the contrary, the retention of the existing arrangement through a permission in this appeal would confer the most benefit to the housing needs of the community in this locality. I shall therefore allow the appeal.
10. The Council has failed to provide a list of conditions if the appeal is allowed in accordance with the standard appeal procedure. I note that in the officer's report there is a reference to a legal agreement restricting future residents from

applying for a parking permit. However, in this case the Council has accepted that the conversion to two units would not have a significant impact in respect of on-street parking and the area has a PTAL rating of 4 which is good. I am not satisfied that this restriction can be now be reasonably required in circumstances where a permission would not result in any actual change from the long standing situation as regards housing tenure.

11. A condition requiring a communal amenity area including playspace is also referred to in the officer's report. However, there are just two flats with the ground floor unit having direct access to the rear garden and the upstairs flat having a separate direct access to the front garden which is well screened from the road. Both gardens are of a good size and with just the two flats I see no reason to require 'communal' use.
12. On the other hand, the appellant has suggested the provision of a cycle store and I consider that this is a worthwhile improvement that can properly be sought for the benefit of the occupiers and for the sustainability credentials of the development. I have accordingly imposed a condition requiring its installation.
13. Finally, although the application is retrospective, I shall attach the standard condition requiring the development to comply with the approved plans. This is for the avoidance of doubt and is in the interests of proper planning.

Martin Andrews

INSPECTOR

