



Appeal Decision

Site Visit made on 3 March 2021

by H Miles BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 APRIL 2021

Appeal Ref: APP/L5240/W/20/3259817

55 Frith Road, Croydon CR0 1TB

- 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 Jake Newman against the decision of the London Borough of Croydon.
 - The application Ref 20/02304/FUL, dated 27 May 2020, was refused by notice dated 27 July 2020.
 - The development proposed is demolition of existing two storey commercial building, erection of four storey residential building.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the consideration of this appeal the London Plan 2021 (London Plan) has been published. Both main parties have had the opportunity to comment on the relevance of the London Plan to this case. I have taken any comments received into consideration.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance of the area including the setting of the Church Street Conservation Area.
 - The vitality and viability of the Croydon Metropolitan Centre.
 - Whether satisfactory living conditions would be created for future occupiers with particular regard to light, privacy, outdoor space and refuse.
 - The living conditions of existing occupiers with particular regard to 53 and 57-59 Frith Road.
 - Sustainable travel.

Reasons

Character and Appearance

4. The appeal site is a two storey building, individual in this row of properties. To the south are the substantial properties at 57-63 Frith Road which include ground floor retail/business floorspace with the appearance of generous floor to ceiling heights and a commercial character. To the north is a row of more traditional properties with smaller individual retail/business uses at ground

floor and residential above. The upper floor is within a mansard roof with a balcony to the front. Priddys Yard is to the rear which serves the large Holiday Inn Express and has a number of residential windows which face onto it.

5. The Church Street Conservation Area (the CA) derives its significance, as a whole, from its traditional use as a shopping street and its historic buildings. The appeal site is directly opposite an area identified in the Church Street Conservation Area Appraisal and Management Plan (the Appraisal) as the 'Church Street and Reeves Corner' Character Area. The positive characteristics of this area include the ground floor commercial development, some of which is within historic buildings. There is a new building opposite the site at 72-78 Frith Road. The site is also close to the Victorian terraced housing which is within the 'Tamworth Character Area' along Frith Road.
6. Travelling along Frith Road there is a clear visual relationship between the appeal site and the buildings within the CA which are directly opposite. Also, there is a functional relationship between the ground floor commercial uses on both sides of this road. Therefore, the appeal site forms part of the surroundings from which the heritage asset is experienced.
7. The ground floor retail along the southern part of the Frith Road frontage is a positive aspect of this part of the CA, and the mirroring of ground floor commercial uses opposite makes a positive contribution to this setting.
8. The proposed development would remove the functional relationship between ground floor commercial use at this site and those in the CA opposite. This would harm this important part of the CA's setting.
9. Furthermore, the appeal scheme would provide a jarring transition between the larger development to the south and the more traditional terraced properties to the north. The proportions and positioning of the windows do not align with either, and the projecting balconies serve to highlight this discordant relationship. The building line at first floor level and above sits forward of the adjoining property at no. 53. This increases the prominence of the proposed inappropriate building form. The proposed materials and window reveals could be secured by condition; however, this would not overcome the harm described above. The resultant incongruous building would be highly visible in views of the CA along Frith Road and would be harmful to the setting of the CA in this respect.
10. Consequently, the proposed development would harm the character and appearance of the area including the setting of the Church Street CA. As such, in this respect, it would not be in accordance with Policies SP4, DM10, DM18 of the Croydon Local Plan 2018 (the Local Plan), HC1 of the London Plan nor the advice in the Appraisal, the Conservation Area General Guidance SPD and the Old Town Master Plan Supplementary Planning Document. Together, in summary, these policies and guidance seek to preserve and enhance the character appearance and setting of heritage assets, in particular in relation to the Old Town area and the Church Street Conservation Area. Also, to provide development of a high quality that respects local character and is of good design.
11. Policy D4 of the London Plan provides processes and actions that should be taken to secure good design. Nevertheless, the policies set out above are more relevant to the consideration of the appeal proposals. I am not presented with

evidence that leads me to conclude that the proposed development would be harmful to the setting of the Central Croydon Conservation Area, nor that the Suburban Design Guide is directly relevant to this site within the Metropolitan Centre. Therefore, the policies listed above are more relevant to this main issue than the Central Croydon Conservation Area Appraisal and Management Plan Supplementary Planning Document (December 2014) and the Suburban Design Guide Supplementary Planning Document (April 2019).

Croydon Metropolitan Centre

12. The Appeal site is within a Primary Shopping Area within the Metropolitan Centre, but it is not a Main Shopping Frontage. Policy SP3.12 of the Local Plan is a strategic policy which seeks to maintain the amount of retail floorspace in Croydon, amongst other things. Policy DM4 of the Local Plan provides more detail. It states that outside a Main or Secondary shopping frontage but within a primary shopping area all uses are acceptable in principle. It provides a caveat relating to mixed use developments, but this is not relevant to this scheme.
13. Although it is put to me that the commercial use is not viable, I am not provided with detailed evidence in this regard. Whilst there may be other sites available for commercial use nearby, I am not persuaded that the existing use at the appeal site does not contribute to the vitality of the metropolitan centre.
14. Therefore, although the proposed development complies with Policy DM4 of the Local Plan, in the absence of specific local evidence, I am not satisfied that the loss of retail floorspace in this location would maintain the amount of retail floorspace in Croydon.
15. As such the proposed development would have a harmful effect on the vitality and viability of the Croydon Metropolitan Centre. Consequently, in this respect, the proposed development would be contrary to Policy SP3.12 of the Local Plan, the aims of which are set out above and, Policy SD6 of the London Plan which seeks to promote and enhance the vitality and viability of town centres.

Living conditions for future occupiers.

16. The living room and kitchen to the ground floor flat would be served by windows which face directly onto the undercroft area of 57-59 Frith Road. These windows would receive restricted levels of light and direct views from passers-by would be possible. Whilst windows to the nearby terraced housing are close to the street, this appears to relate to one room in a larger property and furthermore is a historic arrangement which should not necessarily be replicated if poor quality living standards would result.
17. Additionally, the layout of the upper floor units is long and narrow with windows to the front and rear only. I am not persuaded that adequate sunlight and daylight could be achieved to the central parts of these units. However, at first floor and above direct views from the road into the flats would not be possible and therefore I do not find harm with regard to privacy in terms of the layout with bedrooms to the front.
18. Policy DM10.4 requires that all proposals for new development should provide private amenity space of 5sqm per 1-2 person unit. It is put to me that there is alternative public outdoor space nearby. However, I am not presented with

evidence that this would be of a type and proximity that would replace the need for private amenity space for the occupiers of the ground floor unit.

19. The proposed development would not provide waste storage in line with the Local Plan requirements for new builds. Although the site footprint is small, I am not satisfied that the standards for conversion should be applied to the proposed development and that a suitably sized refuse area could not be included. The lack of sufficient space for refuse would lead to overspill rubbish being left in the street which would be unattractive and as such would create poor living conditions for future occupiers.
20. Consequently, the proposed development would create unsatisfactory living conditions for future occupiers with particular regard to light, privacy, outdoor space and refuse. This would be contrary to Policies DM10 and DM13 of the Local Plan and D6 and SI7 of the London Plan which require, in part, that new development provides adequate daylight and sunlight for future occupants, private amenity space and adequate space for the storage of waste.

Living conditions of existing occupiers

21. The three storey angled form proposed to the rear of the site would jut out in front of the rear windows at first and second floor of 57-59 Frith Road. The massing of the proposed building would therefore significantly restrict the outlook from these existing windows and would be likely to have a harmful effect on the light received to these rooms.
22. Screening is proposed to the front balconies which would restrict views towards no. 53 and its front balcony. Furthermore, the building would not protrude forward of the windows to the third floor to the extent that a harmful effect on the light to this existing property would be likely.
23. Consequently, although harm to the living conditions at no. 53 would be unlikely, the proposed development would have a harmful effect on the living conditions of the existing occupiers at no's 57-59. This would be contrary to Policy DM10 of the Local Plan which requires, in part, that development must ensure that they provide adequate daylight and sunlight and protect the amenity of adjoining occupiers.
24. Policy HC1 of the London Plan largely relates to heritage conservation, and therefore the policies listed above are more relevant to this main issue.

Sustainable Travel

25. The proposed cycle parking would be located on a pedestrian part of the access to Priddys Yard and therefore I am not persuaded that it would be damaged. However, these cycle racks are in the public domain and as such would not be well-located, secure cycle parking. As such the proposed development would be unlikely to encourage cycle use.
26. Therefore, the proposed development would not provide sustainable travel options. Consequently, it would be contrary to Policies SP8, DM29 and DM30 of the Local Plan, and Policy T5 of the London Plan which seek to promote sustainable travel choices.

Other Matters

27. The proposed development would result in the efficient use of a brownfield site, very close to services and public transport, and would increase the housing stock, along with the social and economic benefits associated with the provision of new homes. However, given the size of the proposed development (4 flats) these benefits are modest in their scale. On the other hand I have found harm in a number of respects including the public and permanent harm to the character and appearance of the area, the detriment of the vitality and viability of the Croydon Metropolitan Centre, the poor quality of living conditions for future occupiers and harm to the living conditions of existing occupiers and the lack of sustainable travel options. Cumulatively these amount to considerable harm. Accordingly, taking all the above into account, the limited public benefits would not outweigh the substantial harm identified above.
28. I have noted the appellant's concerns regarding the Council's handling of the planning application in terms of the discrepancies in the officer report and that it has not worked in a collaborative way. However, that does not alter my assessment of the planning merits of the proposal.

Conclusion

29. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

H Miles

INSPECTOR