
Appeal Decision

Site visit made on 17 May 2021

by J D Westbrook BSc(Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

**Appeal Ref: APP/L5240/W/20/3251642
49-51A Shirley Road, Croydon, CR0 7ER.**

- 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 Platinum Investments plc c/o Harson Investments against the decision of the Council of the London Borough of Croydon.
 - The application Ref: 19/02994/FUL dated 24 June 2019, was refused by notice dated 23 March 2020.
 - The development proposed is the demolition of part of the existing buildings to rear, and erection of extensions to the roof, side and rear of the site to create 7 new flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposed development on the application form refers to 'the creation of 8 new flats'. This description was later altered to 'the creation of 7 new flats' with the agreement of the Council, and this is the description used on the decision notice. I have therefore used this amended description above.

Main Issues

3. The main issues in this case are the effects of the proposed development on:
 - The character and appearance of the area around Shirley Road, Shirley Park Road and Furlong Close.
 - The living conditions of the occupiers of the proposed flats by way of internal and external space, and
 - Highway safety in the vicinity of Shirley Road.

Reasons

4. Nos 49-51A Shirley Road form a row of three shop units situated on the eastern side of the road. The row is two-storeys in height with a pitched roof and gable ends. There is a two-storey, flat-roofed extension across part of the rear of the shops. There are three flats located above the shops and within the rear extension. To the rear of the shops there is a yard with single-storey outbuildings. The outbuildings have permitted development rights for conversion to two, one-bedroom dwellings and at the time of my inspection, it appeared that some of the conversion work may have already taken place.

5. The proposed development would involve the demolition of part of the rear extension; alterations and extensions to the roof, side and rear; demolition of the existing outbuildings; and the construction of a two-storey block of three flats at the rear (flats numbered 5 – 7). The reconfigured first and second floors above the shops would incorporate four flats, three on the first floor (numbered 1 – 3), and a three-bedroom flat on the second floor (numbered 4).

Character and appearance

6. The proposed alterations and extensions would involve the construction of two new dormers to the front roof slope and a two-storey side extension. The design of these features would be sympathetic to the overall design and materials used in the existing building and would be appropriate to the context of the street scene and the host property.
7. To the rear, the proposals would involve the demolition of part of the existing two-storey rear extension and the construction of a complex arrangement of new roof and rear extensions. These would include a wide dormer with a combination of flat and hipped roof elements, which would cut across the existing roof and part of the lower roof of the two-storey side extension. It would also include a three-storey, flat-roofed extension to the rear of the dormer and which would obscure part of it. This extension would house an internal staircase and ventilation ducts from the shop units. It would have no windows and would appear incongruous when set against the rear elevation of the row of properties and the dormer behind it.
8. The Council contends that as the proposed rear dormer would be intersected by the somewhat incongruous flat-roofed rear extension, the combination would result in an uncomfortable mix of flat roofed and pitched roof forms which would all intersect one another. I concur with that view. Although this arrangement is to the rear of the property, it would be clearly visible from Furlong Close and new residential properties to the rear of the appeal property. It would also be visible from the rear of houses on Shirley Park Road and from the seating area to the rear of the Cricketers Public House to the north of the appeal site.
9. The appellants contend that the existing areas to the rear of the appeal property are unattractive and cluttered. I accept that the design of the building containing the proposed new flats numbers 5 -7, and the tidying up of the rear yard could be considered a visual improvement on the current situation. However, these elements are less prominent, whereas the proposed dormer and external stairwell would be dominant features and would appear awkward when seen in conjunction with each other and in the context of the rest of the main building as a whole.
10. In conclusion on this issue, I find that the treatment of the rear elevation of the row of properties fronting Shirley Road would result in an incongruous and awkward appearance, to the detriment of the character and appearance of the area around Shirley Road, Shirley Park Road and Furlong Close. On this basis the proposed development would conflict with Policy DM10.1 of the Council's Local Plan (LP) which indicates that proposals should be of high quality and should respect the appearance, materials and features of the surrounding area.

Living conditions

11. The proposed development would result in the creation of 7 flats. There would be four, one-bedroomed, two-person flats; two, two-bedroomed, three-person flats; and one, three-bedroomed, five-person flat. All of the flats would meet the overall internal space standards as laid out in the government's Technical Housing Standards: Nationally Described Space Standard (THS). However, it would appear that the two, two-bedroomed flats have bedrooms that do not meet the required minimum dimensions as set out in paragraph 10 of the THS. Both bedrooms in Flat 1 would appear to have bedrooms in which part of the room is below the minimum width prescribed, and the single bedroom in Flat 7 is also largely well below the minimum width required. This indicates that, although the minimum overall internal space may be met, there is a cramped layout, partly due to the irregular shape of the flats.
12. With regard to outdoor space, Flats 2, 3 and 4 do not have any private outdoor amenity space. This conflicts with Policy DM10.4 of the LP, which indicates that all proposals for new residential development will need to provide private amenity space that is of high-quality design, and enhances and respects the local character. In addition, the private amenity space should provide functional space and a specified minimum amount of private amenity space as laid down in Table 6.2 of the LP.
13. Section 2.34 of the Council's Suburban Design Guide: Supplementary Planning Document (SPD) relates to outdoor amenity space and it indicates, amongst other things, that in exceptional circumstances where directly accessible private outdoor amenity space is not possible, extra emphasis will be placed on the provision of high quality shared outdoor amenity space. Where shared outdoor amenity space is provided, units with direct access should include an area of semi-defensible private space. Finally, shared outdoor amenity space should be designed to accommodate a series of different uses, with quieter seating areas along with family orientated areas, and should seek to include a mixture of grassed and planted areas as a minimum, and a shared patio area.
14. The appellants contend that the three existing flats and the two additional permitted flats at the property do not, or would not, have any private amenity space. I accept this point, though it is not an argument in itself for a new development conversion scheme to fail to meet adopted standards.
15. The appellants also note the proximity of public open space within easy walking distance, and contend that the lack of amenity space to three of the seven units, in the particular circumstances of the scheme, is not sufficient an issue to justify a refusal of planning permission, especially when viewed in light of a policy requirement to make the most efficient use of available land for housing. I accept this point, although the lack of private outdoor amenity space for all flats is, to a degree, compounded by what appears to be a very small usable communal outdoor space. Furthermore, when considered alongside the inadequate bedroom dimensions in two of the flats, the overall impression is that the proposal represents a cramped approach to development of the site.
16. In conclusion on this issue, I find that the proposal would be harmful to the living conditions of the occupiers of certain of the proposed flats by way of unsatisfactory internal living space and/or private and communal outdoor amenity space. On this basis the proposal would conflict with Policy DM10.4 of the LP, and with guidance in the SPD.

Highway safety

17. The proposal would not provide any on-site car parking. The Council's Transportation Team notes that the proposal is located in an area with PTAL level of 2 (on a scale of 1 to 6b), which is a low level of accessibility. Moreover, the Transport Statement (TA) supplied by the appellants indicates high levels of parking stress.
18. Policy DM30 of the LP indicates that new development must reduce the impact of car parking in areas of on-street parking stress. The Transportation Team contend that high levels of parking stress can lead to discontent amongst residents, businesses and other road users, as well as having a negative impact on the economic vitality of the area. The proposal would exacerbate the already high levels of parking stress. Moreover, the site is not in a Controlled Parking Zone (CPZ) or potential CPZ extension area, so a permit-free agreement could not be used to curb car ownership.
19. The appellants contend that the area should not be assigned a low PTAL level of 2, since there is good accessibility by public transport and there are a number of facilities in the vicinity. I have some sympathy with this view. I note from the appellants' TA that the site would appear to be located close to a 'boundary' between PTAL levels 2 and 3, and that there may well be omissions in terms of the number of bus routes and buses currently serving this part of Shirley Road. I have no detailed information as to any other changes that may have taken place since the PTAL levels were assigned. However, it seems to me that the area in the vicinity of the appeal property could well now more appropriately be allocated to a PTAL level of 3 in line with nearby areas. This is nevertheless still a relatively low rating.
20. It would appear that the appellants and Council officers have discussed the possibility of a car-free scheme to overcome the issue of exacerbation of on-street parking stress in the vicinity. However, since the site is not in a CPZ or potential CPZ extension area, it would not appear that, in practice, a permit-free agreement could be used to curb car ownership. On this basis, a car-free scheme would not, therefore, be a possible means of dealing with parking stress. Given the low existing, or even potential, PTAL rating of the area, I consider that the scheme would be likely to exacerbate on-street parking stress in the area and that this would be harmful to highway safety. It would, on this basis, conflict with Policy DM30 of the LP.

Other Matters

21. The appellants contend that the LP pre-dates the current National Planning Policy Framework, and does not reflect the degree of emphasis that the framework places on optimising the use of available land for housing, including developing under-utilised land, such as service yards (paragraph 118 d) and utilising the space above existing buildings for new homes (paragraph 118e). I accept that the proposal would utilise a service yard and space above the existing buildings. However, in this case, the proposal results in something of a cramped development and one which does not represent high-quality design in regard to the alterations and extensions to the roof and rear elevation of the existing building.
22. The appellants also contend that the LP also does not reflect the policies of the emerging draft London Plan, which refers at policy H2 to the importance of

developing small sites, and at paragraph 4.2.5 to the role of incremental intensification of existing residential areas within PTALs 3-6, or within 800 metres distance of a station, including tram stations. Again, I note this point, but the issue of increased parking stress, coupled with the conflict between the proposed scheme and LP policies on design and residential amenities, outweighs any advantages that may be gained by the creation of just two additional units of accommodation on the site.

Conclusion

23. I find that the proposed scheme would be harmful to the character and appearance of the area around Shirley Road, Shirley Park Road and Furlong Close, and that it would fail to provide satisfactory living conditions for the occupiers of certain of the proposed flats. Furthermore, it would be harmful to highway safety by way of increasing parking stress levels in the vicinity. On this basis, the proposal would conflict with Policies DM10.1, DM10.4, and DM30 of the LP, and with guidance on amenity space in the SPD. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR