



Appeal Decision

Site visit made on 8 June 2021

by **Tim Wood BA(Hons) BTP MRTPI**

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

Decision date: 22/06/2021

Appeal Ref: APP/L5240/W/21/3267383

Old Lion Works, 141B Wickham Road, Croydon CR0 8TE

- 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 CNO Developments Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/02022/FUL, dated 4 May 2020, was refused by notice dated 23 July 2020.
 - The development proposed is the demolition of the existing building and erection of a part 1 and part 2 storey building containing 2 x 1-bedroom apartments and 2 studio apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted a revised drawing with the appeal and I shall discuss this in my reasons, below.

Main Issues

3. The main issues in this appeal are;
 - The standard of accommodation proposed, including the amenity space
 - The effects of the proposal in relation to privacy.

Reasons

Standard of accommodation and amenity space

4. The appeal relates to this small commercial building which is located behind a parade of commercial properties which have residential uses above. The existing building would be replaced by a part single and part 2 storey building and the proposed flats would have areas of amenity space/balconies.
5. The Council points out that the proposed 'Studio' flats are indicated on the submitted drawings as for 2 persons. In relation to the Nationally Described Standards, the Council states that studio flats are not defined but that 1 bedroom flats which are for 2 persons should have a minimum floor area of 50sqm. The appellant states that the drawings contained a mistake and that they should have indicated the studios as for 1 person; as such, they would

comply with the minimum standard for a 1 person flat of 39sqm. The appellant has corrected this apparent error on the submitted revised drawings. Whilst noting the Council's comments in relation to enforcing such a matter, it would appear that they would have been satisfied if the original drawing had stated that the studios were for 1 person, in this respect.

6. In relation to the amenity space, the Council appears to be satisfied with the actual amounts but not with their disposition. At the ground floor the front facing unit would have its amenity space in the form of a narrow strip along the face of the building, between it and the access road. It would be open to views from pedestrians using the access for other flats and adjacent buildings and subject to close passage of vehicles. I consider that this would mean that the quality of the amenity space would be poor and subject to overlooking and lack privacy. I note the appellant's comments in relation to the frequency of use of the area but I noted pedestrians and a vehicle at my site visit and it is evidently used for the same. I consider that the area of amenity space would not represent a well-designed space or one which would function well in providing outdoor amenity for future residents. The suggestion of providing fencing at 1.1m in height would not overcome these problems and if it was higher could significantly restrict the use of the amenity space and outlook from it and the adjacent rooms, and would represent an oppressive feature within the space. Although I have not been provided with full details, reference is made to a similar scheme approved by the Council. This previous scheme is said to have contained amenity space in the form of a first floor balcony at this location. I consider that a balcony which would be elevated from the passing pedestrians and vehicles would have a better standard of amenity than the appeal scheme.
7. The proposed rear ground floor flat would have its amenity space in the form of a strip along the side of the proposed building. This would be subject to the close passage of the residents of the upper floor gaining access to their flats and would lack an acceptable level of privacy. I accept that this would be a small number of people but the close and immediate passage next to the amenity space would make this particularly intrusive. In addition, any fencing which would be sufficient to prevent overlooking would significantly compromise to the enjoyment of the amenity space and would affect the outlook from the adjacent rooms. It is said by the appellant that the approved scheme has amenity space in a similar location but I have not been provided with details and so I have made my judgement on the appeal scheme.

Privacy

8. The proposed first floor units would both have their private amenity space at first floor facing towards the rear of the properties on Wickham Road. These would both be a short distance from main room windows in the rear of those neighbouring properties and I consider that the distance would be insufficient to ensure the privacy of existing and future residents. The appellant's suggestion of enclosing the patio areas with 1.8m high fencing would impose and unacceptable and overbearing feature on the future occupiers of the appeal scheme and would significantly limit their enjoyment of the amenity space.
9. The appeal scheme as determined by the Council contained windows to the main area of the studio flats within the first floor rear elevation, facing the residential properties on Wickham Road. The appellant indicates that this

elevation is 0.85m closer than the approved scheme and suggests that the difference is of no consequence. However, the Council points out that the previous scheme had no main room windows nor balconies facing in this direction and so the effects on neighbours would have been significantly less. I agree that the different configuration of balconies and main windows, coupled with the small decrease in separation, would mean that the effects on those neighbours would be greater and unacceptable. The appellant's suggestion of obscure glazing may prevent direct overlooking but I do not consider that it would be acceptable to provide it within a main area within a studio flat, even where a larger window would exist in the opposite elevation.

Conclusions

10. I have taken account of the fact that the proposal would bring about new homes within a built-up area. I have also taken account of the previously approved scheme, although full details have not been submitted. In my consideration, the proposal would fail to provide suitable amenity space for its future residents and would not ensure the privacy of residents. As a consequence, the scheme is in conflict with Policy DM10 of the Croydon Local Plan 2018. The benefits of the proposal are insufficient to outweigh the harm that I have identified and the appeal scheme would have a greater and unacceptable effect than the approved scheme. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR