



## Appeal Decision

Site visit made on 15 June 2021

**by David Smith BA(Hons) DMS MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23/06/2021**

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**Appeal Ref: APP/L5240/W/20/3263679**

**347 London Road, Croydon, CR0 3PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph M.2(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Aravind Tapu against the decision of the Council of the London Borough of Croydon.
  - The application Ref 20/03586/GDPO, dated 10 August 2020, was refused by notice dated 28 October 2020.
  - The development proposed is a change of use from retail to residential.
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### Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Paragraph M.2(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use from retail to residential at 347 London Road, Croydon, CR0 3PA in accordance with application Ref 20/03586/GDPO, dated 10 August 2020 and the details submitted with it subject to the following condition:-
  - 1) The alterations hereby approved shall be carried out in materials and finishes to match the side elevation of the existing building.

### Reasons

2. It is proposed to convert the vacant rear section of an existing printing shop into a studio flat. The appeal site is within a designated shopping parade in the Broad Green area. Under paragraph M.2 (1)(d) of the Order consideration should be given to the impact of the proposal on the adequate provision of services and the sustainability of the shopping area.
3. There is no requirement to decide this prior approval appeal in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 as there is for changes of use requiring planning permission. Policy DM6 of the Croydon Local Plan is nevertheless a material consideration. This seeks to maintain the vitality and viability of the shopping parades in the Borough. To achieve this and subject to certain limited exceptions, proposals involving an increase of non Class A ground floor space will be refused.
4. Class M of the Order establishes that the proposed change of use is permitted development and therefore it is accepted in principle. Consequently to apply a blanket refusal to a change from retail to residential in line with the Local Plan would be entirely contrary to the effect of the legislation. In any event, as a substantial retail unit would be retained along the London Road frontage, the implications for the vitality and viability of the area and the provision of retail

services would be wholly insignificant. Even if the building were within a key shopping area the effect on its sustainability would be minimal.

### **Conclusions**

5. Having regard to the provisions of the Order it would not be undesirable for the rear part of the premises to change to a residential use within Class C3. Therefore the appeal should be allowed and prior approval granted.
6. The Order stipulates that the development should be completed within a period of 3 years from the date of this decision and it must also be carried out in accordance with the details accompanying the application including drawing nos TSL/ARVS/347/01, 03 and 04. In the interests of the appearance of the area a condition is necessary to ensure that the alterations required for the conversion reflect the materials used in the existing flank wall.

*David Smith*

INSPECTOR