



Appeal Decision

Site visit made on 29 June 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 July 2021

Appeal Ref: APP/L5240/W/21/3266452

19 Ashburton Road, Croydon, CR0 6AP

- 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 A Datto against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/02685/FUL, dated 23 June 2020, was refused by notice dated 4 September 2020.
 - The development proposed is described as 'The proposal involves the 'change of use' from an outbuilding under 'C3 – single dwelling houses' use, to a separate C3 use – Single dwelling house' for the purposes of Accessible Accommodation for and on behalf of Croydon Housing Initiatives Department. The proposal also makes external, fenestration, and internal alterations in order to cater for the much needed accommodation, without negatively effecting the surrounding properties or streetscene.'
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr A Datto against the Council of the London Borough of Croydon. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the determination of this application the London Plan 2021 has been published by the Mayor. This London Plan replaces all previous versions and, therefore, the London Plan 2016 policies that are referred to in the decision notice are no longer in force. Both parties have been given a further chance to comment as to the impact of the publication of the London Plan 2021 on the proposal and would not be prejudiced by this change.
4. The appellant has deposited amended plans for consideration. The proposed alterations include a reduction in the footprint of the building, an increase in the number of proposed rooflights and the insertion of a gate within the proposed new fence. It is important that in the interests of ensuring no one with an interest in this appeal is unfairly prejudiced, that what is considered at appeal is essentially what was considered by the Council at the planning application stage. As set out in Annex M of the Procedural Guide Planning Appeals – England (March 2021), the appeal process should not be used to

evolve a scheme. Therefore, I have considered this appeal based on the plans submitted to the Council with the planning application.

Main Issues

5. The main issues are:

- Whether the proposal would provide satisfactory living conditions for future occupiers of the dwelling, with particular reference to outlook;
- The effect of the proposed on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of East India Estate Conservation Area;
- The effect of the proposal on the living conditions of the occupiers of 19 Ashburton Road with particular reference to outdoor space;
- Whether the proposal would make adequate provision for refuse storage; and
- The effect of the proposal on off- street parking and whether the proposal would provide adequate provision for cycle storage.

Reasons

Living conditions

6. The appeal site comprises of a large vacant outbuilding, located to the rear of 19 Ashburton Road, a detached two storey dwelling now converted into flats. The proposal is to convert the outbuilding to form a two bedroom disabled-living dwelling following external and internal alterations, including changes to the fenestration.
7. I am aware of a previous appeal decision¹ on the site which is referred to by the main parties. However, I have not been provided with any further details, including the plans on which the Inspector's decision was based. Whilst I have had regard to comments made by the parties on that decision, the proposal has clearly evolved, and I shall therefore determine the current scheme before me on its own merits.
8. The proposed dwelling would have two bedrooms, one of which would be accessible for use by a disabled person(s). The window serving this room would have a very limited outlook due to its proximity to the boundary of the site, beyond which is the flank wall of an adjacent garage block. In my view, the small size of the window and the lack of outlook would result in rather oppressive living conditions for future occupiers of this room.
9. The second bedroom, to be occupied by a carer, the entrance hall and open plan kitchen/dining/living room would be served by full length windows that would have an outlook over an open internal courtyard. Two rooflights are also proposed which would provide an additional source of light to the accommodation. The internal courtyard would be small in size, measuring only approximately 22sqm. The only views obtainable from this bedroom and the open plan living area would be across the courtyard into other rooms within the dwelling. In the absence of any alternative, external views, I consider that the

¹ Appeal Ref. APP/L5240/W/19/3242553

outlook from the large open plan room in particular, would be inadequate and oppressive and would lead to an unacceptable sense of enclosure for future occupants.

10. In conclusion on this issue, the proposal would have a harmful effect on the living conditions of future occupiers with particular reference to outlook. As such, it would be contrary to Policy DM10 of the Croydon Local Plan 2018 (LP) which among other things, seeks to protect the amenity of existing and future occupiers. Whilst the Council also refer to Standard 28 of the London Plan Housing Supplementary Planning Guidance (March 2016), this relates to privacy rather than outlook and is not directly relevant to this issue.

Character and appearance

11. The appeal property is located within a predominantly residential area that is characterised by mainly large detached and semi-detached dwellings, located within deep, but relatively narrow plots. The long rear gardens add to the spacious quality of the area. Immediately to the south of the site is College Court, a large apartment block with a garage courtyard to the rear.
12. The site is within the East India Estate Conservation Area (CA). The CA Appraisal and Management Plan Supplementary Planning Document (2014) describes the CA as having a spacious and distinctive formal layout with the depth of the plots and the set back of the buildings remaining consistent with the original pattern of development. It identifies that the regular perimeter blocks within the CA are defined by street-facing terraces and buildings with consistent building lines, set back from the road by between 5-7m behind front gardens. Ashburton Road is described as having a more varied character than other streets within the CA, with building heights that range from bungalows to four-storey blocks of flats. Nos 19-23 are identified as Edwardian buildings of simpler design.
13. The existing outbuilding occupies a large footprint and has a scale more akin to the adjacent garage blocks rather than a domestic outbuilding. To my mind it has a rather utilitarian appearance, with regularly spaced windows along its southern elevation and uniformly spaced roof lights along its roof. Whilst a large structure, it is not readily visible from public views, and furthermore, it is largely screened from the adjacent apartment building, College Court, due to the difference in levels and by the brick wall that runs along the boundary. It would however be clearly visible from the upper floor windows of neighbouring buildings.
14. The existing building already detracts from the character and appearance of the CA, due to a combination of its overall size and scale and appearance. The proposal would introduce a residential use although outwardly the building would retain its appearance as an ancillary outbuilding and would not appear domesticated. The only external windows would face towards the boundary wall and the adjacent garage block and would not be particularly noticeable from outside of the site. Existing openings would be blocked up and the main entrance to the dwelling would be via an opening that would have the appearance of a garage door thereby reflecting on the appearance of the adjacent garage blocks. Other windows serving the dwelling would look out towards an internal courtyard that would only be visible from the upper floors of neighbouring buildings.

15. Whilst a residential dwelling in this back garden location would not be consistent with the pattern of development in the area, given the inward-looking nature of the living accommodation and the lack of significant external changes, I consider that the proposed residential use would not have a harmful effect on the character or appearance of the surrounding area. There would be some benefit through the investment in a building that is currently in a poor state of repair together with the slight reduction in its floor area. Whilst I acknowledge that there would be more general activity on and around the site and additional fencing and lighting, I do not consider that this would be of a scale or intensity that would materially change the character and appearance of the surrounding area.
16. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. I am however satisfied that proposal would not have a harmful effect on the character and appearance of the surrounding area and that the character or appearance of the East India Estate Conservation Area would be preserved. Accordingly, there would be no conflict with Policies SP2 and DM10 of the LP which collectively require development to be of a high quality.

Living conditions – 19 Ashburton Road

17. The proposal involves the erection of a new 1.8m high boundary fence to separate the access to the proposed new dwelling from the rear garden of 19 Ashburton Road. The width of the communal rear garden would be slightly reduced; however, the fence would offer the occupiers of No 19 additional privacy. The proposed fence is of a height and design that is commonplace along rear garden boundaries and I do not consider that the proposal would lead to an unacceptable loss of openness or result in an unreasonable sense enclosure to the users of the communal garden.
18. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers 19 Ashburton Road with particular reference to the quality of outdoor space. The proposal would therefore comply with Policy DM10 of the LP insofar as it seeks to protect the amenity of existing occupiers.

Provision for refuse storage

19. The proposal shows provision for the storage of refuse bins to be integrated within the internal courtyard area. The appellant states that these bins would be wheeled to the front of 19 Ashburton Road on collection days. Whilst not ideal, I do not consider the distance between the proposed development and the bin collection area to be excessive. Further details in the form of a Waste Management Plan could appropriately be secured by condition in the event that I was to support the appeal proposal.
20. With regard to storage capacity, Policy DM13 of the LP does not provide details regarding the amount or type of refuse storage required. The appellant however highlights that the Waste & Recycling in Planning Policy Document (August 2015 / edited October 2018) recommends that a two-bedroom dwelling should accommodate 140 litres of storage. Whilst I have not been provided with a copy of this document, I consider that the stated provision of 960 litres would be likely to be adequate.

21. I observed on site that there are already bins to the front of 19 Ashburton Road, in common with other properties in the immediate area. An increase in the number of bins on collection day would not, in my opinion, have a harmful effect on the street scene.
22. I therefore conclude that the proposal would make adequate provision for refuse storage. There would be no conflict with Policy DM13 of the LP which requires development proposals to make the adequate provision for refuse and recycling facilities.

Parking and cycle storage

23. I observed during my site visit that the front garden of 19 Ashburton Road is mainly hardsurfaced and there would be space for two vehicles to park on the frontage. However, the dropped kerb is restricted to the width of only one of the spaces and the low brick wall along part of the frontage would make the parking of two vehicles difficult.
24. The appeal proposal shows the provision of a disabled on-site parking space to the front of the 19 Ashburton Road, for use in connection with the appeal proposal. The Council's concern is that this could displace other cars onto local streets.
25. The appellant's evidence highlights that the existing tenancy agreements for the occupiers of the flats at 19 Ashburton Road do not allow the residents use of the 'landlord parking spaces' to the front of the dwelling. In the absence of more substantive evidence, I am therefore not convinced that the appeal proposal would displace cars onto local streets. Furthermore, the Council confirms that the site is within an area with a good level of accessibility, within PTAL level 4, and that car free development would be acceptable in certain circumstances.
26. Turning now to cycle parking, the appellant highlights that the proposed development would be occupied by an ambulant disabled person(s) and that cycle parking would be unlikely to be required. However, the proposal also makes provision for a carer, and I therefore consider that secure cycle storage would be necessary.
27. The proposal shows the provision of cycle racks to the front of No 19. Given my conclusion on parking provision above, I consider that the proposed location for cycle storage would be appropriate. Moreover, further details could be secured by condition had the proposal been found to be acceptable in other respects.
28. Therefore, the proposal would not have a harmful effect on off- street parking and would make adequate provision for cycle storage. It would comply with Policies SP8, DM29 and DM30 of the LP which together seek to ensure highway safety for all users, promote sustainable transport and reduce the impact on car parking for new development.

Other matters

29. I note that the appellant states that the application has been submitted in consultation with the Housing Management team at Croydon Council and would provide a much needed disabled living unit. I concur that the provision of a disabled living unit would be a positive benefit of the scheme. However, this

consideration would not outweigh the harm I have identified to the living conditions of future occupiers of the dwelling with reference to outlook.

Conclusion

30. For the above reasons, and having regard to all other matters raised, the appeal is dismissed.

J Davis

INSPECTOR