



Appeal Decision

Site Visit made on 29 June 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 August 2021

Appeal Ref: APP/L5240/W/20/3257129

59 Upper Shirley Road, CROYDON, CR0 5HE

- 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 Shirley Road Limited against the decision of London Borough of Croydon.
- The application Ref 20/01891/FUL, dated 28 April 2020, was refused by notice dated 26 June 2020.
- The development proposed is demolition of existing building and erection of a two storey building with accommodation at both basement and roof levels to provide a total of 9 residential units, including 2 x 1 bed, 4 x 2 bed and 3 x 3 bed dwellings with 9 car parking spaces, and associated cycle parking, refuse storage, outdoor amenity space and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. An amended site layout drawing has accompanied the appeal. This shows a revised area for the storage of refuse and cycles, while the previously identified communal amenity and play area has been removed. Although the Council did not base its decision on this drawing, it has had the opportunity to comment on the changes. Moreover, those changes do not fundamentally alter the appearance or scale of the proposal. Accordingly, I have accepted this amended drawing and my decision has taken account of the revised site layout.

Main Issues

3. The main issues are: (i) whether the proposed development would provide adequate living conditions for future residents of the flats, with particular reference to external amenity space provision; and (ii) whether the proposed development would provide acceptable arrangements for the storage of refuse and waste.

Reasons

Amenity Space

4. The appeal site comprises a rectangular parcel of land surrounded by residential dwellings. The submitted layout includes allocated areas for parking and cycle and refuse storage. There is no communal amenity space within the site, as this has been removed following the amendment to the site layout referred to above. I observed during my site visit that work on the proposed development had commenced and was at an advanced stage.
5. Policy DM10.4 of the Croydon Local Plan (2018) (the Local Plan) states that all proposals for new development will need to provide private amenity space that is

both functional and of a high quality. Criteria (d) of the policy specifically requires all flatted development to provide a minimum of 10m² per child of new play space. In the case of the proposal the Council indicates that this equates to 88m² of communal play space. The Council's Suburban Design Guide Supplementary Planning Document (SPD) provides further guidance and states that family sized units should be designed to have access to shared outdoor amenity space with grassed areas appropriate for play (paragraph 2.3.3).

6. The appeal scheme includes a mix of one, two and three bed flats, and it would be reasonable to expect future residents to include families with young children. In this event those occupiers would not have any external space within the site where children could exercise and play outdoors. Therefore, as well as failing to accord with the technical standards outlined in the Local Plan, the proposal would also result in a poor-quality living environment, where children would be deprived of an external space for stimulation and exercise that would be readily accessible and close to the proposed units. Moreover, I have not been provided with any details of the nearest public parks or recreation grounds within a convenient walking distance of the site, that could address the lack of outdoor play space.
7. Accordingly, the proposed development's lack of communal external amenity space would have an unacceptable effect on the living conditions of future residents. It would fail to accord with Policies SP2.6 and DM10 of the Local Plan, Policy 3.5 of the London Plan (2016), the SPD and the Mayor of London Housing Supplementary Planning Guidance (2016). Collectively, these require proposals, amongst other things, to include external amenity space to meet the needs of future occupiers.

Refuse Storage

8. Policy DM13 of the Local Plan requires, in part, that refuse and recycling facilities are sensitively integrated within the building envelope, visually screened and provide adequate space for the storage of waste (including bulky waste) materials generated by the development.
9. The amended site layout includes a larger area for the storage of refuse/waste. There is no specific information in the Council's evidence detailing the space requirements for the storage of domestic waste and recycling materials. I noted during my site visit an area allocated for refuse/waste storage running part of the length of the access drive that was partially enclosed and integrated within the built envelope. In the absence of any specific guidance, my assessment of the submitted drawings and the situation on the ground is that the size of the area allocated for refuse storage would be adequate for the number of units proposed. This area would also be set back from the front building line and effectively enclosed, so that the visual presence of bins is substantially minimised when viewed from Upper Shirley Road.
10. The Council requires an area of 10m² for the storage of bulky waste. This type of waste is not defined in Policy DM13, but the Council considers that it might include furniture. The submitted layout has not annotated an area within the site for this type of waste, however, there are areas along the site boundaries close to the parking forecourt where the temporary storage of such items could be accommodated. Further details of this could be secured through a planning condition. Moreover, the disposal of the type of bulky waste described by the Council is likely to be an infrequent occurrence, and arrangements could be made for the safe and convenient collection of such items, without causing obstruction or undue disruption within the site or along the public highway.

11. Therefore, in conclusion I am satisfied that the proposed development would provide acceptable arrangements for the storage of refuse and waste. In doing so it would accord with Policies DM10 and DM13 of the Local Plan, where they require development proposals to be of a high standard of design and to accord with the provisions described earlier.

Other Matters

12. The provision of 9 new dwelling units at the site would provide a modest increase to the local housing stock, whilst there would be some minor economic benefits associated with the construction process and the future spending of occupiers. These are scheme benefits that attract minor weight.
13. The appellant has referred to an extant permission at the site for 7 flat units that does not provide any outdoor communal play space. Whilst I accept that this scheme could be built without any allocated play space, that is a separate development incorporating fewer units. Also, according to the Council it was approved under an earlier development plan that did not include a policy on play space standards. In addition, that extant permission should not justify the provision of no amenity space when there is a further uplift in residential units at the site. I have therefore given this matter only limited weight.
14. It is further advanced by the appellant that the addition of two more residential units optimises the development of the site. Yet, in achieving this, the living environment of future occupiers should not be neglected, and in the case of the appeal scheme, the lack of external play space would harm the living conditions of some inhabitants. Accordingly, this matter only attracts limited weight. Similarly, I have given limited weight to the appellant's contention that the appeal scheme enhances the appearance of the site and improves neighbouring living conditions, given the lack of detail relating to the site's previous appearance, or the effect it had on neighbouring occupiers.

Conclusion

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal be determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
16. The appeal scheme would result in a boost in local economic spending and an increase in local housing supply, and these are scheme benefits that attract minor weight in favour of the proposal.
17. Notwithstanding my findings on the storage of refuse, in the context of the development plan, I have found that the proposed development would be contrary to policies therein given the lack of amenity space provision for future occupiers. The resultant conflict would be harmful to the living conditions of future occupiers, and this would amount to an impact that attracts significant weight.
18. Overall, I find that the adverse impacts of the proposed development and the resultant conflict with the development plan are not outweighed by the material considerations outlined. Consequently, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR