



Appeal Decision

Site Visit made on 29 June 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/L5240/W/21/3271836

74 and 74a Woodside Green, South Norwood, London SE25 5EU

- 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 Barry McGregor against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/06235/FUL, dated 2 December 2020, was refused by notice dated 22 January 2021.
 - The development proposed is for change of use of ground floor from A1 (shop) to C3 (dwelling uses), alterations to the shop front, the erection of a single storey rear extension and dormer in the rear roof slope and conversion into 3 units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reasons for refusal refer to the policies in the London Plan (March 2016). Since the appeal application was decided, the London Plan (2021) has been published and is now part of the development plan. The previous policies have therefore been replaced. In relation to this matter, I have sought further representations from the Council and the appellant. Both parties have provided representations and I have taken these into account.
3. I have taken the description of development from the decision notice as this more accurately reflects the proposed development. The appellant has agreed to the use of this description.
4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both parties were invited to provide representations in relation to the revised Framework, although none were received. Given that both parties were provided with the opportunity to provide further representations, I have had regard to the revised Framework in considering this appeal. Neither party has been prejudiced by this approach.

Main Issues

5. The main issues are as follow:
 - Whether the proposed development would provide adequate living conditions for future occupiers of the proposed flats, with particular regard to outlook, privacy, noise and access to private outdoor space.

- The effect of the proposed development upon highway safety, with particular regard to on-site vehicle and cycle parking provision.

Reasons

Living Conditions

6. The proposed development is for the change of use of an existing ground floor retail unit and conversion of the residential accommodation above to provide three flats. The ground floor flat (Flat A) would provide three bedrooms including a bedroom to the front of the property. The shopfront would be altered such that one large window would serve this bedroom. The second and third floor flats (Flat B and C) would have access to designated rear outdoor space, provided from the front of the property, via an existing passageway to the side of the property.
7. Bin storage would be provided to the front of the property. This would be in close proximity to the large window which would serve the proposed bedroom at the front of Flat A. As a result, future occupiers of Flat B and C would have to walk directly in front of the window in order to access the bin storage. This would result in an adverse impact on the privacy of future occupiers of Flat A. Given the close proximity of the bin storage, there would also be an adverse impact associated with noise and disturbance resulting from use of the bin storage by future occupants of Flat B and C. The bin storage would need to be accessible for refuse collection and within this context, neither the appellant, nor the Council has suggested that it could be sited in an alternative location.
8. The appellant has suggested that part of the window could be obscure glazed to mitigate the impact on privacy. However, if only part of the window were to be obscure glazed then there would still be a loss of privacy. This is because future occupiers would still need to walk directly in front of the unobscured part of the window in order to access the bin storage. A condition requiring that the lower part of the window is entirely obscure glazed would not be acceptable, as it would result in an adverse impact with regard to outlook, given that this is the only window which would serve the bedroom. In any case, obscure glazing would not overcome the harm I have identified with regard to noise and disturbance.
9. The appellant has provided various examples of developments granted planning permission within the Borough. However, it is not clear under what circumstances those consents were granted. Even if I were to accept that these instances are comparable to the proposed development, this does not justify the inadequacy of the living conditions in this instance.
10. The Council's representations also suggest that the access to the proposed rear outdoor space is poor, given that future occupiers of Flats B and C would have to exit the front of the property and use a side passage to access the rear of the property. However, none of the policies referred to by the Council stipulate that access should be provided to the rear of the property. The subtext to London Plan Policy D6, at paragraph 3.6.9 states that all dwellings should have level access to private outside space. However, the policy itself does not stipulate this requirement and in this instance the development involves conversion of an existing dwelling. I consider that the distance to the outdoor space would be reasonable for a development comprising flats. However, this access arrangement would result in disturbance and loss of privacy to the front

bedroom of Flat A, given that the occupiers of Flats B and C would need to walk directly in front of the bedroom window to access the designated outdoor space and cycle storage to the rear of the building. This would add to the harm which I have already identified.

11. In summary, the proposed development would provide substandard living conditions for the occupiers of Flat A, as a result of insufficient privacy as well as noise and disturbance. For these reasons, the proposed development would conflict with London Plan (2021) Policy D6 and Croydon Local Plan 2018 (Local Plan) Policy DM10, which require in part that development does not have an adverse impact upon living conditions. However, there would be no conflict with these policies with regard to the accessibility of private outdoor space.
12. Local Plan Policy SP4 is not relevant to this main issue as it does not relate to living conditions. The Council has also referred to the London Plan (2016) Housing Supplementary Planning Guidance (SPG). However, the Council has not outlined any specific conflict with the SPG within their representations and therefore I have not identified any conflict with it.

Highway Safety

13. The existing property does not benefit from any on-site car parking provision and no additional car parking is proposed. The site is located within outer London, with a Public Transport Access Level (PTAL) of three. Both parties suggest that this indicates an average level of access to public transport.
14. Local Plan Policy DM30 outlines that development should provide car parking in accordance with the standards set out within the previous London Plan. This version of the London Plan was replaced in 2021 and therefore the maximum parking standards set out under London Plan (2021) Policy T6.1 now apply. In accordance with these standards, a maximum of 2.5 parking spaces are required. However, the existing residential use should be taken into account in applying the parking standards, given that no on-site parking is currently provided. The existing residential use requires a maximum of one parking space. As such, a maximum standard of 1.5 parking spaces should apply in this instance.
15. During my site visit, I noted that there is unrestricted on-street parking within close proximity to the site, for example on Stroud Road. In the early afternoon there were plenty of spaces available. Whilst I recognise that this is a snapshot in time, this existing on-street parking is not subject to parking controls. This suggests that there would be at least some on-street parking available for future residents of the proposed development. In addition, there are several bus stops located within a reasonable walking distance providing regular transport links to Wimbledon and Beckenham Junction.
16. The development would also include storage for 6 bicycles, which would be located to the rear of the building. The Council's reason for refusal suggests that insufficient information has been provided to demonstrate that the development would provide 'sufficient cycle parking spaces'. However, I consider that two cycle spaces per residential unit is an acceptable level of provision. Indeed, this level of cycle parking accords with the standards set out in London Plan Policy T5.

17. The cycle storage would be accessed from the front of the property via an existing passageway to the side of the building. None of the policies referred to by the Council specify a minimum width for access to cycle parking. Having visited the site, I consider that the width of the passageway would be sufficient to allow cycle access. I also consider that the distance to the cycle storage would not be unreasonable and is not unusual for a development comprising of flats. The lighting of the access could be controlled by planning condition. The proposed development would therefore provide an acceptable level of accessible cycle storage provision. Furthermore, the provision of accessible cycle storage would encourage and support an additional means of transport for future residents which would further reduce car-dependency.
18. Taking all of these factors into consideration, the development would not result in an unacceptable increase in on-street parking and would provide adequate cycle storage provision. As such, it would not have an adverse impact upon highway safety. The proposed development would therefore comply with Local Plan Policy DM30 and London Plan Policies T5, T6 and T6.1 which set out the cycle and car parking standards for new residential development. The development would also comply with Local Plan Policies SP8 and DM10, which relate in part to ease of pedestrian movement and access to secure and conveniently located cycle storage respectively.
19. Local Plan Policies SP4 and DM13 are not relevant to this main issue, as they relate to urban design and refuse and recycling respectively.
20. The Council also provided a copy of London Plan Policy 6.1 which relates to strategic approaches to transport. However, they have not identified any conflict with this policy and given my conclusions I do not consider there to be any conflict.
21. The Council has also referred to the Suburban Design Guide Supplementary Planning Document 2019 (SPD). However, none of the Council's representations have identified any particular part of the SPD with which they allege conflict and therefore I have not identified any conflict with it.

Other Considerations

22. The proposed development would provide additional housing which would accord with the principle of significantly boosting housing supply set out Paragraph 60 of the Framework, London Plan Policy H1 and Local Plan Policy SP2. Furthermore, the development of small sites, such as the appeal site, for new housing would contribute towards meeting housing requirements as set out in paragraph 69 of the Framework. However, the social and economic benefits associated with the provision of housing would be limited, with a net increase of two dwellings. These benefits would not outweigh the harm caused by the inadequate living conditions.
23. The accessibility of the site to services and facilities is not a benefit that weighs in favour of the development, given that all new housing development should be accessible to local services. This is therefore a neutral factor.

Conclusion

24. The development would not result in an adverse impact upon highway safety. Nor would the location of the private outdoor space and cycle storage result in any harm. However, this absence of harm would not outweigh the harm that

the development would cause as a result of the inadequate living conditions for future occupiers of the proposed development. The development would therefore conflict with the development plan taken as a whole. There are no considerations which indicate that a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR