



Appeal Decision

Site Visit made on 11 August 2021

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/L5240/W/21/3270516

Shop, 110 Selsdon Road, South Croydon, CR2 6PG

- 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 Phidias Kadias against the decision of London Borough of Croydon.
 - The application Ref 20/06579/FUL, dated 21 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is Change of use of ground floor shop from commercial to residential to provide 1 No. self-contained flat. Replace shopfront with brickwork and 1 No. window and front door. Demolition of rear lean-to extension to provide patio area with 1 No. French doors and opening fanlight window. New fence style gate, bike store and bin store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force, amending the Town and Country Planning (Use Classes) Order 1987. These Regulations amend and simplify the system of Use Classes, revoking Class A and creating a new broad 'Commercial, business and service' use class (Class E) which incorporates the previous shops (A1), financial and professional services (A2), restaurants and cafes (A3) and offices and other business uses (B1) use classes. The appeal site now falls into this new Class E, and I have applied the development plan policy approach to Class A1.

Main Issues

3. The main issues are the effect of the proposal on the vitality and viability of the designated shopping parade and whether the proposal would provide suitable living conditions for future occupiers with specific regard to internal space, light and outlook.

Reasons

Vitality and viability

4. Policy DM6 of the Croydon Local Plan 2018 (the Local Plan) seeks to ensure the vitality and viability of shopping parades is maintained and increased and that parades continue to serve local communities. It does this by resisting non-compliant ground floor uses unless they relate to community use. The

proposed residential use, on the ground floor of a unit within a designated shopping parade would not comply with this policy.

5. I note the argument of the appellant that a number of the surrounding units are now in residential use, and that the site itself has been vacant for a number of years. However, this does not change the requirements of the development plan and could indeed place greater pressure on the remaining units within the shopping parade. I do not consider that the evidence presented in the application and this appeal is sufficient to demonstrate such a lack of need and demand for Class E (previously Class A) units in this shopping parade sufficient to set aside the provisions of the development plan in this regard.
6. I therefore find that the proposal would adversely impact the vitality and viability of the designated shopping parade through the loss of Class E (previously Class A) floorspace, contrary to Policy DM6 of the Local Plan.

Living conditions

7. Policy D6 of the London Plan 2021 sets minimum internal floor space standards for new residential development. Whilst I note that the appeal proposal is a conversion, and this offers greater challenges than a new build, the standards are nevertheless minimums, and I am concerned that the proposal has shortfalls both in the overall floor space and in particular the size of the bedroom. As such, despite the overall need for more housing, I do not consider it appropriate to set-aside these requirements and I find that the proposal would conflict with the requirements of Policy D6 of the London Plan 2021.
8. Turning to light and outlook, owing to the location and nature of the site and the need to ensure privacy, the main living space would be served by frosted glass windows, with clear panes at higher level, and the bedroom would be lit by a similarly glazed door. This arrangement would slightly reduce the amount of light entering both rooms, but in an attempt to provide privacy would significantly, and in my view harmfully, limit the outlook from both, contrary to the requirements of Policy DM10.6 of the Local Plan.
9. I therefore find that the proposal would not provide suitable living conditions for future occupiers with specific regard to their internal space, light and outlook, contrary to the requirements of Policy D6 of the London Plan 2021 and Policy DM10.6 of the Local Plan.

Conclusion

10. For the reasons given above I conclude that the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be dismissed.

S Dean

INSPECTOR