



Appeal Decision

Site visit made on 20 August 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

An Inspector appointed by the Secretary of State

Decision Date: 06 September 2021.

Appeal Ref: APP/L5240/W/21/3267752

86 Outram Road, Croydon, CR0 6XF

- 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 Gjystina Gjini against the decision of the London Borough of Croydon.
 - The application, ref. 20/04083/FUL, dated 7 September 2020, was refused by notice dated 11 December 2020.
 - The development proposed is described as the proposed conversion of a single family dwelling house into 3no self-contained units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal, the National Planning Policy Framework 2021 (the Framework) was published on 20 July 2021 which supersedes the 2019 version. The planning application was not refused on the basis of the Framework, however any references made to the Framework will be from the most recent 2021 version.
3. The Reason for Refusal No.1 on the Council's Decision Notice makes reference to policies of the London Plan 2016, which has been since superseded by the London Plan, March 2021. The Council were asked for further comments with regards to this change in policy position¹, however no further response was received from the Council. Despite this, I shall make my decision on this basis and only refer to the updated London Plan 2021 within this decision.
4. Reason for refusal No.3 concerns the effect of the placement of refuse storage upon the character and appearance of the CA. I have therefore incorporated this reason for refusal into the main issue with regards to the character and appearance of the locality, including the CA.

¹ Email from Planning Inspectorate to Croydon Council, Dated 12th August 2021.

Main issues

5. The main issues are:

- The effect of the development on the character and appearance of the host building (a non-designated heritage asset), with particular regard to the East India Conservation Area (CA);
- The effect of the development on the living conditions of future occupiers in terms of privacy and provision of private amenity space;
- Whether there is an adequate provision, location and design of cycle spaces; and
- Whether there is an adequate provision for the parking of vehicles on site.

Reasons

Character and appearance, including the East India CA

6. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) prescribes a duty upon a decision maker to give special attention to the desirability of preserving or enhancing the character or appearance of a CA, in the determination of a planning application.
7. The significance of the East India CA derives from the *East India Conservation Area Appraisal and Management Plan* (CAAMP). The CAAMP highlights the special character of the CA being largely defined by the concentration of historic buildings of a high architectural quality, of which three are statutorily listed at Grade II and fifty-seven are locally listed as non-designated heritage assets. The area has strong historical associations with the East India Military Academy, and that the historic buildings present form attractive groupings and almost all are residential in use. Furthermore, the CA's special character is also defined by its spatial quality and formal layout of the estate, in particular the strong urban 'ladder' structure made up of six parallel roads. The strong structure provides a framework for architectural variation, but maintains a distinctive local character within the wider Addiscombe area.
8. With regards to Outram Road, the CAAMP states that the road has a range of building types of a high architectural quality, consistent building lines and low wall front boundary treatments with numbers 84-90 (even) being pairs of Edwardian dwellings that have a distinctive style identical to dwellings along Ashburton Road. The road itself has stone setts to the kerbs with later cobbles placed for drop kerbs. Threats to the buildings and the streetscape outlined within the CAAMP include development of rear gardens, hard surfacing of front gardens, lack of screened storage, and loss of boundary walls, amongst others.
9. The appeal building is a semi-detached dwelling which appears to date from the early twentieth century and displays a number of positive qualities which contribute to the character and appearance of the CA. The building is specifically designated as a non-designated heritage asset due to its high quality design and layout, and relationship to the original purposely designed speculative housing development. The dwelling also exhibits large front and rear garden areas alongside dwellings within the street and stone kerbing

with a cobbled dropped kerb which is approximately half the frontage. The front boundary has a boundary wall along its width with vehicular gate and a pedestrian gate. Whilst there is an area approximately half the width of the front garden which has hard standing for vehicular parking, the remaining half of the front garden area is soft-scaped and contains some vegetation.

10. The main concerns that the Council raises with regards to character and appearance relate to the subdivision of rear garden spaces, and the appearance and design of proposed refuse bin storage and from the large amount of hardstanding and vehicular parking provided. In relation to the rear garden, these large rear gardens are characteristic of the historic origins of the properties and are reflected as one of the positive characteristics of the CA and the non-designated heritage asset. The Design and Access Statement submitted with the original application states that the rear garden would be subdivided into 3 areas and an accessway by timber boarded fences set on gravel boards and concrete posts. The subdivision of rear garden would provide a compartmentalisation of the garden into smaller spaces. This subdivision of spaces would present an awkward arrangement which would not reflect the large and open rear garden spaces which are authentic to the historic origins of the dwellings along the street and specifically to the host dwelling, which is a non-designated heritage asset. The subdivision of the rear garden would be an incongruous form of development that would consequently cause harm to the character and appearance of the CA and cause harm to the significance of the non-designated heritage asset.
11. Turning to the refuse storage, this would require the complete removal of remaining front garden and the entire front boundary wall to facilitate its provision. Refuse storage to the front garden is an issue specifically identified in the CAAMP as causing detriment to the character and appearance of the CA and the street scene. Whilst there are no elevations of the bin storage, the refuse bins would be prominently situated to the front garden area which would be devoid of any front garden or landscaping. Whilst there is only a small area of front garden currently dedicated to parking of vehicles, the proposal would replace the remaining garden for hardstanding and bin storage, to the detriment of the CA, the street scene and the architectural authenticity and integrity of the non-designated heritage asset.
12. Additionally, the proposed removal of front garden space for the provision of hard surfacing and vehicular parking presents an appearance which is dominated by vehicular parking which would likely involve the removal of front boundary wall, and further loss of stone kerbing which would be detrimental to the positive aspects which contribute to local distinctiveness and the character and appearance of the locality.
13. It is clear to me that considering these elements together that the proposal would unacceptably harm the character and appearance of the appeal site, which contains a non-designated heritage asset, thus failing to preserve the character and appearance of the wider CA. The proposed scheme would therefore conflict with The Croydon Local Plan 2018 (LP) Policy SP4 (which seeks that development is high quality and respects and enhances local character, landscape and townscape); Policy DM18 (which seeks that development preserve and enhance the character, appearance and setting of

heritage assets); and Policy DM10 (which seeks that development reflect the development pattern layout and setting, appearance, natural and built features). The proposed scheme would also be in conflict with Policy D3 of the London Plan which seeks good design in development. Furthermore, in accordance with paragraph 203 of the Framework, I afford weight to this identified harm to the non-designated heritage asset as part of this determination.

14. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 202 of the Framework. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
15. Whilst the applicant has not noted any public benefits arising from the scheme, the scheme would contribute to the housing supply by the provision of additional units of accommodation, and would provide a variety of residential accommodation, both of which are important planning policy objectives. Additionally, the proposal would provide economic benefits in terms of short term employment opportunities from the conversion and socio-economic benefits from expenditure in the local area from future occupants. The LPA raise no objection to the general quality of the proposed units, which would be located in an accessible location. However, these circumstances would not justify the harm I have identified.
16. I therefore find that the public benefits would not outweigh the harm caused to the CA. The scheme therefore conflicts with the Framework, which directs, at paragraph 199, 'that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance'.
17. I note reference to S66(1) of the PLBCA within the Council's Decision Notice as a reason for refusal. S66 of the PLBCA relates to the duty a decision maker has with regards to development or works affecting listed buildings and/or their setting. The Council do not mention any listed buildings within their Officer Report that may be affected by the development, and there is also no mention of listed buildings in the Applicant's Statement of Case. As such, I do not consider S66 of the PLBCA relevant to the determination of this appeal. There is also reference in Reason for Refusal No.1 in the Council's Decision Notice to the Central Croydon Conservation Area Appraisal Management Plan SPD (Dec 2014), however this CA is also not discussed within the Officer's Report. Having seen the Central Croydon CA, I am not convinced that this CA is relevant to the determination of this appeal.

Living Conditions of future occupiers

18. The Council's concerns in respect of this main issue is regarding the level of privacy of Flat A towards the 'conservatory,' and the lack of detail with regards to the private amenity space for all of the flats. The existing dwelling has a conservatory to the rear of the ground floor, where this would be demolished within the proposed scheme, with the rear ground floor extended from the main dwelling in order to provide Bedroom 1 of Flat A. It is unclear

what the reference is to the rear conservatory of Flat A, given that the plans show that there is no conservatory for Flat A. The proposed Flat A would lead out onto a private amenity space for Flat A. I am therefore not convinced that there would be any adverse detriment caused to the living conditions of future occupiers in Flat A as a result of privacy.

19. With regards to the provision of private garden spaces, the rear garden is to be divided into three spaces where Garden A is directly accessible from Flat A, and Gardens B and C are accessible from a laneway which runs alongside Garden A and provides access to Gardens B and C. The LP Policy 10 which is supported by the Croydon Suburban Design Guide Supplementary Planning Document (SPD) seeks that amenity space be inclusive, provide play space and be directly accessible from dwellings and that the design would influence the management and use of spaces which are provided.
20. The proposed sizes of each of the private amenity areas would be sufficient and meet the overall size guidelines for private amenity space. However, Gardens B and C are not directly accessible from the proposed flats, where occupiers would need to walk down a long laneway to access their amenity areas. There would also appear to be no arrangement for how the spaces would be managed, particularly the laneway. LP Policy 10 also seeks that all flatted developments contain communal spaces and areas of play, which has also not been detailed in the proposed scheme.
21. Consequently, and in conclusion of this matter, whilst I agree with the applicant that there would be no adverse detriment caused to the living conditions of future occupiers as a result of privacy; the overall design of the private amenity space is inadequate and fails to meet the provisions of LP Policy 10, which seeks high quality designed amenity spaces which are flexible, multifunctional, accessible and inclusive.

Cycle provision

22. The Council maintain a number of policies which seek the provision of sustainable transport measures, such as access to alternative provision of the car such as public transport and cycling. The proposal includes Flat A as three bedrooms, Flat B as two bedrooms and Flat C as one bedroom. The LP Policy 29 seeks that proposals for dwellings meet the minimum standards of bicycle provision as detailed within the London Plan, as well as being appropriately located and designed as detailed in the SPD. Table 10.2 of the London Plan 2021 seeks that provision of 1 cycle space per a one person one bedroom dwelling; 1.5 cycle spaces per a two person one bedroom dwelling; and 2 cycle spaces per all other dwellings. Whilst it is not clear on the plans how many persons Flat C is designed for as it has a restricted head height, as a minimum Flats A and B would need to provide two spaces each, as well as there needing to be a visitor space. It is clear that the provision of three spaces would not be sufficient to meet the minimum standard, therefore failing the provisions of LP Policy 29, the London Plan and the SPD.
23. I also share the Council's concerns with regards to the location of the cycle parking facilities which adds to the clutter to the front garden area to the detriment of the character and appearance of the area. I acknowledge the applicant's willingness to relocate cycle spaces within each of the apartments which may be a more appropriate solution; however I can only make a decision based on the information before me.

24. In conclusion on this matter which is based upon the information before me, the provision and location of cycle parking does not meet the minimum standard, and would not be sufficiently located or designed. The proposed scheme would therefore be contrary to LP Policy 29, which is supported by the SPD, as described previously.

Vehicular Parking

25. The appeal site is currently a single dwelling where according to the applicant caters for three vehicles currently park in the part of the front garden which has hard standing and a vehicular crossover which takes up half the frontage. I acknowledge the applicant's comments that the site already accommodates the provision of three vehicles, however there are different considerations between the provision of 3 vehicles to one household and the provision of 3 vehicles to three individual units which require to share the front garden space. The plans do not show a swept path analysis of how the vehicles would enter/exit the parking spaces as it would not appear to be possible for the vehicle parked closest to the proposed bin storage to enter the space with the existing front boundary wall in situ and from the existing crossover which lies to the other half of the front garden. There are also concerns with regards to the loss of the boundary wall to facilitate parking as well as the loss of stone kerbing to facilitate a widened crossover which would take up the entire frontage.
26. Whilst I appreciate that Outram Road does not carry fast or a high level of traffic, none of the vehicles would be able to exit the site in a forward gear which raises highway safety concerns for pedestrians, cyclists and other road users; and the parking of vehicles at full capacity on site would make it difficult to access the refuse bins, cycle storage and for the manoeuvrability of residents. As mentioned previously the removal of all garden space for the provision of hard surfacing and vehicular parking presents an appearance which is dominated by vehicular parking which would be detrimental to the character and appearance of the locality.
27. Consequently, and in conclusion of this matter, the proposed scheme fails to provide adequately designed vehicular parking which would meet LP Policy 29 (which seeks that development have a positive impact on highway safety for pedestrians and cyclists); and LP Policy 30 (which seeks to ensure that the movement of pedestrians, cycles and public transport is not impeded by the provision of car parking).

Conclusions

28. I have found in the appellant's favour with regards to a main issue that the site would not cause a loss of privacy to Flat A. However, this is insufficient to outweigh the other matters that were shown to be inappropriate such as the impact towards the character and appearance of the area, including the CA, the provision of private amenity space, the provision of refuse and cycling spaces and the provision of vehicular parking. The proposal would also be contrary to the development plan when considered as a whole. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR