



Appeal Decision

Site Visit made on 20 July 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021

Appeal Ref: APP/L5240/W/21/3269204

35 Limpsfield Road, South Croydon CR2 9LA

- 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 Shahid Ismail against the decision of London Borough of Croydon.
 - The application Ref 20/05203/FUL, dated 8 October 2020, was refused by notice dated 9 December 2020.
 - The development proposed is for alterations, sub-division of part of ground floor at rear including the erection of a single storey rear extension for use as office (use class E) with ancillary storage (use class B8).
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Decision

1. The appeal is allowed and planning permission is granted for alterations, sub-division of part of ground floor at rear including the erection of a single storey rear extension for use as office (use class E) with ancillary storage (use class B8) at 35 Limpsfield Road, South Croydon CR2 9LA in accordance with the terms of the application, Ref 20/05203/FUL, dated 8 October 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development originally used by the appellant was altered by the Council. This amended description was subsequently used both by the Council in their decision notice and by the appellant in their appeal form. As this amended description better clarifies the nature of the proposal and excludes those elements that do not constitute development, I too have used it in this appeal.
3. Between the determination of the planning application and the appeal coming before me, the new London Plan¹ and National Planning Policy Framework (the Framework²) were published. The Council has subsequently indicated that Policies D3 and D5 of the new Plan are relevant to this appeal. The views of the appellant have been sought on the new London Plan and I have referred to it in my findings. Similarly, both main parties have had an opportunity to comment on the revised Framework to which I also refer in my decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

¹ The London Plan 2021

² National Planning Policy Framework (2021)

Reasons

5. The appeal relates to the rear part of a ground floor business unit and its rear courtyard. The rear part of the existing building, which itself appears to be part of a previous extension, has already been internally sub-divided from the main business unit that fronts on to Limpsfield Road. The appeal site is bound to the south by a footpath that connects Limpsfield Road with Cranleigh Close. This footpath would provide access to the proposed unit. An existing car parking area would be retained and would separate the proposed extension from Cranleigh Close.
6. The proposed works would be to the same height as the previous rear extension to the property. It would represent a continuation in terms of overall style, albeit with a white painted rendered finish rather than a pebbledash finish of the existing extension. Either finish would be appropriate in this location. I accept that the proposal is a somewhat simple extension in terms of its design and appearance. However, it will also replicate the established approach of other rear extensions fronting onto Cranleigh Close. Given its proposed dimensions and the existing situation on site, there would seem to be limited opportunities to adopt an alternative design solution.
7. The retention of the car parking area beyond the existing courtyard, ensures that once extended, No. 35 Limpsfield Road would have a smaller building footprint than some of the other neighbouring properties that have been previously extended. As a result, the overall bulk and visual impact of the proposed works would be limited when viewed from Cranleigh Close and, in my opinion, would be acceptable.
8. The proposed extension would be higher along the site's boundary with the footpath than the existing wall it would replace. However, the proposal would introduce a new entrance door and two windows onto the elevation which would provide some visual relief.
9. Accordingly, I am satisfied that the proposal would accord with Policies SP4, DM10, DM29 and DM30 of the Local Plan³ and Policies D3 and D5 of the London Plan which amongst other things, seek to ensure that developments are designed to maximise their quality, create safe and secure neighbourhoods and protect the existing environment in which they are sited.

Other Matters

10. Some of the changes proposed as part of the appeal scheme would also help to make the structure feel less imposing to users of the adjacent footpath. Nevertheless, the Council is concerned that this will introduce an active frontage into an area where none is present and would not create a safe place to work.
11. The footpath is not particularly narrow and does not provide any places for someone to hide along its relatively short length. It is also overlooked at one end by houses in Cranleigh Close and at the other end it emerges onto the central part of the Limpsfield Road local shopping centre. This appears to be a relatively busy area, especially during business hours. Accordingly, a user of the proposed new unit would not, in my opinion, feel particularly unsafe when entering or exiting the unit. In addition, introducing a more active frontage

³ Croydon Local Plan 2018

here would create some natural surveillance which may in fact make the footpath feel safer to some other users.

12. The need to maintain access and allow for maintenance have also been raised by the occupant living above the existing business unit. The proposed scheme would retain the existing access stairs to the upper floor flat. Whilst the extension would enclose the area below the stairs on their southern side, it would not prevent maintenance taking place as and when required. Concerns have also been raised regarding previous repairs to the building and the impact of the proposal on property values. Such concerns are however outside the scope of this appeal.
13. The Council is content that there are insufficient grounds to object to the proposal in terms of noise generation. I agree with the Council in this respect. As set out in the Regulations⁴, a Class E business use must be capable of taking place in a residential area without causing harm to the amenity of that area. Given the scale of the building and the fact that any storage/distribution must be ancillary to the Class E use, I am satisfied that there would not be any significant effects on the living conditions of neighbours.
14. When considering the planning application, the Council raised a query in terms of how a Class E use would operate with an element of ancillary storage/distribution. The appellant's response seemed to misunderstand the planning concept of an ancillary use. The Council has raised similar queries in relation to the appeal although the appellant has not sought to clarify this issue further. Whilst the proposed use would enable a prospective user to include an ancillary storage/distribution element within their operation, it is not a requirement that they do so. Similarly, if any storage/distribution use were not ancillary to the Class E use, it would be open to the Council to consider enforcement action.

Conditions

15. In addition to the standard time limit condition, a condition is required in the interests of certainty that lists the approved plans. Whilst the application forms are clear that the extension is to be rendered, they are less definitive on window frame/door colouring. Therefore, a condition requiring confirmation of external finishes is reasonable and necessary. I have also imposed a condition restricting the insertion of openings in other elevations to protect the living conditions of neighbours.
16. The Council has suggested a pre-commencement condition covering a number of issues including the use, hours of operation, deliveries, waste management, flood risk assessment and security lighting. It would be unreasonable to have a condition seeking details of a use which has, by virtue of the substantive decision, already been permitted. Whilst I have noted that both the Council and appellant seem somewhat unsure as to the extent of the use, it seems to me sufficiently clear that a new planning unit would be created. The primary use of the new unit would be Class E with a secondary storage/distribution use able to take place in connection with the primary operation. I therefore do not see the necessity for seeking further details in this respect.

⁴ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

17. Hours of operation are set out in the application forms and a condition confirming such times (including deliveries) would be sufficient.
18. The Council's suggested condition seeks the submission of a flood risk assessment. However, the officer report confirms that an assessment was submitted with the application, albeit that assessment was for the previous scheme, which included a residential use. In acknowledging this, the officer report nevertheless suggests that the mitigation measures set out in that assessment could be secured by condition for this appeal proposal. There is no substantive evidence before me to indicate that the mitigation measures would be inappropriate in this case and accordingly a condition to secure their implementation is considered reasonable.
19. Details of security lighting and waste facilities are necessary to ensure the use does not cause harm to the character of the wider area and these matters can be subject to pre-occupation conditions.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Plan
(Received by the Local Planning Authority 14 October 2020)
 - Plan Proposed
(Received by the Local Planning Authority 9 October 2020)
 - Rear Elevation
(Received by the Local Planning Authority 9 October 2020)
 - Side Elevation Proposed
(Received by the Local Planning Authority 9 October 2020)
3. No development above slab level shall take place until details of the materials/finishes to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Prior to the first use of the development hereby permitted, details of any security lighting shall be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
5. Prior to the first use of the development hereby permitted, details for the storage and disposal of waste arising from the use hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
6. No windows, doors or other openings shall be constructed on the north or east elevations of the extension hereby permitted.
7. The use hereby permitted shall only take place between the following hours:
 - 0800 - 1900 Mondays - Fridays
 - 0900 - 1800 Saturdays, Sundays, Public and Bank HolidaysDeliveries shall not be taken at or despatched from the site outside of these hours.
8. The development hereby permitted shall not be first used until the flood mitigation measures have been completed in accordance with the Ambient Environmental Assessment 'Flood Risk Assessment' (Reference: 4435) and shall be retained as such thereafter.