



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: 24 September 2021

Appeal Ref: APP/L5240/W/21/3268778

41 Kingswood Lane, Warlingham, Surrey CR6 9AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Graeme Bell against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/01121/OUT, dated 4 March 2020, was refused by notice dated 11 September 2020.
 - The development proposed is an outline planning application (all matters reserved) for the demolition of single family dwelling and erection of one 3-storey block containing 2x3 bed, 4x2 bed, with associated access, 6 parking spaces, cycle storage and refuse storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Between the determination of the planning application and the appeal coming before me, the new London Plan¹ and a revised Framework² were published. The Council has subsequently indicated that Policy D6 of the new Plan is 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.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of future occupants, with particular regard to the size of the proposed units, the outlook therefrom and the provision of private and communal garden space.

Reasons

4. Policy D6 of the London Plan has adopted the Space Standards³, which set out the minimum internal space for new dwelling units, based on the size and number of potential bedrooms for each unit.
5. Whilst the scheme is submitted in outline, with all matters reserved, the indicative floorplans suggest that the 2-bed units would be between 62.5m² and 64m². This would accord with the Space Standards, if the units were designed for 3-person occupancy. The submitted Planning, Design & Access

¹ The London Plan 2021

² National Planning Policy Framework (2021)

³ Nationally Described Space Standards (2015)

Statement, which accompanied the application, suggests the majority of units would be classed as 4-person, family units. This higher level of occupancy would require larger internal accommodation than indicated, with the consequential implications for the size of the building and potential layout etc.

6. The description of development refers to the building being 3 storeys in height although the indicative second floor drawing suggests the accommodation is likely to be accommodated within the roofspace. It is not clear whether, given the width of the site, it is possible to construct a building in the way suggested, with accommodation in the roof that would be of sufficient floorspace and head height to meet the Space Standards.
7. Whilst I have little doubt that some rooms and units would have a good standard of outlook, given the uncertainties I have identified, it is difficult to be sure that all the units could be provided with an appropriate level of outlook, taking into account the above.
8. Each of the proposed flats would have access to private amenity space located at the far end of the site. This arrangement would not be functional or particularly private and so is unlikely to be very attractive for future occupants. It is not clear whether an alternative arrangement to partition the spaces could be made to work better.
9. Although it is not mandatory, most flatted developments incorporate balconies, as this is the easiest way of providing functional private space for occupants. It would be possible for balconies or something similar, such as inset patio areas, to be introduced at the reserved matters stage as an alternative but it is not possible at this stage, based on the available information, to be broadly sure of their likely implications. Although this is an outline scheme, in instances such as this, the principle of a scheme is guided, at least in part, by matters of detail. Without the appropriate assessments, it is not possible to demonstrate that the proposal would have an acceptable effect.
10. The reason for refusal also suggests inadequate play/communal space although the officer report indicates that no provision is indicated on the drawings. Were an area to be indicated and found to be broadly acceptable, the exact details could be covered by condition. However, simply leaving the matter in its entirety to be dealt with via conditions would be inappropriate given the other issues which are unresolved, and which might have a bearing on the size/location of the play/communal space.
11. The appeal is supported by minimal levels of information. However, the appellant considers this sufficient for an outline application to demonstrate that the development, as proposed, could be constructed on site without causing harm. The appellant indicates a willingness to accept various conditions to ensure the scheme is acceptable.
12. If outline permission were to be granted, the appellant would be entitled to expect that the type and quantum of development in the outline scheme could be achieved on the site. However, even in illustrative form, the appeal scheme should be able to demonstrate that the proposal can be achieved, accepting that some variation may be accommodated at the reserved matters stage. Given my reasoning above, I have found the details provided are limited and are contradictory in places. As a result, they do not provide enough meaningful information to set sufficiently robust parameters with which to guide the

building's ultimate form. Without this I cannot be sure that the building would address some of the key issues which would demonstrate that the proposed development could be achieved without causing harm to the living conditions of future occupiers.

13. Accordingly, the proposal would be contrary to Policy DM10 of the Local Plan⁴, Policy D6 of the London Plan and the Council's Design Guide⁵, which amongst other things, seek to ensure that new developments provide future occupants with appropriate internal space and outlook as well as appropriate private and communal outdoor space.
14. The reason for refusal refers to Policy SP2.6 of the Local Plan. However, this Policy relates to commuted sums in lieu of on-site affordable housing and so does not appear to be directly relevant to this appeal. However, this does not alter my overall decision.

Other Matters

15. My attention has been drawn to the new development at 43 Kingswood Lane as well as other approvals in the area, in order to demonstrate similarities with the appeal scheme. Whilst consistency in decision making is important, the Framework at paragraph 130, also seeks to ensure that developments achieve high standards of amenity for future occupants. Comparing schemes in the way suggested by the appellant does not necessarily produce high standards of amenity. Also, I do not have the full details of those schemes before me and therefore cannot be sure that they represent a direct parallel. In addition, I am aware of a number of aspects of the scheme which the Council considered acceptable. They would however represent a lack of harm and as such would be neutral factors in any balance.
16. Whilst I have sympathy with the appellant's frustrations and acknowledge that there has already been a previous refusal of permission by the Council for a similar scheme, I must determine the appeal on its own merits and the evidence before me.

Planning Balance and Conclusion

17. The Government's objective is to significantly boost the supply of housing and the proposal would provide six flats with adequate access to services. The proposal would also accord with the Framework's support for windfall sites. A net increase of five residential units would attract moderate weight. The scheme would also lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment.
18. Conversely, I have serious reservations at this stage as to whether the scheme as envisioned could deliver appropriate living conditions for future occupiers, and even if it could deliver in this regard, whether this would be achieved without other, unintended harmful consequences. As such, these harms would be significant and as a consequence worthy of substantial weight that would outweigh the benefits associated with the proposed development.
19. The proposal would harm the living conditions of future occupants and would conflict with the development plan taken as a whole. There are no material

⁴ Croydon Local plan (2018)

⁵ Suburban Design Guide – Supplementary Planning Document (2019)

considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR