
Appeal Decision

Site visit made on 20 September 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 6 October 2021

Appeal Ref: APP/L5240/W/20/3265852

1343 London Road, Norbury, London SW16 4BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Ashok Patel against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/03680/GPDO, dated 15 August 2020, was refused by notice dated 9 October 2020.
 - The development proposed is conversion of existing shop to mixed use as 2 No studio flats and a shop.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal has been made utilising Class M of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO). Class M has subsequently been replaced by class MA following the introduction of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which made amendments to the Use Classes Order including moving various categories, including shops, into a new Use Class E.
3. However, under the section entitled Conditions at MA.2(3) it is made clear that an application for prior approval for development under Class MA may not be made before 1 August 2021. As the application and decision by the Council were made before this date I will consider the appeal under Class M rather than the updated Class MA, with a shop being under the previous Use Class of A1.

Main Issues

4. The main issues are:-
 - a) The effect of the proposed development on highway safety, and
 - b) Whether or not the proposed development would be in a suitable location with respect to flooding.

Reasons

5. The appeal property is a four storey terraced building currently in mixed use with offices and a store on the lower ground floor and a shop on the upper ground floor. These two floors would be re-configured to retain a shop and

office on their respective floors but also provide a studio flat on each floor. There would therefore be a net gain of two dwellings.

6. Class M of the GPDO permits a change of use of a building from a use falling within Class A1 (shops) or Class A2 (financial and professional) to a Class 3 use (dwelling house) subject to a number of criteria and conditions. The Council consider that the proposed development complies with the basic criterion of being in Class A1 and/or A2 and I agree with that position.
7. In such circumstances, under condition 1 of the legislation, the prior approval of the appropriate authority will be required with respect to the proposed development's impact upon, amongst other things, transport and highways and flooding risks. These are the concerns of the Council and I will deal with each in turn.

Highway safety

8. London Road is a 'red route' with no parking allowed, therefore parking would not be available to the front of the property. The nearest side road would be Northborough Road, which has parking on both sides of the road making it very difficult for two vehicles to pass. To the rear of the appeal property is Palmers Road which also has parking on both sides of the road and due to this is effectively a single carriageway road. Tylecroft Road lies some distance to the north of the appeal property and once again has parking on both sides of the road, making it difficult for two vehicles to pass.
9. The roads mentioned above were heavily parked at the time of my visit and I consider that as the area is essentially residential it would be reasonable to assume that parking need would increase at the end of the working day. The amount of parking has a significant impact on the free flow of traffic and also on visibility when emerging at the various junctions.
10. The appellant has indicated that ten people work in the shop at present. However, a modified shop and office space would be retained under the proposed development and I have been given no indication as to how many staff would be retained, or indeed how many staff work at any one time at present. It would therefore be reasonable to assume that a number of staff would still be working at the premises. Furthermore, although the proposed development would produce only two studio flats, it is reasonable to assume that their occupants would require parking in the evenings and weekends when parking stress would be likely to be at its highest point.
11. It follows that, given the intense pressure for parking at present, and the problem that this causes with circulation and visibility, any further parking requirement would be likely to exacerbate this problem. This to my mind would have an unacceptable impact upon the highway network in terms of the free flow of traffic and highway safety.

Flooding

12. My attention has been drawn to a document entitled *The Strategic Flood Risk Assessment for Croydon, Sutton, Merton and Wandsworth* (SFRA). This document confirms at figure 2.3 that the appeal site is at a high risk of flooding from surface water drainage catchments. Figure 2.5 of the SFRA shows that from Thames Water sewer flooding records there have been three incidents of sewer flooding in the vicinity of the appeal building. Furthermore, figure 2.2 of

the SFRA shows that the appeal site lies within an area of high risk from surface water flooding.

13. I also note that the Croydon Local Plan 2018 makes clear that Croydon has experienced a number of surface water flood events and has been ranked by the Department for Environment, Flood and Rural Affairs as the fourth settlement in England most susceptible to surface water flooding. The National Planning Policy Framework (the Framework) advocates a sequential approach to development with the principal aim of steering new development to areas with the lowest risk of flooding. The Framework also makes clear at paragraph 161 that account should be taken of all sources of flood risk.
14. I note that the appeal site lies within a flood Zone 1 classification. It has however been identified by the Environment Agency as having critical drainage problems and has been identified in the SFRA as being at increased flood risk in the future. Footnote 55 of the Framework indicates that in such cases an individual flood risk assessment should accompany all proposals. This has not been forthcoming in the case of this proposal.
15. I acknowledge that the proposal would result in only two new dwellings. Nonetheless, in light of the foregoing and the lack of a site specific flood risk assessment, I consider that the appeal site is not a suitable location for the proposed development with respect to the risk of flooding.

Conclusion

16. For the above reasons I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR