



# Appeal Decision

Site Visit made on 19 May 2021

**by L J O'Brien BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 October 2021**

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**Appeal Ref: APP/L5240/W/20/3259534**

**132 Norbury Court Road, LONDON, SW16 4HY**

- 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 Shailesh Gandhi against the decision of the Council of the London Borough of Croydon.
  - The application Ref 20/01073/FUL, dated 3 March 2020, was refused by notice dated 5 June 2020.
  - The development proposed is alterations and conversion of the dwelling into 4 self-contained flats with associated refuse/cycle storage and parking.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - whether or not the proposal would provide satisfactory living conditions for future occupiers with particular regard to noise and disturbance and privacy; and
  - whether or not the proposal would provide adequate cycle storage and access; and
  - the effect of the proposal on the character and appearance of the area.

## Preliminary Matter

3. At the time of my site visit some development appears to have begun on site. However, I cannot be sure of the nature of any works undertaken. Therefore, for the avoidance of doubt, I have determined this appeal on the basis of the submitted plans.

## Reasons

4. Norbury Court Road is a residential street characterised by similar semi-detached pairs and short terraces which are set back from the road behind similarly sized front garden and parking areas. Low level boundary treatments are common along the frontages of properties in the area. The appeal property, 132 Norbury Court Road, is a semi-detached dwelling which reflects the overall character and appearance which typifies the area.
5. The proposal is for alterations and conversion of the dwelling into four self-contained flats.

### *Living conditions*

6. The proposed development would comprise one three bedroom and three one bedroom flats. The proposed three bedroom flat, Flat 1, would occupy the ground floor of the building; a living room and bedroom would be located at the front of the property with a kitchen, a dining room, a bathroom and two further bedrooms (one with an en-suite) towards the rear.
7. The proposal would provide two parking spaces at the front of the building directly outside of the ground floor lounge window, and close to the ground floor bedroom window belonging to Flat 1. As these two spaces would appear to serve the entire building, in my view, they are likely to be used by the occupiers of other flats. The proposal also includes a communal bin and cycle store at the front of the building. This area would be immediately outside the window of one of Flat 1's ground floor bedrooms and close to the living room window of the same flat.
8. The car parking, bin and cycle storage areas could be used by occupiers of any of the proposed flats at any time of the day or night. There is, therefore, a high likelihood of noise and disturbance from vehicle movements, the slamming of doors, raised voices, noise associated with the disposal of rubbish and recycling such as the clinking of glass and the opening and closing of bins and storage areas to occur in this area during times where the occupiers of Flat 1 would be expecting quite enjoyment of areas of their home used for rest and relaxation. This unacceptable degree of noise and disturbance would cause harm to the living conditions of the occupiers of Flat 1 in this regard.
9. Furthermore, those utilising the aforementioned facilities would pass in close proximity to the windows of Flat 1 thus reducing the levels of privacy at the property. I acknowledge the appellant's suggestion that the lower part of the windows could be obscured. However, I have been provided with limited details to set out how this would be secured or to explore the potential implications on the living conditions of the occupiers of Flat 1 in other respects such as outlook and light.
10. I also note the appellant's willingness to restrict the use of the parking spaces to the occupiers of Flat 1. However, I have little evidence before me to indicate how such a restriction would be secured, implemented or enforced or to set out whether this would have any effects on the acceptability of the parking provision on site. Moreover, this restriction would not reduce the harm I have identified in respect of the bin and cycle storage area.
11. Though I note that due to ground levels on site the window levels are high, to my mind, this would not be to such an extent so as to be sufficient to satisfactorily mitigate the harm I have identified. As such, due to the close proximity of these communal areas to a bedroom and living space, I consider that the proposal would fail to provide satisfactory living conditions for future occupiers with particular regard to noise and disturbance and privacy.
12. The development would, consequently, conflict with Policy DM10.6 of the Croydon Local Plan 2018 (LP) which, amongst other things, states that the Council will support proposals for development that ensure that amenity is protected.
13. The Council make reference to Policy SP2.6 and DM10.4 of the LP. However, in my reading, these policies are mainly concerned with affordable housing delivery

(SP2.6) and private amenity space (DM10.4) and therefore carry limited weight in my assessment of the scheme before me.

### *Cycle storage*

14. The proposal includes two cycle storage areas; one unit for five bicycles at the front of the property and a second unit in the rear garden of Flat 1 for two bicycles. I note the Council's concern that the proposed cycle storage area in the front garden would fail to provide adequate storage for the number of cycles proposed. However, the proposed unit would appear to me to be capable of accommodating five bicycles and I have been provided with no specific expected size standards which would indicate otherwise. Should further details of this particular unit be required I am confident that they could be secured through a suitably worded planning condition.
15. Though I give no weight to the Council's 1.2m width expectation as I have not been provided with sufficient evidence to support this figure, I consider that the proposed cycle storage unit in the rear garden of Flat 1 would, nevertheless, not be conveniently located. In order to access the storage unit the occupiers of Flat 1 would be required to wheel a bicycle up to the front door, through around four internal doorways and out into the garden either via a bedroom or through a dining room. This would entail navigating a number of obstacles in a fairly restricted space. Therefore, I consider that the cycle storage serving this Flat would not be situated in a suitable location.
16. The proposal would fail to provide adequate cycle storage and access and would conflict with Policy DM10 of the LP which requires cycle parking to be safe, secure, well lit and conveniently located.

### *Character and appearance*

17. The proposal would include a fairly substantial, timber clad, bin and recycling storage unit along the front boundary of the property. As discussed above, a cycle storage unit to the rear of the front garden area is also proposed. The bin and cycle stores would be set back behind a new low level garden wall constructed with facing brickwork and would be set below the window level of the property.
18. Though the bin store would indeed be large, it would be well screened from the road behind the brick wall and proposed planting. Furthermore, the frontage of the site is wide and is, in my view, large enough to accommodate a bin store of the proposed size without it appearing as a dominant or visually jarring feature within the street scene.
19. At the time of my site visit I noted a number of other refuse bins sited in the front garden areas of properties along Norbury Court Road. The proposed bin store would present a preferable alternative to the situation which appeared to be present at other dwellings within the area.
20. Though details on the plans, particularly in respect of the cycle storage unit, are limited I am satisfied that the storage could be provided without causing harm to the character and appearance of the area. Consequently, were I minded to allow the appeal, detailed information regarding materials, for example, could be secured by a suitably worded planning condition.
21. Therefore, for the reasons set out above I consider that the proposal would not cause harm to the character and appearance of the area. As such, the proposal

would accord with Policies DM10.1 and SP4 of the LP which require proposals to be of a high quality which respects and enhances Croydon's varied local character. The proposal would also comply with Policy DM13 of the LP which states that refuse and recycling facilities should be treated as an integral element of the overall design.

22. The Council also make reference to Policy DM30 of the LP. However, this policy appears to mainly relate to car and cycle parking provision rather than character and appearance and therefore carries limited weight in my assessment of the scheme before me in this regard.

### **Other Matters**

23. I acknowledge that the current scheme has been altered from the previously refused proposal with the aim of overcoming the concerns which were raised. However, as set out above, in my view the alterations are not sufficient to make the proposal acceptable in planning terms.
24. Whilst the appellant makes reference to the existence of a number of other examples which could be considered similar each case must be determined on its individual merits and the circumstances in each case are likely to be different. I am not aware of the full details of each case, however, a number of the examples cited have different layouts and circumstances on site. Furthermore, these examples do not demonstrate that the circumstances are such that the standard of living conditions which have been provided are acceptable or that the cycle storage is convenient and well used. As such, these examples do not provide a compelling reason to conclude that the proposal before me is acceptable.
25. I acknowledge that the proposal would be in a location well served by existing facilities and infrastructure. I also recognise that the proposal would provide some, limited, benefits for example by providing additional homes. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupiers of the proposed dwelling utilising local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.
26. I have noted a number of other issues raised; including the effect on parking and on the living conditions of other nearby residents. However, as this proposal is going to be dismissed for other reasons and the other concerns expressed do not have a direct bearing on the main issues, it is not necessary for these to be explored further as part of this appeal.
27. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would fail to provide satisfactory living conditions for future occupiers and fail to provide adequate cycle storage and access.

### **Conclusion**

28. The proposal would not accord with the development plan when it is considered as a whole and I have not identified any material considerations which indicate that the appeal should be allowed. For the reasons given above I conclude that the appeal should be dismissed.

*L J O'Brien*

INSPECTOR