



Appeal Decision

Site visit made on 12 October 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/L5240/W/21/3274208

40 Warrington Road, Croydon CR0 4BH

- 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 Ms K Hart against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/00721/FUL, dated 15 February 2021, was refused by notice dated 13 April 2021.
 - The development proposed is change of use from office to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal application was determined, the Government has published a revised the National Planning Policy Framework (the Framework) (July 2021). The parties have been provided with an opportunity to comment on the implications of the revised Framework on the proposal and therefore no prejudice has been caused.
3. The description of the proposal refers to the change of use from office to residential which appeared to have already been completed. However, as evident from the plans, the proposal also includes the creation of a first floor within a roof extension to the property. I have assessed the proposal on the basis of the extent of the works depicted in the plans.

Main Issues

4. The main issues are:
 - the effects of the proposal on the character and appearance of the area;
 - the effects of the proposal on the living conditions of neighbouring occupiers at Warrington Court, with particular regard to overlooking; and
 - whether the proposal would create satisfactory living conditions for future occupiers with particular regard to the internal floorspace and external amenity space.

Reasons

Character and appearance

5. The appeal building is a single storey, detached, gable fronted building within a restricted plot, enclosed by a low brick wall. The boundary of the adjacent school is situated the north and there are terraces of two storey dwellings to

the south. These dwellings are set in more spacious plots with a greater degree of set back from the road.

6. The proposed roof extension would sit above the whole of the footprint of the building but would have an unusual, steep-sided mansard-type shape which would be different to any other roof profiles in the surrounding area. Due to the scale and mass of the resultant building and its incongruous design, the proposal would appear cramped within its plot and jar with the more traditional building forms found within the streetscene. Whilst the wooden cladding detailing would be maintained from the eaves level up into the gable as it does presently, the repetition of this feature within the building would not diminish the harm from the overall scale, mass, form and design.
7. The appellant indicates that the first floor extension is materially different to that previously proposed and dismissed at appeal¹. Though limited details have been provided to me to enable comparison, the proposal would be harmful when considered on its own specific merits in any event and therefore this alleged difference in design is not sufficient to overcome my concerns. Similarly, whilst I note that there is a variety of two and three storey dwellings in the area, and that the overall roof height of the extension would not be any higher than the hipped roof of the two storey block of flats to the south, these aspects do not indicate that the proposal would appear well designed or appropriate in scale relative to its existing form and plot.
8. For the above reasons, the proposal would be harmful to the character and appearance of the area, contrary to Policies D3 and D4 of the London Plan (2021) (London Plan) and Policies SP4 and DM10 of the Croydon Local Plan (2018) (Local Plan). These Policies collectively seek to ensure that new development is of a high quality design and enhances Croydon's varied character and contributes positively to townscape.

Living conditions of neighbouring occupiers

9. The proposal involves the provision of a window to serve a bedroom in the left side roof plane, facing towards the upstairs windows in the property to the south-west at Warrington Court. From the evidence, the distance between the two facing windows (side elevation to side elevation) would be in the region of 8 metres. Whilst it is suggested that this roof window would face skyward and not result in a material loss of privacy for the occupiers of said neighbouring dwelling, there is no cross section provided to show the line of sight of any occupiers within the bedroom or details to show that the roof window would be more than 1.5 metres above the floor of the room. In the absence of such information, and given the general profile of the roof, I consider it likely that harmful overlooking would be likely to occur.
10. In view of the above, the proposal would be harmful to the living conditions of neighbouring occupiers at Warrington Court, with particular regard to overlooking, contrary to Policies D3 and D4 of the London Plan and Policies SP4 and DM10 of the Local Plan. Amongst other things, these Policies also seek to ensure that new development protects the amenities of adjoining occupiers.

¹ APP/L5240/A/08/2069430 dated 19 August 2008

Living conditions for future occupiers

11. The proposal would increase the available floor area and result in the dwelling having two bedrooms over two storeys. The London Plan housing standards Policy D6 requires that 2 bed 3 person units are a minimum of 70 sqm, although any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage. From the evidence, I am persuaded by the Council's view that the floorspace would fall short of the necessary 70 sqm and would fail to provide adequate living conditions for future occupiers with regard to the internal floorspace and storage requirements.
12. In terms of the external amenity space provision, the dwelling has a small, enclosed area to the front which links to the area alongside the building and the side boundary. The latter of the spaces is not a particularly attractive or useable area of garden, being tucked between high walls, of an irregular shape and overhung by the vegetation from the adjacent boundary. There would be some dedicated amenity space to the front of the dwelling which would meet the minimum quantitative requirements for a 2 bedroom unit, though the quality would be compromised by its position on the street and constrained layout. Nevertheless, I consider that for the intended number of occupants, the proposal just meets the minimum requirements to provide an outdoor amenity space for the future occupants.
13. In view of the above, whilst the outdoor amenity space provision would, on balance, be adequate, the internal floorspace would fail to satisfactory living conditions for future occupiers, contrary to, in particular, Policies D3 and D6 of the London Plan and DM10 of the Local Plan. Amongst other things, these Policies collectively seek to achieve indoor and outdoor environments that are comfortable and inviting for people to use.

Planning balance and conclusion

14. As advanced by the appellant, the proposal would make use of an existing building in a sustainable location to provide housing, making the most efficient use thereof. Whilst I cannot be certain that the appeal proposal is the only means of achieving such an outcome, it would accord with the Framework's aim to boost the supply of housing. There would also be minor economic benefits from the construction phase and social benefits through increased access to housing.
15. However, the proposal conflicts with the development plan, when taken as a whole. Neither the Framework or anticipated benefits form considerations of such materiality that indicate that a decision should be taken other than in accordance therewith.
16. Thus, for the reasons set out above, and taking all other matters into account, the appeal is dismissed.

Hollie Nicholls

INSPECTOR