



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: 01 November 2021

Appeal Ref: APP/L5240/W/21/3272914

4 St James's Road, Croydon CR0 2SA

- 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 Miss Azma Mirza against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/06032/FUL, dated 14 December 2019, was refused by notice dated 26 October 2020.
 - The development proposed is alterations; use of ground floor as studio flat.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and use of ground floor as studio flat at 4 St James's Road, Croydon, CR0 2SA, in accordance with the terms of the application, Ref 19/06032/FUL, dated 14 December 2019, and subject to the conditions in the schedule below.

Preliminary Matters

2. Since the appeal application was determined, the Government has published a revised National Planning Policy Framework (the Framework) and the London Plan (2021) (London Plan) has also been adopted. The parties have been provided with an opportunity to comment on the implication of the policy changes and therefore, no prejudice has been caused.

Main Issue

3. The main issue is whether the proposal would create living conditions for future occupiers in respect of the provision of outdoor amenity space, bin storage and cycle storage.

Reasons

4. The appeal site comprises the ground floor of the building which was most recently in use as a hairdressers shop. There is a shop window frontage with an access door onto the street. The upper part of the building appears to be in separate residential use. There are windows and a door in the rear elevation which backs onto a service yard that accesses out between the adjoining property and the buildings on the corner of London Road/St James's Road.
5. The appeal proposal is to change the use of the hairdressers shop to a studio flat with an open plan kitchen and lounge, a separate shower room and bedroom at the rear.

6. A previous appeal¹ to change the use of the premises was dismissed due to its under-provision of floorspace against the minimum requirements, now updated to those detailed in Policy D6 of the London Plan (2021). In the current scheme, a minor extension is proposed to the rear to ensure the proposal achieves at least the necessary 37 sqm for a 1 bed 1 person unit (with shower room). In terms of its internal proportions and the living conditions that it would create for a future occupant/occupiers, the proposal would therefore meet the minimum requirements of London Plan Policy D6.
7. In terms of the outdoor space requirements, Policy D6 of the London Plan and Policy DM10.4 of the Croydon Local Plan (2018) (Local Plan), require that a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings with an extra 1 sqm per additional occupant.
8. The appellant indicates that the first floor flat does not have any private outdoor space which should mean that the ground floor studio should not have to do so either. It is also argued that there are a range of public recreational spaces in the wider surroundings, including Canterbury Recreation Ground, Whitehorse Recreation Ground and Mitcham Common, that would cater for the outdoor space requirements of future residents.
9. Notwithstanding the availability of the aforementioned publicly accessible spaces within reasonable walking distances of the appeal site, the proposal could not provide any private outdoor space and would thus conflict with Policies D6 of the London Plan and 10.4 of the Local Plan in this regard. The lack of existing provision for the first floor flat, which may have evolved from a time when different standards were applicable, does not render the appeal proposal compliant when considered against the current policies.
10. Owing to the lack of outside space and the extension to the rear, there would be very limited external space within which to store bins and recycling. Policy DM13 of the Local Plan requires that refuse and recycling facilities are safely integrated within the building envelope, or in conversions where that is not possible, integrate such facilities in covered facilities that are located behind the building line where they will not be visually intrusive or compromise the provision of shared amenity space.
11. The appeal application form indicates that the storage of waste will be "*within design of kitchen*" though the submitted plans indicate that "*bins are located in yard accessed by alleyway*". The submitted Statement indicates that the preference would be to store waste and recycling in a large wheelie bin against the building on the footway to the front, as is the case with neighbouring dwellings, rather than "*bringing refuse through the flat from the rear*".
12. There is a lack of clarity as to the intention for the storage of bins and ability of future occupiers to access the service yard via the alleyway. The ability to bring the refuse in from the rear would also be hindered by the intended removal of the rear door and provision of a window in the extension. Storing waste within the kitchen, whilst possible for a single occupant, would be less than desirable.
13. I saw for myself that the storage of wheelie bins on the footway was commonplace at least on the day of my visit, but that there was a negative impact on the quality of the streetscene as a result. There was also a degree of

¹ APP/L5240/A/13/2207702 dated 8 April 2014

obstruction of the footway which could have been more problematic for those with pushchairs or mobility aids attempting to navigate the reduced space at busy times. I also saw for myself that the rear service yard was litter-strewn for reasons which were unclear. However, in short, there is an existing localised issue with the storage of refuse and recycling which the appeal proposal would, in all likelihood, exacerbate, through its absence of a clear and adequate strategy for the same.

14. On the basis of the above, no refuse facilities would be provided, contrary to DM13 of the Local Plan 2018. I have considered the potential for a condition to remedy this deficiency and reach the view that there is a prospect of a solution, albeit modest in scale, and preferably to the rear of the property.
15. The absence of a cycle parking space was considered resolvable by way of condition in the previous appeal decision, but that relied on the whole of the small space to the rear being available for the provision of such. In the current proposal, the extension would largely take up the available space to the rear.
16. Policy DM29 of the Local Plan seeks for new development to promote measures to increase the use of public transport, cycling and walking. Policy T5 of the London Plan requires that one long-stay cycle parking space should be provided for a studio flat, although the Policy also stipulates that where it is not possible to provide adequate cycle parking within residential developments, boroughs must work with developers to propose alternative solutions which meet the objectives of the standards.
17. Whilst the submitted plans optimistically detail a cycle store to the rear of the building, the space available is very compact and unlikely to be able to conveniently store a standard adult bicycle. The appellant indicates that a hanging storage facility could be provided as detailed in the West London Cycle Parking Guidance (2016). The same guidance details that standard dimensions for a ground-based cycle parking space should be 1.8m x 0.65m, which the site could not accommodate. It also goes on to state that the hanging wall stand type, whilst possible in small numbers, are hard to use and require a lot of strength to lift bicycles into place and should be avoided. It is unclear as to how a hanging bike would fit into the narrow space compared to a bicycle affixed to a floor or wall fixture. The provision of an internal cycle store would only further reduce the amount of living accommodation which just meets the minimum standards.
18. In view of the above, the proposal would fail to deliver a well-designed cycle parking space, contrary to Policy T6 of the London Plan and Policy DM29 of the Local Plan. Again, I have considered the potential for a condition to address this deficiency with the proposal, which would be preferable to the alternative of not securing such.

Other Matters

19. I have considered the appellant's suggestion that the situation with the appeal site is a unique one, insofar as the boundary divisions are concerned. But, in the absence of any detail or explanation as to the details or related implications, I cannot attribute material weight to this factor.

Planning balance

20. Taking the above factors into account, insofar as it would fail to provide an adequate outdoor space, and well-designed cycle parking and bin storage space, the proposal conflicts with the development plan.
21. However, I accept that in providing an extension to maximise the internal living space, there is less ability to provide the outdoor space requirements. It is also relevant that the housing standards required by policy have become more stringent since the previous appeal and thus, given the inability of the site to further expand beyond its boundaries, the potential to deliver a policy-compliant housing unit have diminished further still. I have taken these factors into account and appreciate the difficulty retrofitting these standards to aged terraced buildings which were not constructed with such standards in mind.
22. Nevertheless, a practical alternative use for the ground floor of the building should be sought in order to, amongst other things, maintain the character of the streetscene. The building to which the appeal building adjoins appears to have fallen into disrepair and its deteriorated quality is a reminder of the need to avoid such outcomes. I am also mindful that the current lawful use of the building, when operational, would have generated waste without a defined waste storage space in any event. Alternative prospects such as combining the ground and first floor flats would still be likely to result in a development that falls short of the outdoor space requirements.
23. Clearly, the appeal property would provide a small unit of housing where it would be accessible by a range of public transport modes. It would provide a renewed use for the ground floor of the established building which has limited prospects to be put to an alternative use. Given its modest size, the resultant unit would be more likely to be priced towards the more affordable end of the spectrum and would deliver associated social benefits through increased access to housing. The environmental, social and economic benefits are therefore afforded modest weight commensurate with the scale of the proposal.

Conditions

24. In addition to the statutory time limit, a condition is necessary specifying the approved plans in the interests of certainty. To maintain the character and appearance of the area, a condition is required specifying that any external works shall be in materials to match the building.
25. In order to seek to resolve at least the matters of bin and cycle storage, a condition is necessary seeking the detailed design of such. For reasons set out above, this condition is necessary, but the design of these features may not accord with the standards typically expected of new housing developments.

Conclusion

26. In my view, and on balance, the materiality of the considerations in this particular case indicate that a decision should be taken other than in strict accordance with the development plan.
27. For the above reasons, the appeal is allowed.

Hollie Nicholls
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:
 - Proposed plans and elevations, Ref D872/04, dated December 2019
 - Block Plan, Ref D872/02, dated November 2019
 - Location Plan, Ref D872/01, dated November 2019
3. Unless otherwise specified in the application the materials to be used for the external surfaces of the development hereby permitted along with work of making good shall be carried out in materials to match those of the existing building.
4. Notwithstanding the details in the approved plans, no works above ground level shall commence on site until the following detailed design information has been submitted to and approved in writing by the Local Planning Authority:
 - Refuse storage
 - Cycle storage

The approved details shall be provided prior to occupation and retained for the lifetime of the development.