



Appeal Decision

Site visit made on 17 January 2022

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2022

Appeal Ref: APP/L5240/W/21/3276512

31 Heath Road, Thornton Heath CR7 8NF

- 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 Simon Budal against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/02177/FUL, dated 22 May 2020, was refused by notice dated 14 April 2021.
 - The development proposed is construction of two storey pitched roof building to form 2 flats (1 x 1 bedroom 2 person and 1 x 1 bedroom 1 person).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as stated on the Council's decision notice, rather than that given on the application form, as this is more precise and includes all elements of the development proposed. The appellant raises no specific objection to that description, which they have subsequently used in their appeal statement.
3. The appellant submitted an amended site plan as part of the appeal. The amended plan indicates a larger site area with the potential for additional external amenity space to serve the development. The amended plan did not form part of the scheme that the Council made its decision upon. I am not aware that all those who should have been consulted on the proposed changes have been given the opportunity of such consultation. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals. Having regard to the Wheatcroft principles¹, I consider that this appeal must be determined on the basis of the plans submitted to the Council and upon which it based its decision, which have been subject to consultation and not the suggested amendment. To do otherwise could prejudice unacceptably the interests of interested people who would not have been consulted on the amended plans and who may have observations to make.
4. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37

Main Issues

The main issues are:

- The effect of the development proposed on the character and appearance of the area;
- Whether the proposal would provide for a satisfactory standard of accommodation for future occupiers of the proposed flats, with particular regard to outlook, light and external amenity space; and,
- The effect of the development proposed on the Council's strategy for the supply of family housing.

Reasons

Character and Appearance

5. The appeal site is a vacant plot of land which was formerly used as part of the garden of 8 Furze Road. It is located on the northern side of Heath Road to the side of No 31 Heath Road and to the rear of 8 and 8A Furze Road. The site has been subject to fly-tipping and is now enclosed by high fencing, which screens it from public views.
6. The surrounding area is of established residential character consisting predominantly of two storey terraced and semi-detached properties with pitched roofs. There is some variation in the size and design of properties, many being of very simple appearance whilst others are more ornate with such features as bay windows, recessed entrance doors and decorative door and window surrounds. There is also a recently constructed three storey block of flats on the opposite side of Heath Road, which is of more contemporary appearance. There is a limited palette of external materials comprising mainly brick, pebble dash and render. Properties are generally set back from the road behind low boundary walls or fences. Despite the variation in the design of properties, there is a high degree of uniformity in terms of consistent building lines and frontages onto the road, which contributes positively to the character of the area.
7. The appeal proposal would be a detached two storey building which would contain a one bedroom flat on the ground floor and a further one bedroom flat at first floor level. The proposal would be set at an angle relative to the road rather than directly fronting on to it.
8. The orientation of the proposal and lack of a direct frontage onto the road would not reflect the pattern of development on Heath Road and the surrounding area generally. Thus it would be wholly out of keeping with the established character of linear frontage development.
9. The harm arising from the siting of the proposed dwelling would be exacerbated by the positioning of the proposal close to the site boundaries with limited external space surrounding it, which would further emphasise the failure of the development to respect the prevailing pattern of development. The proposed development would therefore appear cramped in relation to the size of the site.
10. Moreover, the size and position of window openings in the building, the inclusion of a recessed balcony, and the proposed external materials, including the use of dark grey standing seam zinc cladding to parts of the walls of the building, would

not reflect the character of neighbouring properties which would exacerbate the visual effects of the proposal.

11. For the above reasons, I conclude that the development proposed would be harmful to the character and appearance of the surrounding area. Accordingly, the proposal would fail to accord with Policies SP4 and DM10 of the Croydon Local Plan (2018) (Local Plan), Policy D4 of the London Plan (2021) (London Plan) and the Council's Supplementary Planning Document – Suburban Design Guide (2019) (SPD). Amongst other things, these policies and guidance seek to ensure that development proposals are of a high quality of design with appropriate scale, height and massing which respects local character.

Standard of Accommodation

12. The habitable rooms of the proposed ground floor flat would be served by reasonably sized windows. However, these would largely face towards and be within very close proximity of the site boundaries, where the plans indicate high fencing and planting. As a result, the amount of light to these rooms would be reduced. Consequently, the habitable rooms would be likely to feel enclosed and have an extremely oppressive outlook.
13. Turning to the first floor flat, the open plan living room and kitchen would be served by windows to the front of the building, whilst the bedroom would be served by a single window to the side elevation. There would also be several rooflights to the front and rear roof slopes which would provide additional light. As a result, the habitable rooms for this unit would be afforded adequate outlook and light.
14. Notwithstanding that the proposed flats would appear to comply with the minimum floor area standards set out in the Technical housing standards – nationally described space standard (March 2015), I consider that the development proposed would create a cramped form of accommodation for future occupants of the ground floor flat.
15. The appeal scheme allows for a limited area of external amenity space for the proposed flats. The enclosed balcony for the proposed first floor flat would provide a useable space, which would be of adequate size to cater for the likely number of occupiers. However, the external amenity space for the ground floor flat would comprise narrow strips of land between the building and the site boundaries, together with an enclosed area to the rear of the building. These areas would be hemmed in and so very narrow and confined in nature with a restricted outlook towards high fences on the site boundaries. The external space would not reflect the more generous gardens of neighbouring properties. I therefore find that the proposed development would not provide adequate external amenity space for future occupiers of the ground floor flat.
16. For these reasons, I consider that the proposal would not provide for a satisfactory standard of accommodation for future occupiers of the development, having regard to outlook, light and external amenity space. The proposal would therefore conflict with Policy DM10 of the Local Plan and Policy D6 of the London Plan, which, amongst other things, seek to ensure that development is of high quality design which provides adequate internal and external amenity space.

Supply of Family Housing

17. Although not cited within the reasons for refusal, Policy H10 of the London Plan is relevant to the appeal, stating that schemes should generally consist of a range of unit sizes. To determine the appropriate mix of units in relation to the number of bedrooms for a scheme, Policy H10 requires applicants and decision-makers to have regard to robust local evidence of need where available, including, amongst other things, the need for additional family housing.
18. The evidence before me suggests that there is a need to provide larger family homes in the Borough comprising three or more bedrooms, as set out in Policy SP2 of the Local Plan. The proposed flats would each contain one bedroom, and given their restricted floor area and the limited extent of external amenity space, would be unlikely to be suitable for family occupation.
19. Whilst not disputing the need to provide family housing in the Borough, the appellant contends that there is also a need for smaller properties to cater for young single professionals looking for good quality accommodation in the area. However, there is no substantive evidence before me to demonstrate that the current need for smaller accommodation such as that proposed by this appeal would outweigh the need for family housing.
20. I accept that the development would add to the overall supply of housing, but this must be considered in light of the Council's strategy to ensure that there is an adequate supply of family accommodation. For the reasons given above, I conclude that the proposal would fail to contribute to the identified need for family housing in the Borough. This would be contrary to the aims of Policy H10 of the London Plan, as described above, and Policies SP2 and SP4 of the Local Plan, where these require development to provide an appropriate mix of homes and contribute positively to the creation of sustainable communities. The proposal would also conflict with the Framework, which seeks to ensure that the size, type and tenure of housing needed for different groups in the community is assessed and reflected in planning policies.

Other Matters

21. The appellant considers that the proposal would tidy up the site which has in the past been subject to fly-tipping. However, in the manner proposed this would be at the expense of the living conditions of future occupiers of the development and the character and appearance of the area, and there is no convincing evidence before me to indicate that the appeal proposal is the only means of achieving this benefit. Therefore this matter does not outweigh the harm that I have identified.
22. I note that there is some support for the proposal from interested parties. However, I have found the proposal to be harmful and therefore the weight of support is not a determinative matter in favour of the proposal.
23. The appellant indicates concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.
24. The development would offer potential benefits in terms of providing two additional flats in a sustainable location. It would also have economic benefits through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. However, given the modest scale of the development proposed, the

weight attributable to these matters is limited and does not outweigh the harm I have identified.

Conclusion

25. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR