



Appeal Decision

Site visit made on 31 January 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Appeal Ref: APP/L5240/W/21/3281567

53 Waddon Road, Croydon CR0 4LH

- 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 Satpal Paronlar against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/05067/FUL dated 29 September 2020, was refused by notice dated 30 June 2021.
 - The development proposed is the conversion of café into a one bed self-contained flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect on the supply of commercial floorspace, (b) whether the proposal would provide a suitable residential environment and (c) whether adequate refuse and cycle storage would be provided.

Reasons

3. The appeal site comprises the ground floor of a two storey end of terrace property. The existing use of the ground floor is described as a café but at the time of my site visit it was being used for the storage of tyres. It is located along a fairly busy main road within a small parade of shops and other commercial and residential properties.

Supply of commercial floorspace

4. Policy DM6 of the Croydon Local Plan (2018) (CLP) seeks to ensure that the viability and vitality of the Borough's Shopping Parades is maintained and that they continue to serve local communities through, amongst other things, by preventing the loss of Class A uses with the exception of appropriate specified uses. These do not include residential. Policy E9 of the London Plan (2021) (LP) also supports a successful, competitive and diverse retail sector by, amongst other things, preventing the loss of retail and related facilities that provide essential convenience and specialist shopping.
5. The Appellant suggests that the café use is no longer economical and that the premises has been vacant for over eight years, with little passing trade and problems with parking in the area. However, the proposal is not supported by any information or evidence to demonstrate that the premises is no longer viable for the existing lawful use or for any other appropriate use as specified in the above policies. The Council confirms that the current use now falls within Use Class Ea and as such it could be used for a variety of retail and

other commercial uses. In addition, CLP Policy DM6 allows for community uses and Class B1 use.

6. There remain a number of commercial uses within the parade that appear to continue to trade. In addition, I found no issue with on street parking at the time of my site visit, albeit was metered parking. No evidence to support the Appellant's contentions in these regards has been provided.
7. The proposed change of use would therefore result in the unjustified loss of the existing commercial floorspace to the detriment of the local economy. This would be contrary to CLP Policy DM6 and LP Policy E9.

Residential Environment

8. The Council has raised two concerns in this regard, the first relating to the level of privacy for the rear facing bedroom window and the second in respect of the lack of amenity space.
9. The proposed rear bedroom window would overlook a rear courtyard area that appears to be shared by the existing first floor flat which is accessed via an external stair from the area. From what I could see on the site visit, this area is otherwise relatively private, with gated pedestrian access from the road to the side (Eland Place). In my view this would provide an acceptable level of privacy.
10. In terms of amenity space, whilst the area to the rear of the building is indicated to be a 'common area' it also appears to be the main access to the upper floor flat and the submitted plans indicate that it is proposed to provide for cycle parking and refuse storage, thereby leaving very little amenity space. Furthermore, it is unclear whether it would actually be available for use being outside the 'red edge' application site and there is no indication it is otherwise within the control of the Appellant.
11. The lack of any amenity space therefore results in conflict with CLP Policy DM10 and LP Policy D6 which seek to ensure that residential development is provided with high quality functional amenity space of 5 sq.m. minimum size.

Refuse and cycle storage

12. As noted above, a cycle space and bin storage area is indicated to be provided in the rear 'common area' but given the lack of certainty over whether the land is within the control of the Appellant, this would not provide a suitable arrangement. However, I saw on my site visit that the adjoining residential property has bins stored in the small area to the front of the property, behind the boundary wall, and this arrangement could be replicated at the appeal site. In terms of bike storage, it seems to me that there is no reason why suitable cycle storage could not be provided within the accommodation itself and a condition to require details could be imposed.
13. In view of the above, I find that suitable bin and cycle storage would be provided in accordance with CLP Policies DM13 and DM30 and LP Policy D6 which seek to ensure that residential development is provided with adequate and easily accessible refuse and safe cycle storage.

Other Matters

14. The proposal would provide a useful small unit of residential accommodation which would make a small but valuable contribution to local housing supply.
15. The National Planning Policy Framework seeks to support a strong, competitive economy. It also seeks to boost the supply of housing but to also create places of good design, that function well and provide a high standard of amenity for users. For the reasons set out above, the proposed development would conflict with a number of its policies and overall would not contribute towards achieving sustainable development.

Conclusion

16. Overall, I conclude that the proposal would conflict with the development plan and there are no material considerations that indicate a decision other than in accordance with it.
17. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR