The Planning Inspectorate

Appeal Decision

Site visit made on 15 February 2022

by Martin Chandler BSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/L5240/W/21/3275249
19a Junction Road, South Croydon CR2 6RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
- The appeal is made by Mr Nowsad Gani on behalf of Ganco (Holdings) Limited against London Borough of Croydon.
- The application Ref 21/01136/OUT, is dated 4 March 2021.
- The development proposed is Demolition of the existing Building and the erection of a 3 storey detached building containing 7 apartments (2 x 3 bed and 5 x 1 bed).

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters

2. The appeal is the result of the Council failing to determine the planning application within the prescribed period of time. Subsequently, the Council have also failed to provide a statement of case within the necessary time frame. Despite this, to assist in my assessment of the appeal, the Council have provided the reasons for refusal that would have been used, had the application been determined.

Main Issues

3. Based on the evidence before me, the main issues are:

   i) whether the appeal site is suitable for the development proposed having regard to the requirements of local policy in relation to employment land;

   ii) the effect of the proposal on the character and appearance of the surrounding area;

   iii) whether the proposal makes suitable provision for cycle storage;

   iv) whether suitable access would be provided for future residents;

   v) whether the proposal would provide suitable living conditions for future occupants; and

   vi) whether the proposal makes suitable provision for refuse storage.

Reasons

Employment Land

4. Policy SP3 of the Croydon Local Plan (2018) (LP) establishes a '4-Tier' approach to the retention and redevelopment of land and premises relating to industrial and employment activity. Based on the limited evidence before me, the appeal site would appear to fall under the category of 'Scattered Employment Sites'. Accordingly, for residential development to be accepted, proposals would have to demonstrate that there is no demand for the existing premises, or for a scheme comprised solely of the permitted uses, and that a residential use would not harm the wider location's business function, and also that opportunities for employment and skills training would be considered via a Section 106 legal agreement where possible.

5. To demonstrate a lack of demand, the appellant states that marketing of the site commenced in January 2020, and a letter from October 2020 suggests that there was no interest in the site. Further marketing has taken place since that date but again, the evidence suggests that the site has received little interest.

6. Although this evidence points to a lack of demand, the specifics of the marketing strategy are not before me. For example, the evidence is not clear on how the site was marketed, how robust the campaign was, or whether it was being marketed at a competitive rate. Accordingly, I find that the evidence before me to prove a lack of demand is very limited and fails to present a compelling or substantive case.

7. Consequently, without more substantial evidence on this matter, and having regard to the requirements of local policy in relation to employment land, I conclude that the appeal site would not be suitable for the development proposed. On this basis, it would fail to comply with Policy SP3 of the LP and Policy E4 of the London Plan 2021. Taken together, these seek amongst other things, to provide a sufficient supply of land and premises to meet current and future demand.

Character and Appearance

8. The appeal site is currently occupied by a commercial premises that is dominated by a forward projecting, two storey, asymmetrical gable end which is faced in London stock brick. The fenestration of the principal building provides the structure with a vertical emphasis and the structure is set forward of the adjoining two storey terraced properties. Due to the siting, and the striking appearance of the gable end, the structure represents an interesting and positive component within the composition of the street scene.

9. The proposal seeks to introduce a three storey apartment block onto the site. It has been designed to have three stepped gable ends and would also be faced in a stock brick. In this regard, the proposal has been described by the appellant as a contemporary reinterpretation of the existing building on the site, seeking to garner support from the Council's Suburban Design Guide.

10. As with the existing building, the proposal would step forward of the adjacent terrace. However, despite this design approach that has been taken, the increased height and mass of the proposed building would create a structure of an imposing form. It would entirely dominate the adjacent dwelling in a manner that would create a very jarring feature in the street scene. The

distinct jump in height and bulk would create a visually intrusive structure that would be harmful to the composition of the street, and would fail to reflect the prevailing character and pattern of development.

11. The appellant argues that the increased height can be justified due to the presence of detached buildings surrounding the appeal site. However, I find such analysis to be flawed. The prevailing development pattern, particularly in the immediate surrounds, is that of two storey, terraced housing. Such a development pattern does not lend itself to the substantial transition in built form that is proposed.

12. I also note the appellant's reference to a newly constructed apartment building located at the opposite end of Junction Road. However, the context of the surrounding built form is quite different for that building. It benefits from greater space to the adjacent two storey building and therefore the transition in height is more gradual. In contrast, the siting and height of the proposed structure would combine to create a building which would overwhelm the scale of the adjacent dwelling.

13. Concern has been raised by the Council regarding the provision of landscaping. However, due to the urban location, I am satisfied that a suitable scheme could be devised to soften the proposed layout, although this would not alter the other shortcomings of the proposal as identified above.

14. Accordingly, I conclude that the proposal would harm the character and appearance of the surrounding area. It would therefore fail to comply with Policy DM10 of the LP which seeks amongst other things, high quality design.

Cycle Storage

15. Based on the requirements of local policy, including that established by the London Plan 2021, the proposal should provide a minimum of 9 cycle parking spaces. Policy DM30 of the LP also requires that cycle parking be designed so that it is secure and can also be used for the parking of mobility scooters and motor cycles.

16. The proposal makes provision for 10 spaces which would be located to the side of the proposed building and would be under cover. It is a space that would be shared with the refuse storage and as a consequence, it would be limited in size. Accordingly, the appellants refer to a space saving rack that would be utilised to enable the required number of spaces to fit. However, based on the evidence before me, this would be likely to restrict usability due to the requirements to either stagger or stack bicycles. The storage area would also not make provision for mobility scooters or motor cycles.

17. The site is within an urban location and the housing mix might point to a certain type of occupant. However, less able occupants would have no reason not to live in such a location, and on this basis, the proposed storage is lacking in inclusivity, in a manner that would fail to comply with local policy.

18. Consequently, I conclude that the proposal fails to make adequate provision for cycle storage. It would therefore fail to comply with Policies DM29 and DM30 of the LP, which taken together, seek to promote measures to increase cycling and establish the requirements for cycle parking.

Accessibility

19. Policy D7 of the London Plan 2021 seeks to provide suitable housing and genuine choice for London's diverse population. Accordingly, it requires dwellings to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings', specifically relating to step-free access.

20. Despite this requirement, the London Plan does state that in exceptional circumstances, the provision of a lift to dwelling entrances may not be achievable. It also states that on specific small-scale infill developments, it may be necessary to apply some flexibility in the application of the policy.

21. The appeal site would represent a small-scale infill development. However, my reading of the policy does not mean that it would automatically be exempt from the requirement to provide step-free access. The policy refers to exceptional circumstances where the provision of a lift may not be achievable but there is nothing in the evidence before me to suggest that this would be the case. Reference is made to the site area but there is nothing compelling to suggest that the flexibility allowed by the policy should be applied to the site. For example, there is no evidence relating to financial viability or specific design impracticalities.

22. Accordingly, I find that there is nothing in the evidence before me that would exempt the proposal from the requirements of Policy D7 of the London Plan. As a consequence, I conclude that the proposal would fail to provide suitable access for future residents. It would therefore fail to comply with Policy D7 of the London Plan, the requirements of which are set out above.

Living Conditions – Future Occupants

23. Two first floor apartments would only provide single aspect accommodation. However, they would benefit from balcony space, and the window openings would be of a generous size. Moreover, to gain additional natural daylight as well as to provide for cross-ventilation, the apartments would benefit from rooflights. The concerns from the Council regarding this matter are understood. However, due to the provision of generous openings, private balconies, and rooflights, I am satisfied that the apartments would provide suitable living conditions for future occupants.

24. The original proposal failed to provide evidence regarding fire safety. To rectify this matter, a strategy has been provided with the appeal which would appear to comply with the requirements of the London Plan. Moreover, I am satisfied that this matter could be further refined through the use of a suitably worded planning condition if planning permission was forthcoming.

25. Consequently, for the reasons identified above, the proposal would provide suitable living conditions for future occupants. It would therefore comply with Policy DM10 of the LP, and Policies D4 and D12 of the London Plan 2021. Taken together, these seek amongst other things, development which provides adequate sunlight and daylight for future occupants and which achieves the highest standards of fire safety.

Refuse Storage

26. Policy DM13 of the LP requires that developments provide refuse facilities that are safe, conveniently located and easily accessible by occupants and

operatives. The proposed location would be to the side of the building, easily accessible via the side access. Accordingly, no objection has been raised regarding the proposed location.

27. However, the Council suggest that insufficient space has been provided but this matter has not been substantiated. The appellant makes reference to the Council's guidance on this matter and the proposed layout provides space for the refuse requirements listed. On the basis of the evidence before me, I have no reason to dispute this requirement and consequently, I conclude that the proposal would make adequate provision for refuse storage. It would therefore comply with the requirements of Policy DM13 of the LP, as set out above.

Conclusion

28. I have found that the proposal would provide suitable living conditions for future occupants, and that it would provide appropriate refuse provision. However, these are not specific benefits of the proposal and therefore weigh neutrally in my assessment of the appeal.

29. I have also found that due to the employment land protection aims of local policy, the appeal site would not be suitable for the development proposed. The proposal would also harm the character and appearance of the surrounding area and would fail to provide suitable cycle storage. Finally, the proposal would also fail to provide suitable access for all future occupants. No other matters have been advanced to alter or outweigh my findings on these issues, and consequently, for the reasons identified above, the appeal should be dismissed, and planning permission refused.

Martin Chandler

INSPECTOR