



Appeal Decision

Site visit made on 22 February 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2022

Appeal Ref: APP/L5240/W/21/3281856 34 Northampton Road, Croydon CR0 7HT

- 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 Mrs Anna Oldbury against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01576/FUL, dated 20 August 2020, was refused by notice dated 21 May 2021.
 - The development proposed is the demolition of the existing outbuilding and erection of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing outbuilding and erection of a new dwelling at 34 Northampton Road, Croydon CR0 7HT in accordance with the terms of the application, Ref 21/01576/FUL, dated 20 August 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. The description of development used in the banner heading and my formal decision above is taken from the appeal form, so as to omit superfluous wording used on the planning application form.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. As the appeal was submitted after the revised Framework had been published, both main parties were able to consider the revised Framework as part of their appeal representations (although in fact the Council elected not to submit a separate appeal statement). Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.
4. The appeal site already has planning permission for a two-storey, one bedroom dwelling which the Council granted in June 2019 (LPA Ref: 19/01260/FUL, and which I refer to as "the 2019 permission"). This appeal relates to a proposal to erect a two-bedroom dwelling on the site; the second bedroom would be created in what under the 2019 permission would be void space above a double-height combined living, dining and kitchen space. The Council's officer report was somewhat vague on whether or not this would result in the dwelling

now proposed being larger or otherwise differing in appearance from the dwelling already permitted. ("What is not clear however is if this room would require the building to be increased in size and by how much overall and whether this would be noticeable [or] if an additional window would be required in the roof slope facing north.")

5. However, it is apparent from all the evidence before me that the current scheme would not differ in overall volume or external appearance from that allowed by the 2019 permission. Furthermore, neither the principle of the development nor matters relating to character and appearance formed part of the Council's reasons for refusing the application. I have therefore limited my detailed consideration of the appeal proposal to the two reasons for which planning permission was refused, which relate to differences between the current proposal and the 2019 permission; these form the basis of the main issues I have identified below. I have considered other matters raised in respect of the proposal, and the 2019 permission as a fallback position, later in my decision.

Main Issues

6. The main issues are:

- The effect of the proposed new dwelling on living conditions for occupiers of the neighbouring property at No 36 Northampton Road, with particular regard to privacy; and
- Whether or not the proposed second bedroom at first floor level would provide acceptable living conditions for future occupiers, with particular regard to the size and shape of the room.

Reasons

36 Northampton Road

7. The appeal site is a plot occupied by a two-storey semi-detached property, No 34, on the east side of Northampton Road. At its eastern end, the long rear garden currently contains a detached single garage and an area of hardstanding, which can be accessed from Carlyle Road. The site is bounded by No 32 Northampton Road (which has a large double garage at the rear of its garden accessed from Carlyle Road) to the south, by No 1 Carlyle Road and its single-storey side garage to the east, and to the north by No 36 Northampton Road. The proposal is the demolition of the existing garage building on the appeal site, and the erection of a two-storey, two-bedroom dwelling. The new dwelling would be accessed from Carlyle Road.
8. The proposed second bedroom would receive most of its natural light from a rooflight extending the full length of the room. This rooflight is the same as permitted by the 2019 permission, but under the current proposal five of its six panels would light the additional bedroom rather than the combined living, dining and kitchen area on the ground floor below. The rooflight would be a horizontal feature, well above head height. There would also be an internal window, but this would overlook only the living space below. Neither of these windows could give rise to any harmful overlooking of any neighbouring property.

9. The additional bedroom would have one window on the western elevation of the building. This would be the upper part of a window which already features in the 2019 permission, although it would no longer serve a double height living space as originally proposed. The bedroom window would be comparable in size and positioning (though of a slightly more elongated rectangular shape) to the adjoining window serving the other bedroom, which already features in the 2019 permission.
10. The creation of a second bedroom would of course increase the intensity of use of the site. However, the principal outlook from the second bedroom would be to the west over the proposed dwelling's own courtyard/garden. Oblique views *would* be possible from the second bedroom towards and over the rear garden of No 36 to the north, and indeed that of No 32 to the south. However, because of the site layout and the internal configuration proposed this overlooking would not go beyond that which might typically be expected in a suburban area, and it would not be likely to have a significantly greater impact on privacy for neighbours than the scheme allowed by the 2019 permission.
11. I therefore conclude that the proposed new dwelling would not cause significant harm to living conditions for the occupiers of the neighbouring property at No 36 Northampton Road. The proposal therefore complies with Policy DM10 of the 2018 Croydon Local Plan ("the CLP") in this respect, which among other things seeks to ensure that new development protects the amenity of occupiers of adjoining buildings and do not lead to harmful overlooking.

First floor bedroom

12. Policy SP2 of the CLP applies the Nationally Described Space Standard¹, which requires a double or twin bedroom to have a floor area of at least 11.5m². The Mayor of London's 2016 *Housing Supplementary Planning Guidance* ("the SPG") provides additional guidance intended to ensure that dwellings can accommodate appropriate furniture, access and activity space.
13. The proposed second bedroom would be built above the living, dining and kitchen area – in the development allowed by the 2019 permission this would be a double-height space. The submitted information indicates that the bedroom would have a floor area of around 12.8m², and that its sloped ceiling would comfortably exceed 2.3m in height over most of the room (the exception being an area around 0.4m or 0.5m deep at the northern edge of the room, where it the ceiling would continue to slope down from 2.3m to around 2m).
14. While the Council has described the second bedroom as being an awkward shape, in essence (and setting aside the small space projecting towards the western window), it would be broadly the shape of a rectangle with two truncated corners. However, the angled internal walls which would result from this truncation would not lead to the room having acute – and therefore effectively useless – corners. The plans also show that the room would be able to accommodate several items of furniture besides a double bed, and it would also have a built-in wardrobe. Taking all of these factors together, I find that the floor area, ceiling heights and shape of the room would provide a space capable of acceptably being put to the purpose for which it is intended.

¹ *Technical housing standards – nationally described space standard*, Department for Communities and Local Government 2015

15. In order to accommodate a second bedroom under the sloping roof of the dwelling, the floor would need to be set at a lower level than the other first-floor rooms. The appellant's statement clarified that "the proposal includes steps down into the second bedroom to account for the internal level change". No such steps are shown on the submitted plans; however, this is a matter which in my view can acceptably be dealt with by a condition requiring the submission of further details of this feature.
16. I conclude that the proposed second bedroom would provide acceptable living conditions for future occupiers. The proposal therefore complies with Policies SP2 and DM10 of the CLP, and Policy D4 of the 2021 London Plan, which among other things seek to ensure that development provides housing of an acceptable standard, including in respect of space and living conditions, for future occupiers.

Other Matters

17. Although no comments were received from interested parties in response to the appeal notification, the planning application consultation received a large number of responses. Some simply objected in principle to the use of the rear garden site for housing; many more detailed comments expressed concern that the proposal would be over-development of the site, or that the modern design with timber cladding and a metal roof would not be in keeping with the character of the area. However, the principle of development, as well as the proposed design, impact on trees, light for neighbours and similar matters have been considered by the Council against essentially the same development plan policies as apply today, and found to be acceptable in these respects. None of the evidence before me leads me in a different direction on these matters. However, the 2019 permission could in any case be developed regardless of my decision in this appeal, and had I come to a different view on these matters it would therefore carry significant weight as a fallback position for the appellant.
18. In respect of the proposal to add a second bedroom, more than one person commented that it might lead to pressure for the eventual conversion of the dwelling to two separate flats. However, this is something which would require planning permission, in which case it would be a matter for a future decision maker.

Conditions

19. The Council did not suggest specific conditions in respect of the appeal proposal. Given the similarity between the two schemes, I have therefore largely imposed the same conditions as for the 2019 permission, having regard to the tests in the Framework and the advice in the Planning Practice Guidance.
20. In addition to the standard time limit condition (1), in the interests of certainty it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans (2). In the light of the "missing" detail of steps down into the second bedroom, I have also included a condition requiring this to be submitted and approved by the Council (3).
21. Conditions requiring certain windows to be obscurely glazed (5) and restricting the use of roof areas (6) are necessary to protect neighbours' living conditions. For the same reason, as well as to protect the character and appearance of the area, a condition restricting the use of permitted development rights (4) is

- necessary in this case, as is a condition requiring approval and retention of refuse and cycle storage, security lighting and finished floor levels (10). A condition requiring the use of a Construction Traffic Management Plan (9) is necessary to protect living conditions of nearby residents and to prevent adverse impacts on the safety and efficient operation of local highways.
22. Conditions in respect of details of materials (7) and hard and soft landscaping (8) are necessary to ensure that the development is of a high standard and the character and appearance of the area is protected, while a condition requiring compliance with the submitted Arboricultural Method Statement (11) is necessary for the protection of nearby established trees.
23. A condition in respect of a Sustainable Urban Drainage System (12) is necessary to ensure that surface water can be drained safely and efficiently, while conditions in respect of carbon dioxide emissions (13) and water use (14) are necessary in the interests of the efficient use of resources and protection of the environment.
24. I have not imposed the condition from the 2019 permission in respect of accessibility and adaptability, as it appears simply to duplicate the requirements of the Building Regulations regime.

Conclusion

25. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be allowed.

M Cryan

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:
 - A01 (Location Plan)
 - A1724-P-01 (Existing Site Plan)
 - A1831-P05 and A1724-P-04 (Existing External Elevations)
 - A1724-P-22 (Proposed Plans)
 - A1724-P-23 (Proposed Roof Layout)
 - A1724-P-15, A1721-P24 and A1721-P24-1 (Proposed External Elevations)
- 3) Notwithstanding condition 2, no development shall take place until details of the steps down into the second (northernmost) bedroom have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no development relating to Classes A, B, C, D, E, F, G and H of Part 1 of Schedule 2 (Permitted Development Rights) shall be undertaken without the prior written approval of the Local Planning Authority.
- 5) The northern facing, eastern facing, and southern facing first floor windows of the new dwellinghouse hereby shall be obscure-glazed (to a minimum level 3), and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor taken from a point immediately below the centre of the window upwards to the opening part of the window. Such measures shall be provided and completed prior to the first occupation of the new dwellinghouse, and retained for the lifetime of the new development.
- 6) The roof areas of the new dwellinghouse hereby permitted shall not be used as a balconies, roof gardens or similar areas and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no alterations shall be carried out to create access to the roof areas. The roof areas shall only be accessed for the purposes of maintenance and emergency.
- 7) Prior to the commencement of above ground works, (excluding demolition works) full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) External facing materials including samples of all facing materials and finishes;
 - b) Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings in external walls.

Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out wholly in accordance with the details thus approved.

- 8) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Hard landscaping materials (including samples as appropriate);
 - b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting and to include new tree planting.
 - c) Measures to promote diverse ecology through flora and fauna enhancements.
 - d) Boundary treatments (including partition fencing).

The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the new dwelling, and maintained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and maintained for a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.

- 9) Prior to the commencement of the development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CTMP shall include the following information for all construction phases of the development:

- a) Hours of construction;
- b) Hours of deliveries;
- c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- d) Facilities for the loading and unloading of plant and materials;
- e) Details of any site hoardings.

All construction phases of the development shall be carried out wholly in accordance with the details so approved.

- 10) The following details shall be submitted to the Local Planning Authority for its written approval prior to the commencement of the new development:
- a) refuse storage enclosure (siting/appearance)
 - b) cycle storage enclosure (siting appearance)
 - c) security lighting (siting and manufacturer details)
 - d) finished floor levels of new dwellinghouse

Once approved, these items shall be implemented as specified and shall be retained and maintained as such for so long as the development remains in existence.

- 11) The tree protection measures as identified in the submitted and approved Arboricultural Method Statement Feb 2019 (David Archer Associates), shall be implemented and retained as specified during the course of works, including demolition works, associated with the new development.
- 12) Details of a Sustainable Urban Drainage Systems (SUDs), having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), shall be submitted to the local planning authority for its written approval prior to the first occupation of the new dwellinghouse. Once approved the SUDs scheme shall be implemented as specified and retained as such for so long as the development remains in existence.
- 13) The new dwellinghouse shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations.
- 14) The new dwellinghouse shall be designed to achieve a water use target of 110 litres per head per day.