



Appeal Decision

Site visit made on 29 March 2022

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 APRIL 2022

Appeal Ref: APP/L5240/W/21/3278067

Land to the rear of 21 and 23 Denmark Road, London SE25 5QU

- 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 O'Leary of Cityglen Ltd against the decision of the London Borough of Croydon.
 - The application Ref 19/00307/FUL, dated 22 January 2019, was refused by notice dated 4 May 2021.
 - The development proposed is described as "retrospective planning permission sought for the existing detached building, providing a 1-bedroom flat use by the management of the restaurant at 154 Portland Road".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address has been taken from the Council's decision notice and the appeal application form as this more accurately describes its location.
3. I note that the description of development includes reference to the dwelling providing staff accommodation for 154 Portland Road. However, No 154 is not part of the appeal site according to the location plan 1042-01, and there is no further reference of this matter in the evidence provided. I have therefore dealt with the appeal based on the evidence before me, and on the description of development in the decision notice and appeal form which describes the proposed development as a one bed detached dwelling.

Main Issues

4. The main issues in this appeal are whether the proposed development would provide adequate: -
 - living conditions for future occupants in relation to privacy, internal floor space, private outdoor space, and access; and
 - refuse storage facilities.

Reasons

Living conditions

5. The appeal site is situated in a mixed used urban area, between Denmark Road, mainly residential, and Portland Road, mainly commercial. The site is situated behind 21 and 23 Denmark Road both of which are two-storey

dwelling forming part of a terraced row. The access into the site is from Denmark Road underneath the galleried first floor of No 21 and is gated.

6. On the opposite side of the site are 2 three-storey mixed use buildings, 154 and 156 Portland Road. No 154 has been recently renovated and the ground floor appears to be vacant. At ground floor level it has full width glazed doors which open directly into the appeal site. No 156 is a larger building which wraps around the site on 2 sides, it has commercial uses on the ground floor with residential units above. The metal stairwell from the upper floors leads directly into the appeal site but otherwise the elevations facing the site are largely blank. Nos 154 and 156 have a right of way across a large part of the appeal site.
7. Policy SP2.8 of the Croydon Local Plan 2018 (Local Plan) requires all new homes to meet the minimum space standards as set out in the Mayor of London's Housing Supplementary Planning Guidance and National Technical Standards (2015) (Technical Standards) or equivalent. Local Plan Policy DM10 seeks to ensure new development is appropriate in design and character. These objectives are echoed in Policy D6 of the London Plan (2021).
8. Due to the right of way and ground floor glazing of No 154, there are unfettered views and access onto most of the site. There is no provision proposed to prevent third parties from looking directly into all 3 windows of the appeal property. Potentially landscaping could alleviate the harm. However, on visiting the site and on review of plan 1043-03 Revision A, it is apparent that the overall dimensions and location of the right of way could make such a scheme unfeasible. As such, it would be unreasonable to deal with landscaping entirely by condition. The proposal would, therefore, cause unacceptable harm to the privacy of any future occupants.
9. The appellant has referred to 2 properties within the locality which have similar privacy issues. Both properties are two-storey, street fronting dwellings with small front gardens/yards. These circumstances are not like the proposed development and therefore do not alter my findings in relation to the privacy of future occupants.
10. The main parties agree that the appeal property does not meet the minimum gross internal floor area as set out in the Technical Standards. The appellant has argued that the shortfall is due to the simple internal layout and that this and the room dimensions are compliant with the London Housing Design Guide Interim Edition (HDG). However, I can only afford this argument minimal weight as the HDG is guidance; is superseded by the Technical Standards, Local Plan and London Plan; and does not form part of the development plan. Equally the appeal scheme is not of such an innovative design or layout to overcome the shortfall. The proposal therefore would provide inadequate internal floor space to the detriment of the living standards of future occupants.
11. It is noted that the proposal does not expressly provide the minimum private outdoor space as required by London Plan Policy D6 and Local Plan Policy DM10.4. However, it is considered that the appeal site is large enough that this could be achieved and secured by condition. The access from Denmark Road is suitable in terms of width and form and an appropriate surface finish could be conditioned. It is therefore considered that the proposal could provide adequate living conditions of future occupants in relation to private outdoor space and access.

12. In conclusion the proposal would fail to provide adequate living conditions for future occupants in relation to privacy and internal floor space, and this is not outweighed by the lack of harm in terms of private outdoor space and access. The proposed development would not therefore, comply with Local Plan Policies SP2.8 and DM10, London Plan Policy D6, the Suburban Design Guide Supplementary Planning Document and the Technical Standards.

Refuse storage

13. The refuse storage is proposed near the dwelling. During my site visit it was evident that the access was adequately flat and wide to allow bins to be moved for kerbside collection with relative ease and without detriment to other access uses. To that extent it is considered that suitable bin storage and an appropriate surface finish for the access could be conditioned. It is therefore concluded that the proposed development would provide adequate refuse storage in compliance with Local Plan Policy DM13 which relates to refuse and recycling.

Other Matters

14. The appellant has referred to previous meetings with Building Regulation and Enforcement Officers. They have also stated that the appeal building replaced a previous building and an interested party considers this an improvement. I am also aware the proposal would provide an additional dwelling in a sustainable and accessible location. These matters are noted but do not alter the findings in relation to the proposal in front of me.

Conclusion

15. Although it is found that the proposed development could provide adequate refuse storage, this does not outweigh the harm caused to the living conditions of future occupants. Therefore, for the reasons given above, having considered the development plan as a whole along with all other relevant material considerations including the approach in the National Planning Policy Framework (published July 2021), I conclude that the appeal should be dismissed.

RJ Redford

INSPECTOR