



Appeal Decisions

Site visit made on 18 May 2022

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 MAY 2022

Appeal A Ref: APP/L5240/W/21/3279637

138 Brighton Road, Coulsdon CR5 2XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required by a development order.
 - The appeal is made by A Essa of MYK Properties Holding against the decision of London Borough of Croydon.
 - The application Ref 21/01681/GPDO, dated 1 April 2021, was refused by notice dated 27 May 2021.
 - The development proposed is change of use to deliver two flats.
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Appeal B Ref: APP/L5240/W/21/3279638

138 Brighton Road, Coulsdon CR5 2XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required by a development order.
 - The appeal is made by A Essa of MYK Properties Holding against the decision of London Borough of Croydon.
 - The application Ref 21/01679/GPDO, dated 1 April 2021, was refused by notice dated 27 May 2021.
 - The development proposed is change of use to deliver single flat.
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Appeal C Ref: APP/L5240/W/21/3279639

138 Brighton Road, Coulsdon CR5 2XR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required by a development order.
 - The appeal is made by A Essa of MYK Properties Holding against the decision of London Borough of Croydon.
 - The application Ref 21/01729/GPDO, dated 2 April 2021, was refused by notice dated 27 May 2021.
 - The development proposed is change of use to deliver single residential unit.
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Decision

1. Appeal A is allowed and planning permission is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use to deliver two flats at 138 Brighton Road, Coulsdon CR5 2XR in accordance with the terms of the application, Ref 21/01681/GPDO, dated 1 April 2021, and the details submitted with it including 5802-P-02, 5802-S-04, 5802-E-01, 5802-EP-03, subject to the condition set out in the schedule at the end of this decision.
2. Appeal B is allowed and planning permission is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use to deliver single flat at 138 Brighton Road, Coulsdon CR5 2XR in

accordance with the terms of the application, Ref 21/01679/GPDO, dated 1 April 2021, and the details submitted with it including 5801-E-01, 5801-P-02, 5801-EP-03, 5801-S-04, subject to the condition set out in the schedule at the end of this decision.

3. Appeal C is allowed and planning permission is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for change of use to deliver single residential unit at 138 Brighton Road, Coulsdon CR5 2XR in accordance with the terms of the application, 21/01729/GPDO, dated 2 April 2021, and the details submitted with it including 5800-E-01, 5800-P-02 rev.B, 5800-EP-03 rev.B, 5800-S-04, subject to the condition set out in the schedule at the end of this decision.

Preliminary Matters

4. For Appeal C I have used the description of development as set out on the appeal form. This adequately and simply describes the development proposed, rather than the longer description on the application form.
5. These are applications for Prior Approval. Therefore, the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO) require the local planning authority to assess whether prior approval is required for the proposed development for specific matters only. This appeal will be determined on this basis.
6. Four prior approval applications were submitted at this property and the Council considered the cumulative impact of these proposals in its decisions. Only three have been appealed. The schemes before me now do not include a change of use to the front part of the ground floor commercial unit. As a result, the Council now states that it finds the proposed changes of use to be acceptable.

Main Issue

7. Therefore, having considered the issues raised by interested parties, for Appeal A, B and C the main issue is whether the impact of the change of use would be undesirable because of the impact on adequate provision of services in the key shopping area.

Reasons

8. 138 Brighton Road is within Coulsdon Town Centre within the main parade of commercial uses. These shops and services create a vibrant district centre and vary in size and occupancy including superstores and small individual units. The appeal property was previously used as a bank but is currently vacant and I have no reason to believe that there is a reasonable prospect of the building being used to provide such services.
9. Even taken together, the proposed developments would retain a small 34sqm ground floor commercial unit fronting the street. The variety of uses that could occupy this unit would not all require additional storage or office space in addition to the main commercial floorspace. Therefore, based on the evidence before me, I am satisfied that the proposed developments would retain a commercial use appropriate to this town centre location.

10. I have taken into account Policy DM4.1 of the Croydon Local Plan 2018 insofar as it relates to this matter. This sets out that the loss of ground floor Class A use will not be permitted, in order to ensure the vitality and viability of the District Centre. Appeal A and C do not relate to the ground floor use and, for the reasons set out above, these proposed developments comply with this policy.
11. Appeal B proposes that the rear part of the ground floor would change to residential use. Nevertheless, as detailed above, the proposed development would maintain the vitality of this area and this would outweigh the partial conflict with Policy DM4.1. Furthermore, the principle of development is established through the grant of permission by the GPDO.
12. Consequently, the proposed development would not have an undesirable impact on the provision of services in the key shopping area.

Other Matters

13. The space to the rear of the properties in this area of Brighton Road is mainly secondary, functional space. The outdoor space to the rear of no 138 is mainly hard surfaced and used for car parking. No car parking is proposed for these developments and the removal of parked cars in this area would result in a more open site. Even cumulatively, for the flats proposed, the scale of any cycle storage and bin storage would be modest and would be appropriate to the character of this ancillary space. These details could be secured by condition.
14. I do not have detailed evidence that the housing requirement in this area is for family homes only. Consequently, the proposed developments would make a positive contribution to local housing supply.
15. The requirement for minimum space standards applies to applications submitted after 6th April 2021, and the GPDO does not require the provision of amenity space nor an assessment of the quality of the accommodation in terms of noise and fumes for the proposed developments. Therefore, these matters are outside the scope of this appeal.

Conditions

16. The developments are required to comply with the conditions, limitations and restrictions set out in the Order. These specify that the developments must be carried out in accordance with the details provided in the applications, be completed within 3 years of the date of the approval and must only be used as a dwellinghouse. In addition, details of cycle parking storage and refuse storage are required to be secured by condition in the interests of the design and external appearance of the proposed developments.

Conclusion

17. For the reasons given above, I conclude that Appeal A, B and C should be allowed and prior approval should be granted.

H Miles

INSPECTOR

Schedule of Conditions

Appeal A:

- 1) Prior to occupation, the following detailed design information shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Refuse storage
 - ii) Cycle storage

The approved details shall be provided prior to occupation and retained for the lifetime of the development.

Appeal B:

- 1) Prior to occupation, the following detailed design information shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Refuse storage
 - ii) Cycle storage

The approved details shall be provided prior to occupation and retained for the lifetime of the development.

Appeal C:

- 1) Prior to occupation, the following detailed design information shall be submitted to and approved in writing by the Local Planning Authority:
 - i) Refuse storage
 - ii) Cycle storage

The approved details shall be provided prior to occupation and retained for the lifetime of the development.