



Appeal Decision

Site visit made on 4 July 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th August 2022

Appeal Ref: APP/L5240/W/21/3283197

48 Nova Road, Croydon, CR0 2TL

- 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 Rashid Butt against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/02088/FUL, dated 22 April 2021, was refused by notice dated 3 September 2021.
 - The development proposed is conversion of a single-family dwelling house into 2no units 1x2bedrooms and 1x3bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I am aware that on 26 July 2022, the Council revoked the Croydon Suburban Design Guide SPD¹ (SPD), which is referred to by the Council within its case for this appeal. As the SPD has now been revoked and no longer forms part of the Local Development Framework, I have not afforded it any weight in reaching my decision and make no further reference to it.

Main Issues

3. The main issues are:
 - i. Whether the proposed development would provide acceptable living conditions for future occupiers with regards to internal and external space provision; and,
 - ii. Whether the proposed development would provide sufficient and appropriate arrangements for the storage of cycles and refuse.

Reasons

Living Conditions

4. Nova Road is a residential street comprised of two-storey dwellings generally arranged in blocks of four properties, with small front gardens. The appeal site is reflective of many of the surrounding properties in appearance, and also in terms of previous extensions at the rear, where a rear garden exists.
5. The proposed development would result in the property being sub-divided to form two flats, with a two-bedroom ground floor flat, and a three-bedroom first

¹ Croydon Suburban Design Guide Supplementary Planning Document 2 (SPD2) 2019

- and second floor flat above. Access to the rear garden would be available only by means of the ground floor flat.
6. The council indicate that the proposed two-bedroom ground floor flat could provide accommodation for three persons and would amount to 55 square metres (sq.m) gross internal floor area (GIA). It is also indicated that the proposed three-bedroom flat above could provide accommodation for up to five persons, and would amount to 93sq.m GIA. This has not been disputed by the appellant, and as such, these are the measurements that I have used to inform my determination.
 7. Whilst the three-bedroom flat would achieve an acceptable level of indoor space, the ground floor two-bedroom flat, at 55sq.m GIA, would fail to achieve the 61sq.m GIA that is required by London Plan (LP) Policy D6. This would represent a substantial shortfall from the minimum standards. The proposed flat would therefore provide unsuitable living conditions for occupiers as insufficient space would be available for commonly required furniture and for carrying out daily activities.
 8. I was able to view the rear garden space on my site visit, and I am satisfied that sufficient external space would be available to the occupiers of the ground floor flat. However, the occupiers of the proposed first and second floor flat would have no access to this space. The front garden would be available for communal use, but this is small in size and would be unable to provide sufficient usable space. Whilst a Juliette balcony would be provided at first floor level, this would not provide any usable external space. The lack of access to sufficient external space for recreation or practical purposes means that the living conditions of future occupiers of the first and second floor flat would therefore be unacceptable.
 9. The appellant has stated that an external staircase would be required in order to allow access to the rear garden from the first floor flat, and that they believe the council would resist such a proposal. The acceptability of such an arrangement is not a matter for my consideration as it is not presently proposed, does not form part of the appeal, and accordingly this does not justify the failure to provide access to outdoor space for the upper flat.
 10. I acknowledge that the outdoor space available to the ground floor flat would likely exceed the minimum level required for that flat. However, this would not offset the under-provision of internal space that I have identified for that flat.
 11. For the above reasons, the proposed development would not provide acceptable living conditions for future occupiers, with regards to internal and external space provision. I therefore find that it would be contrary to LP Policy D6 and Croydon Local Plan (CLP) Policies SP2.8, SP4.2 and DM10.4. Amongst other aspects these set out minimum gross internal floor areas and require the provision of sufficient, high-quality amenity with new residential development enhancing wellbeing and providing a minimum of 5sq.m of private outdoor space for up to two occupants, and a further 1sq.m per additional occupant.
 12. The Council also alleges a conflict with CLP Policy 10.5 with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue and the policy refers to new flatted development and major housing schemes whereas the appeal proposal involves conversion. The policy has therefore not been determinative in my decision.

Storage of cycles and refuse

13. I observed on my site visit that front gardens in Nova Road were utilised by the occupiers of many of the properties for storage purposes and the submitted plans indicate that storage space for two cycles and three bins would be provided within the front garden of the appeal property. However, LP Policy T5 requires, in this case, space for the storage of four cycles, and although it is not explicitly stated how many bins would be required to be available at the appeal site, the Council have advised that three bins is the normal expected level for a single property. Accordingly, it is likely that up to six bins, or potentially three larger bins, would be required to serve two separate flats.
14. The size of the front garden, and its proposed use for both cycle and refuse storage gives rise to uncertainty as to whether this space could satisfactorily accommodate the required level of cycle and refuse storage. In addition, with few details of how either bins or cycles would be stored, it is not possible to assess whether such storage would be either secure or suitable. Accordingly, and with little substantive evidence before me which demonstrates that four cycles and sufficient numbers of bins could be stored at the property it would not be reasonable to secure details of any storage structure by means of a planning condition.
15. The level of use of the front garden that would be required for storage purposes means that any storage facilities provided would also have the potential to constitute large structures, and occupy a substantial part of the front garden. Whilst front gardens within the street are widely used for storage purposes, they generally retain low front boundary treatments and a relatively open aspect, and there is not a prevalence of large storage structures evident.
16. Consequently, it seems to me that the introduction of the level of secure and suitable storage required for both cycles and refuse would harm the character and appearance of the area. Therefore, it would not be appropriate, in this instance, to secure such details by means of planning condition.
17. For the above reasons, it has not been demonstrated that the proposed development would provide sufficient or appropriate arrangements for the storage of cycles and refuse. As a result, the proposed development would conflict with LP Policies SI7, D3, D4 and T5, and CLP Policies SP4, DM10, DM13, DM29 and DM30. Amongst other aspects, these require development to provide adequate, secure and unobtrusively located cycle parking provision and promote measures to increase the use of cycling; provide adequate, accessible and sensitively and discreetly located covered storage for waste; and seek development with good design which preserves the character and appearance of the area.

Other Matters

18. The appellant has highlighted that the appeal site has good access to local shops and services. I agree that the site is accessible, and I note that the principle of residential development in this location is not a matter of dispute. However, these matters do not outweigh the harm that I have identified above. My attention has also been drawn to the range of other extended properties in the street, however no details of particular examples of properties in the area having previously been converted to flats have been brought to my attention.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
20. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Harding

INSPECTOR