



Appeal Decision

Site visit made on 25 August 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 SEPTEMBER 2022

Appeal Ref: APP/L5240/W/22/3290792

29 Woodville Road, Thornton Heath CR7 8LH

- 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 Waliyu Odutayo against the decision of London Borough of Croydon.
 - The application Ref 20/01412/FUL, dated 24 March 2021, was refused by notice dated 15 July 2021.
 - The development proposed is excavation to provide 2 basement flats and construction of lightwells.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. The timescales are such, that both main parties have had the opportunity to consider the proposed development against the revised Framework. I have had regard to the Framework in reaching my decision.
3. I have taken the description of development from the Council's Decision Notice as this is more precise.

Main Issues

4. The main issues are 1) whether or not the proposed development would provide acceptable living conditions for its future occupants with specific regard to light and outlook, and 2) the effect of the proposed development on highway safety with specific regard to parking.

Reasons

Living conditions for future occupants

5. The proposed development would create two basement flats beneath an existing three-storey building which has been subdivided into flats. The existing building is detached with a parking area to the rear that is accessed via an underpass to the side of the building. In order to accommodate the proposed flats, the existing access would be sunken.
6. Each flat would contain three bedrooms all of which would look onto lightwells. The windows serving the main living room would be within the section of the

building exposed by sinking the access to the rear. They would be at a low level, and at a short distance would look onto the opposing wall and be contained within the underpass section. Due to their siting, there would be an unacceptable outlook from each living room and having regard to being at a low level beneath the underpass, there would also likely to be poor levels of light to these rooms, which are the primary living rooms in each unit.

7. The kitchen for the rearmost unit would have no window and the kitchen for the frontmost unit would have a small skylight window sitting beneath the side elevation of the building and its neighbour. As a result, neither room would have an acceptable outlook.
8. The Council's Suburban Design Guide Supplementary Planning Document (SPD) (2018) outlines that lightwells will only be acceptable where they have a depth that is greater than 25 degrees as measured from 2m high on windows into habitable rooms and they meet BRE guidance. There is no evidence before me to suggest that such details have been complied with and there is no assessment against the BRE guidance before me.
9. The appellant has outlined that solar tubes are proposed to provide natural light to the proposed units. I cannot be certain over the amount of light that would be provided or the effectiveness of such installations. Even if I accepted that they could result in acceptable levels of light, they would not overcome the failure to provide acceptable outlook.
10. The proposed development would therefore provide unacceptable living conditions for its future occupants with regard to outlook and light. It would be contrary to Policies SP2 and DM10 of the Croydon Local Plan (2018) and Policy D6 of The London Plan (2021). These policies require, amongst other things, that new homes are of high quality, including having acceptable levels of light. The proposed development would also be contrary to the Council's SPD.

Highway safety

11. The appeal site contains an existing parking area to the rear. At the time of my visit there were two cars parked in this area with capacity for a small number more. The proposed plan shows a remodelled parking area to the rear, although some spaces appear to be of a non-standardised size with extremely limited manoeuvring area.
12. In close proximity to the appeal site, there is on-street paid parking and parking restrictions in the form of single yellow lines. The Council highlight that the site has a PTAL rating of 5 (excellent) being close to Thornton Heath National Rail station and several bus services.
13. The excavation that is proposed would create a steep ramp which the Council consider would prevent cars from being able to access the rear parking area. The proposed west elevation section drawing demonstrates that the sudden acute transition from the steep ramp section to the level parking area is such that there would appear to be implications for the logical and risk-free use by vehicles. It has not been demonstrated otherwise.
14. Given the excellent public transport accessibility and combined with the parking restrictions in the area, I consider that the implications of an additional two units would not cause severe impacts on the highway network. However, it is not demonstrated that the proposed works would create an accessible and

workable parking area to the rear. The implication is such that it would prevent use by existing residents of the wider property, in addition to the proposed units. The effect of which would create a displaced need for parking and parking stress, with highway safety implications beyond those simply from the creation of two additional units.

15. Therefore, it has not been demonstrated that the proposed development, due to the parking implications for existing and proposed residents, would not lead to parking stress and would not have an unacceptable impact on highway safety. The proposed development would therefore be contrary to Policies DM29 and DM30 of the Croydon Local Plan (2018) and Policy T4 of The London Plan (2021). These policies require, amongst other things, that development must not have a detrimental impact on highway safety or a severe impact on the transport network local to the site, and that the loss of existing parking spaces requires demonstration that there is no need for these spaces.

Other Matters

16. The Council consider that the proposed refuse storage would cause harm to the street-scene. I observed on my site visit that the existing arrangement is most disorganised with wheelie bins strewn across the front of the appeal site. An exacerbation of this would add further harm to the appearance of the area.
17. The appellant outlines that the proposed refuse storage facilities would be enclosed in a hut style with gates and greenery. Although no specific details are before me, the area in front of the appeal building is of a reasonable size where a purpose built, and more visually appropriate facility could be provided. Were I to allow the appeal, such details could be subject to an appropriately worded planning condition.
18. The Council have also referred to the lack of cycle parking being provided. From my consideration of the submitted plans and my observations on my site visit, there would be sufficient space within the site to accommodate appropriate cycle parking for the proposed development. Were I to allow the appeal, such details could be subject to an appropriately worded condition.

Planning Balance and Conclusion

19. The Government's objective as set out in the Framework is to support sustainable housing growth. The proposed development would result in a slight increase in the Council's overall housing number and would be in a sustainable location. It would also bring a small number of additional residents to the area who would contribute to the local economy. Collectively, I give these matters moderate weight in favour of the proposed development.
20. However, the failure to provide acceptable living conditions for future occupants and the impacts on highway safety attract significant weight that outweighs the benefits associated with the proposed development.
21. The proposed development would therefore conflict with the development plan and there are no identified other considerations that outweigh this conflict.
22. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR