
Appeal Decision

Site visit made on 7 September 2022

by Richard McCoy BSc MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 03 OCTOBER 2022

Appeal Ref: APP/L5240/W/22/3296168

21 St James's Road Croydon CR0 2SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr and Mrs Manghnani against the Council of the London Borough of Croydon.
 - The application Ref 21/04179/FUL, is dated 4 August 2021.
 - The development proposed is the conversion of an HMO into 3 separate flats.
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Decision

1. I dismiss the appeal and refuse planning permission for the conversion of an HMO into 3 separate flats.

Procedural matters

2. I note the delegated decision submitted with the Council's statement. While this is not the application decision as jurisdiction over that was taken away when the appeal was lodged, I have treated it as the decision the Council would have made, had it been empowered to do so.
3. The Council advised that the Suburban Design Guide, Supplementary Planning Document, was revoked at a meeting of the full cabinet on 25 July 2022. I have dealt with the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on:
 - a) the living conditions of the occupiers of 19 St James's Road in respect of any loss of outlook and overshadowing,
 - b) the living conditions of future occupiers of the development, and
 - c) highway safety.

Reasons

Background

5. The appeal site is a 2 storey, mid terrace house, located on a busy road, in a predominantly residential area. It is currently in use as a 6no. bedroom, house in multiple occupation (HMO). Proposed is its conversion to 3no. self-contained flats with associated amenity, cycle and waste storage spaces, erection of

single-storey rear/side infill and rear extensions (following the demolition of an existing single-storey outrigger building and canopy) and the enlargement of the existing dormer extension on the rear of the main roof slope.

6. The appeal site is within walking distance of bus stops along London Road and has an 'excellent' Public Transport Accessibility Level (PTAL) Rating of 6a. It is located within the London to Brighton Roman Road Archaeological Priority Area and within a local area that is designated as suffering from a "Local Parks Deficiency".

Living conditions of the occupiers of no. 19

7. The proposed flat roofed, single-storey rear extension would project around 5.5m beyond the rear wall of the existing two-storey outrigger. It would replace an existing extension. Its low profile and position to the east of no. 19 would mean it would be unlikely to cause overshadowing to its rear rooms and garden. In addition, as a single-story extension in place of an existing single storey addition, it would be unlikely to harmfully change the living conditions of the occupiers of no. 19 in respect of outlook.
8. In this regard, the proposal would not conflict with Policies D3, and D6 of the London Plan (2021) (LP) and Policy DM10 of the Croydon Local Plan (2018) (CLP).

Living conditions of future occupiers of the development

9. The area of the proposed flats on the ground and first floors would fall below the standards set out in the London Plan. Moreover, I note the Council's uncontested evidence that each of the proposed flats would fail to provide the minimum amount of Gross Internal (floor) Area as required by the Technical Housing Standards – Nationally Described Space Standard (2015). This would result in the proposed accommodation feeling cramped with the living/dining/kitchen area and the bedrooms proposed for the ground floor flat having widths of around 3.5m, 2.15m and 2.75m respectively.
10. Furthermore, the first floor flat, and the flat within the loft, would lack private and/or communal external amenity space. While the proposed development would be located close to Croydon Town Centre, with its associated leisure and shopping services, I nevertheless consider that a lack of any amenity space within the development, that would be available for the use of the occupiers of these flats, would be to the detriment of their living conditions.
11. With regard to the window of bedroom 1 of the ground floor flat, I consider that in a terraced dwelling such as the appeal site, facing onto a busy street, this type of overlooking is to be expected. It would not be exacerbated by the position of the bin store as access to this would be infrequent. Accordingly, I consider the degree of overlooking would not be oppressive for a room in use as a bedroom.
12. However, this would not outweigh the other harm to the living conditions of future occupiers that I have identified which would conflict with the guidance in the Technical Housing Standards - Nationally Described Space Standard (2015), LP Policy D6 and CLP Policy D10.

Highway safety

13. It would appear that no parking is proposed as part of the development. Notwithstanding the PTAL score for the site, the Council is concerned that insufficient details have been submitted to demonstrate that local streets could accommodate any parking demand that might be generated. The appeal site is within a controlled parking zone (CPZ) and the appellants have indicated a willingness to agree to a suitably worded condition to secure a car free development.
14. While that may be acceptable in planning terms, there is no suitable mechanism before me to ensure that this would happen in practice. In particular, I have nothing before me to demonstrate that the appeal site is covered by the CPZ or if it would be necessary for the highway authority to amend the Traffic Management Order, and if so, whether that would be subject to a charge thereby calling into question the suitability of a condition to achieve the desired outcome.
15. Any mechanism must make a clear connection to the property, as the actions of individual occupiers would be difficult to control through a planning condition. The lack of a clearly defined, suitable mechanism in this instance, means that I am unable to conclude that the proposal would not add to the local parking stress that I observed during my visit.
16. Accordingly, in the absence of a suitable mechanism to ensure that the proposal would be car free I cannot be certain that it would not compromise highway safety in the area, in conflict with LP Policies T2, T3, T4, T6 and T6.1 and CLP Policies DM16, DM30 and SP8.

Other matters

17. I note the appellants' argument that the standard of accommodation is much better than the existing HMO. However, as set out above, I have found that the proposal would be harmful to future occupiers in terms of the size of accommodation that would be provided and the lack of amenity space. In that regard it would not be a suitable addition to the Borough's housing stock. Therefore, I consider that the effect of the fallback to the continued HMO use would be similar to that of the appeal proposal and would not be sufficient justification for allowing a proposal that I consider would be harmful to the living conditions of future occupiers.
18. I further note the appellants' argument that no. 19 is an identical property that has been converted into 3 flats. Be that as it may, the presence of similar developments would not be justification for a further development that I consider would be a poor addition to the housing stock in terms of the effect on the living conditions of future occupiers and the likelihood of harm to highway safety.
19. The Council raised concerns regarding the submitted details failing to demonstrate the highest standards of fire safety, facilities for refuse storage and collection, investigation and recording of archaeological remains and cycle storage. However, I consider these to be matters that could be dealt with by way of suitably worded conditions, as suggested by the appellants, were planning permission to be granted.

20. The Council also raised concerns that the proposal would fail to provide a mix of dwellings of different sizes, including dwellings with 3 bedrooms or more, in line with Policies GG4 and H10 of the London Plan and Policy SP2 of the Croydon Local Plan. However, my attention was drawn to the recently designated Article 4 Direction which restricts the conversion of single family dwellings (Class C3) into houses in multiple occupation (Class C4), given the number of such conversions that have already taken place.
21. Moreover, Policy SP2 is a strategic policy which sets out the quantity and location of housing for the Plan period. SP2.7 sets a strategic target for the mix of homes by size and refers to the setting of a preferred unit mix in the Local Plan's Detailed Policies and Proposals, for sites of ten or more homes. This proposal, for the conversion of an HMO to 5no. flats, falls below that threshold and would add to the Borough's tenure mix, thereby complying with these policies.

Conclusion

22. I have found that the proposal would not be harmful to the living conditions of the occupiers of no. 19 and details of fire safety, facilities for refuse storage and collection, investigation and recording of archaeological remains and cycle storage could be agreed by suitably worded conditions being attached to any grant of planning permission. However, these matters are neutral in the planning balance as they do not add further harm rather than being in favour of the proposal.
23. The proposal would add 3no. flatted units to the local housing supply in place of an HMO and this attracts weight in its favour. However, this would not outweigh the significant harm arising to the living conditions of future occupiers and to highway safety, contrary to the LP and CLP Policies set out above.
24. Accordingly, there are no material considerations that would warrant taking a decision otherwise than in accordance with the development taken as a whole. In which case, the appeal is dismissed.

Richard McCoy

INSPECTOR