



Appeal Decision

Site visit made on 17 August 2022

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 OCTOBER 2022

Appeal Ref: APP/L5240/W/22/3294704

66 Oakfield Road, Croydon CR0 2UB

- 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 A K Afghan against the decision of the London Borough of Croydon Council.
 - The application Ref 21/04651/FUL, dated 9 September 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described as 'alterations and conversion of the property to provide 1 No. studio flat, 1 No. one bed flat and 2 No. two bed flats, including formation of front lightwell to basement, bin store, bike stores, landscaping and amenity space. To include erection of L-shaped rear dormer and single-storey side/rear extension and installation of 2 rooflights in front roofslope as permitted under references 20/03820/HSE and 20/02043/LP.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to outlook and light, and
 - the effect of the proposal on the supply of family housing.

Reasons

Living Conditions

3. The appeal property is a moderate sized, 2 storey, 4-bedroom terraced house. It has a medium sized plot with a good-sized rear garden and small area to the front, which was being used to store bins. It is currently undergoing building work to provide an L-shaped rear dormer and single storey rear extension. Prior to this, I understand that it has most recently been used as a 6-person house in multiple occupation (HMO). It is located in a residential area made up of a mixture of family houses, flats and HMOs, close to local services and facilities.
4. The proposal would convert the existing 4-bedroom house into 4x flats, 2x 2-bed and 2x 1 bed. I note that all 4 flats would meet the required internal and garden space standards, including the Technical Housing Standards – Nationally described space standard. Notwithstanding this, Flat 1, which would be a 1-bedroom unit for 2 persons, includes a kitchen/dining room within the

basement, which would be served solely by a small north-west facing lightwell. While I understand that the basement has not yet been renovated and currently has no source of natural light, on my visit the space felt very small, enclosed, and gloomy. Even with the lightwell and despite an increase in the floor to ceiling height, the amount of light provided to this space would be very limited and would result in harm to the living conditions for future occupiers. This is an important domestic room where the occupants would likely want to spend time. Painting the internal walls of the lightwell white may improve light levels, however, the evidence submitted does not convince me that this would address the harm identified to any significant degree.

5. Paragraph 2.9.4 of the Council's Suburban Design Guide SPD (2019) (Design Guide) encourages the consideration of courtyard arrangements to provide access to light in constrained sites. However, the size and design of the proposed lightwell is not comparable to a courtyard. In addition, despite the Council's concerns regarding natural light and the advice set out at paragraph 2.9.3 of the Design Guide, a daylight and sunlight analysis study has not been provided to demonstrate that the room would meet Building Research Establishment guidelines, as referred to within that document.
6. Flat 4 would be a 1-bedroom unit for 1 person. Although there are separate areas indicated on the submitted plans for the bedroom and lounge, these areas would be open plan and, despite a difference in floor level, would feel like a single combined space. This combined space would be served by two good sized windows. Even if the proposed window on the left side elevation was obscure and non-openable below 1.7m, the window on the rear elevation would provide a pleasant outlook that, although wouldn't be enjoyed directly from the bed space, would feel part of the overall combined space. I recognise that the outlook from the kitchen would also be limited, however the two roof lights proposed to serve this room are generous and are located on a pitched roof which would allow some views out. For these reasons, any harm to the living conditions of future occupiers with regard to outlook would be limited and would not result in inadequate or poor living conditions thus according with policies SP2.8 and DM10 of the Croydon Local Plan (2018) (Croydon Local Plan) and policies D3 and D6 of the London Plan (2021) (London Plan).
7. Notwithstanding my conclusion regarding Flat 4, in relation to the first main issue, because of the deficiencies with proposed Flat 1, the proposal overall would not provide satisfactory living conditions for future occupiers with particular regard to outlook and light. This would conflict with policies SP2.8 and DM10 of the Croydon Local Plan, and policies D3 and D6 of the London Plan. These seek to deliver high quality and appropriate forms of development that provide, amongst other things, comfortable indoor environments including adequate daylight and sunlight to potential future occupiers.

Family Housing

8. The London Plan defines family housing as generally having three, four, five or more bedrooms. That definition is supported by the Council and referenced in the supporting text of Policy SP2.7 of the Croydon Local Plan.
9. Policy SP2.7 seeks to ensure a choice of homes and specifically that the number of family-sized dwellings with 3 or more bedrooms should be 30% of all new homes. However, as part of the overall strategy, Policy DM1.2 of the Croydon Local Plan states that the redevelopment of residential units will be

permitted only where it does not result in the net loss of 3-bedroom homes (as originally built) or the loss of homes smaller than 130m². I recognise that these thresholds were identified to avoid the loss of small family houses for which there is a specific identified need. The Council has confirmed that the host building provides a 4-bedroom house, as originally built, with an internal floor space of over 200m². Policy DM1.2 does not specifically protect this type of accommodation from being redeveloped.

10. I understand from the submitted evidence that 2-bedroom properties are also in high demand in the area. While the proposal will not contribute to the strategic aims of specifically protecting existing 3-bedroom homes or achieving more of them, it would still provide a very useful contribution to housing provision within the area. None of the policies drawn to my attention indicate that all proposals need to provide 3-bedroom accommodation.
11. Therefore, in relation to the second main issue, the proposal would result in the loss of a family dwelling but would not overall undermine the Council's specific intention to retain 3-bedroom family housing. Accordingly, it would not conflict with Policies SP2.7 and DM1.2 of the Croydon Local Plan for reasons that are set out above.

Other Matters

12. The proposal would provide additional residential accommodation within an existing residential area that is very close to local services, facilities and public transport. This type of incremental intensification is supported by the Policy H2 of the London Plan and would also support the National Planning Policy Framework's aim to significantly boost the supply of homes. However, 4 additional 1 and 2 bed units would only make a small contribution in this respect. Also, Policy H2 of the London Plan supports new homes on small sites that are well-designed, and the harm identified above to potential future occupiers of Flat 1 of the proposal show it is of poor design. Overall, the benefit and weight to be given to the additional units is limited.
13. It has been put to me that the proposal would be acceptable in terms of its effect on the character and appearance of the area, the living conditions of occupants within neighbouring properties and, subject to a Section 106 agreement, highway safety. The proposal would also provide acceptable cycle storage and it is likely that acceptable refuse storage could be addressed by condition. However, these matters neither outweigh nor address the harm I have identified above.

Conclusion and Planning Balance

14. Overall, while I find the loss of a 4-bedroom family sized dwelling and the living conditions for the future occupants of Flat 4 to be acceptable and to accord with the development plan. These do not outweigh or address the harm to the living conditions for the future occupiers of Flat 1.

15. The proposal would conflict with the development plan, read as a whole. It has not been demonstrated that there are any material considerations of sufficient weight to indicate that a decision should be taken otherwise in accordance with it. The appeal should therefore be dismissed.

Hannah Guest

INSPECTOR