



Appeal Decision

Site visit made on 27 September 2022

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/L5240/W/21/3285445

327 Bensham Lane, Thornton Heath CR7 7ER

- 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 Mrs C Briscoe against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/03013/FUL, dated 4 June 2021, was refused by notice dated 17 August 2021.
 - The development proposed is the change of use of a ground floor office into a self-contained studio flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal upon the living conditions of future occupiers, with particular regard to privacy, outdoor amenity space and internal space provision.

Reasons

3. The proposal would involve the change of use of an existing ground floor office to a residential flat. The full width of the appeal property's frontage is glazed, with windows and the front door directly facing the street. The property abuts the pedestrian footway with no defensible boundary to the front. The extensive glazing and lack of separation from public areas would adversely affect the privacy of occupants.
4. The appeal property is located on the ground floor as viewed from Bensham Lane. A flat occupies the lower ground floor which has sole use of the rear garden. Beyond the garden is an enclosed area which would provide bin and cycle storage for the proposed flat. To access this space, occupants of the flat would need to walk a short distance along Torridge Road.
5. Croydon Local Plan 2018 (CLP) requires all new residential development to provide private amenity space and sets standards for such spaces. The bin and cycle storage area appears to exceed the 5 sqm minimum area standard but is not directly accessible from the flat, thereby limiting its functionality and effectiveness as a private amenity space.
6. The London Housing Supplementary Planning Guidance 2016 requires all new dwellings to meet the Nationally Described Space Standard (NDSS) which sets requirements for the gross internal floor area of new dwellings at defined levels

of occupancy. Through applying the NDSS, the size of bedrooms determines how occupancy is defined. Proposals cannot simply assert the desired number of occupants since occupancy levels would not be enforceable through other mechanisms, such as through planning condition.

7. The floor area of the proposed bedroom would exceed the NDSS's minimum floor area for a double or twin bedroom. In the context of the NDSS, the proposal would form a one bedroom two-person dwelling, requiring a minimum gross internal floor area of 50 sqm. The proposal would provide a floor area of 37 sqm which would not meet the minimum requirements of the NDSS.
8. The proposal would therefore have a harmful effect upon the living conditions of future occupants with particular regard to privacy, outdoor amenity space and internal space provision. The proposal would conflict with policy D3 of the London Plan 2021 which requires new development to deliver appropriate privacy and amenity and achieve indoor and outdoor environments that are comfortable and inviting for people to use; CLP Policy DM10 which requires new residential development to provide private amenity space that is of high-quality design and is functional; and CLP Policy SP4 which requires development to be high quality and enhance well-being.
9. In addition, the proposal would not satisfy the Nationally Described Space Standards and would therefore be contrary to the London Housing Supplementary Planning Guidance 2016.

Other Matters

10. The appellant's statement suggests the appeal property is under-utilised as an office which has lain vacant for some time, and that the proposal would contribute to supply of housing and would alleviate noise concerns related to the former office use. However, such factors would not outweigh the scheme's harm in respect of the living conditions of future occupants.
11. The appellant's statement suggests that a condition could be imposed to require the existing gardens related to the building to be subdivided or shared. Such a condition would not be reasonable since it could give rise to effects which have not been fully considered within the scope of this appeal, namely its effects on the living conditions of occupants of the existing lower ground floor flat.
12. The appellant's statement identifies examples of other sites within the borough where a change of use to residential uses was sought. I have considered these cases and found that examples 1 and 2 were applications for notification of prior approval which were not subject to the planning application process and were determined prior to the statutory requirement for prior approvals to meet the NDSS came into effect. Examples 3 and 4 were accompanied by information which confirmed the proposals comply with the NDSS. Therefore, the cases cited in the appellant's statement are not comparable to the appeal proposal. In addition, the statement suggests that other blocks of flats in the area have been granted permission without private external amenity space, but no specific examples have been provided.
13. The site's planning history indicates the appeal property was previously granted permission for residential use in 2006. I have considered the proposal against the current development plan and found conflict with its policies.

Conclusion

14. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR