



Appeal Decision

Site visit made on 11 October 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/L5240/W/22/3293601

652 Davidson Road, Croydon CR0 6DJ

- 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 Katia Bongermينو against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/05046/FUL, dated 29 September 2021, was refused by notice dated 1 December 2021.
 - The development proposed is conversion of a dwelling house into 2 flats; 1 x 3 bedroomed/4 persons ground floor flat & 1 x 2 bedroomed/3 persons, duplex flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit construction work was ongoing. A dormer window and single storey rear extension appeared to be substantially complete, but differed in a number of respects from the submitted elevations. I have considered the appeal on the basis of the proposed plans.
3. The plans detail proposed alterations including a recessed balcony and reconfiguration of the front entrance. These are not mentioned in the description of proposed development in the banner heading above, which is taken from the application form. However, the Council took account of the proposed alterations and so have I.
4. Since the application was decided, the Council has revoked the Croydon Council Suburban Design Guide Supplementary Planning Document adopted April 2019, (SPD). Therefore, the reference to this SPD in the second reason for refusal is no longer relevant and in reaching my decision I have not had regard to it.

Main Issues

5. The main issues are:
 - whether the proposed development would provide satisfactory living conditions for future occupiers, with particular regard to outlook, daylight, privacy and internal space,
 - whether the proposed development would make satisfactory provision for cycle storage,
 - whether the proposed development would include suitable fire safety measures, and

- the suitability of the proposed arrangements for refuse and recycling.

Reasons

Living Conditions

6. The appeal site is a modest mid terraced house in a street of similar properties. The ground floor is on two levels, with the rear extension being down a short flight of stairs from the original ground floor.
7. The window in the double bedroom of Flat 1 (ground floor) would look into a lightwell in the roof of the rear extension. While this window would provide a reasonable level of daylight, given its size and orientation, the bedroom would have a limited outlook.
8. Although the front single bedroom in Flat 1 would have a more conventional outlook, occupiers of this room would lack privacy as a result of its proximity to the front entrances and shared refuse storage area. The outlook into the refuse storage area would not be particularly appealing and occupiers could be affected by odour, particularly when windows are open. While privacy in the front bedroom could be improved through measures such as blinds or obscure glazing, such measures would further restrict outlook from this area of the flat.
9. Although not explicitly mentioned in the reason for refusal, the Council's Officer Report also expressed concern about lack of daylight reaching the proposed dining area. While this area would be open to the rear patio doors, it would be set deep within the floor plan and also at the higher floor level. Both factors would limit the amount of light reaching the dining area. Any daylight from the double bedroom window would be indirect, given the layout of internal walls. As such, the dining area is likely to be somewhat gloomy and unappealing.
10. Taking all the above into account, a significant proportion of the accommodation in Flat 1 would lack adequate outlook, privacy or daylight, or a combination thereof.
11. The plans indicate that each flat would have a Gross Internal Area (GIA) equating to the relevant minimum standard in the Nationally Described Space Standard¹ (NDSS). However, this includes a first floor bathroom under the staircase in Flat 2 (first and second floor). The floor to ceiling height of this room is not specified on the plans, but based on its position under the stairs, and the dimensions given for overall ceiling height, it is clear that much of the room would have headroom under 1.5m. Any such area should be excluded from the GIA, in accordance with the NDSS. Therefore, Flat 2 would fall slightly short of the required floorspace.
12. This room would also feel particularly cramped, given its small floor area and limited headroom. In addition, while the NDSS allows for storage to be included in the GIA, use of the landing for cycle storage would compromise use of this circulation space. As such, the shortfall against the NDSS is associated with a cramped, awkward and inconvenient layout in this part of Flat 2.
13. The plans also indicate that the floor to ceiling height at second floor level would be slightly below the minimum requirement in Policy D6 of the London Plan². However, it would be slightly in excess of the different minimum

¹ Technical Housing Standards – Nationally Described Space Standard, published March 2015

² The London Plan; The Spatial Development Strategy for Greater London, adopted March 2021

requirement in the NDSS. The proposed double bedroom on the second floor would be reasonably spacious and the headroom would be sufficient to prevent this room feeling cramped.

14. Nevertheless, for the above reasons, I conclude that the proposed development would not provide satisfactory living conditions for future occupiers, as a result of the lack of outlook, privacy and daylight within Flat 1 and the cramped internal areas within Flat 2. This conflicts with Policy D6 of the London Plan which requires amongst other things that housing development should provide internal accommodation meeting minimum floorspace standards, with comfortable and functional layouts which are fit for purpose. The proposed development also fails to comply fully with the NDSS.

Cycle Storage

15. The proposed cycle storage facilities would be inside each flat, which in the case of Flat 2 would mean carrying bicycles up a narrow flight of stairs. The cycle storage cupboards would be relatively small and it has not been clearly demonstrated that they would each accommodate the required minimum of two bicycles, in accordance with London Plan Policy T5, table 10.2.
16. This lack of fit for purpose cycle storage facilities would be highly likely to deter future occupiers from regular cycle use, reducing their options for active travel to local facilities. There are no clear alternative options for cycle parking or storage which could be secured by condition.
17. The Council's Officer Report confirms that the appeal site has a PTAL (Public Transport Access Level) of 3, which is described as reflecting 'average' access to public transport. I have been provided with no clear evidence to the contrary. As such, while other transport options do exist, the appeal site is not in an area with a particularly high level of accessibility. Therefore, the ability to travel by bicycle would be a valuable transport option, as well as being consistent with wider development plan objectives to promote active travel.
18. For the above reasons, I conclude that the proposed development would fail to make satisfactory provision for cycle storage. This conflicts with Policies D3 and T5 of the London Plan and DM10, DM16, DM29 and DM30 of the Croydon Local Plan 2018. These policies, amongst other things, require that new development supports active travel, including through the provision of cycle parking spaces to the appropriate quantitative and qualitative standards.

Fire Safety

19. Although no information on fire safety arrangements was provided with the application, additional evidence was submitted with the appeal. This indicates that each flat would be provided with fire exits and assembly points to both front and rear.
20. At the rear, the proposed evacuation route would be into the rear garden for Flat 1 or onto the first floor balcony for Flat 2. The rear garden is small and enclosed, without ready means of access to the street or a larger open space. The rear balcony is centrally located within the footprint of the building, above the rear extension, without any direct means of escape to ground level. The evidence does not explain how either area could be made safe for evacuation in the event of fire. Therefore, based on the limited evidence provided, it appears

future occupiers would be at risk in the event of fire, should escape via the front entrance be impossible.

21. The evidence also fails to address other aspects of fire safety required under London Plan Policy D12, such as appropriate fire alarm systems, firefighting equipment or measures to minimise the risk of fire spread. While some such measures may be covered by other regulatory regimes, notably the Building Regulations, Policy D12 is clear that fire safety should be explicitly considered and detailed at planning application stage, in order to achieve the highest standards of fire safety.
22. For the above reasons, I conclude that the evidence does not clearly demonstrate that the proposed development would include suitable fire safety measures. As such, it conflicts with Policy D12 of the London Plan, which requires that all development proposals must achieve the highest standards of fire safety, to ensure the safety of all building users.

Refuse/Recycling Arrangements

23. The proposed bin storage area in the front garden would be conveniently accessible from both proposed flats and from the street. This area is relatively small, but it is big enough to accommodate the required number of bins in locations which would avoid obstructing the front entrances. This would require a minor modification to the layout shown on the plans, which could be secured through an appropriate planning condition. The area is also easily accessible for collection by refuse operatives.
24. Front garden bin storage is the norm along Davidson Road. While the conversion would increase the number of bins, the additional visual impact would be insignificant in the context of the street scene as a whole. The impact on living conditions within Flat 1 is a separate consideration, which I have addressed above.
25. I conclude that the proposed development is capable of meeting requirements for refuse collection, subject to an appropriate condition. With that proviso, it would not conflict with Policy D3 of the London Plan and Policies DM10 and DM13 of the Croydon Local Plan 2018. These policies require amongst other things that proposed development is well designed to facilitate collection of refuse and recycling.

Other Matters

26. My attention has been drawn to two existing flat conversions in Davidson Road. The application at no. 183 was for a Certificate of Lawful Development, so would not have involved consideration of the planning merits. The application at no. 601 pre-dated adoption of the current development plan. It is also described as having been for one and two bedroom flats, implying a different internal layout and space standards. As such, both previous developments differ from the current proposal in a number of respects and I have given them limited weight.
27. Given the scale of the proposed development, the benefit to housing supply would inherently be limited. While the National Planning Policy Framework supports the efficient use of previously developed land to deliver housing, and development of small sites, such support is not at the expense of ensuring all development is well designed.

28. I have identified certain aspects of the proposed development which could be made acceptable through conditions, but this would not be an effective means of addressing all the issues identified above.
29. Consequently no other matters outweigh the clear harm that would result from the proposal, as set out in the foregoing main issues.

Conclusion

30. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR