



Appeal Decision

Site visit made on 9 November 2022

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 DECEMBER 2022

Appeal Ref: APP/L5240/W/21/3288230

87 Addiscombe Road, Croydon CR0 6SF

- 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 Datoo against the decision of the Council of the London Borough of Croydon.
 - The application Ref 20/04341/FUL, dated 22 September 2020, was refused by notice dated 2 August 2021.
 - The development proposed is conversion of basement flat into two flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised plans with the appeal. The revisions increase the size and number of windows for both proposed flats and introduce internal walls into the proposed studio flat. These changes are below ground level and, having been subject to consultation as part of the appeal process, I am satisfied that no party would be prejudiced by accepting them. I have therefore considered the appeal on that basis.
3. The Council advises that its Suburban Design Guide SPG (2019) was revoked on 25th July 2022, and I have therefore had no regard to it.
4. At my site visit I noted that some works had been carried out, but not as shown on the proposed plans before me. I have therefore considered the development as a proposed development.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of future occupiers of the development, with particular regard to outlook, light, privacy and the acoustic environment.

Reasons

6. The appeal site is an end of terrace building in use as flats in a residential area. The proposal is the conversion of the existing lower-ground floor flat into two flats.
7. Areas of land at the front and side of the building are at the same level as the existing basement. Being lower than neighbouring land, they act as light wells to basement rooms. Access is via an external stairway at the side of the building.

8. In terms of outlook, proposed Flat 1 would face three directions. Views from the entrance door, bedroom 2 and living/kitchen area would be of the painted timber slats along the walls of the lower ground external area at the side of the dwelling. The adjoining land levels fall towards the rear of the plot and outlook would therefore include some natural light and vegetation through the upper slats. The living/kitchen room would also benefit from windows and lower land at the rear, with filtered views of the garden beyond. Outlook from bedroom 1 via a rear facing window in similar circumstances would also be acceptable.
9. Outlook from the proposed Studio flat would be more constrained on account of the higher land levels. Views from the living area would look out onto a white painted wall, and views of the sky would only be possible from parts of the room close to the window. With the proposed internal walls, the kitchen would have no window, and that arrangement would not provide suitable living conditions in terms of outlook.
10. Regarding daylight, the Schofield daylight and sunlight report provided by the appellant seeks to address the Council's concerns about the effects of balconies, balustrades and stairs. It assesses five rooms, including the living rooms and bedrooms of both proposed flats, and finds they would meet the appropriate minimum standards. However, despite setting out that kitchens require the highest light levels, no assessment is made of the kitchen of the proposed bedsit, which would have no window. The plans showing the kitchen without a window and the omission of this room from the assessment suggest there would not be adequate daylight levels in the proposed Studio flat.
11. Sunlight into the north-facing living/kitchen area of proposed flat 1 would be below normally accepted minimum levels. The appellant has sought to mitigate this with windows on three sides of the room and a direct opening into outside space, and the Schofield report concludes that that room would provide adequate sunlight. Sunlight would be good in the south facing living room of the Studio flat, but entirely absent from its kitchen. Overall, sunlight levels into the proposed flats would therefore be unacceptable.
12. In relation to privacy and the acoustic environment, residents of the proposed Studio flat and users of the cycle store would necessarily pass the bedroom of proposed Flat 1 at close quarters. Nevertheless, it is not uncommon for flats to be accessed via communal walkways and, with suitable blinds or curtains, these impacts would not be unacceptably harmful.
13. In conclusion, the development would harm the living conditions of future occupiers of the development, with particular regard to outlook and light. As a consequence, it would conflict with The London Plan (2021) Policy D6 and Croydon Local Plan 2018 Policy 10.6. Together these policies require quality development which provides sufficient daylight and sunlight for new housing and suitable layout, orientation and form. It would also not accord with the guidance in the London Housing Supplementary Planning Guidance (2016), which seeks housing quality, including direct sunlight into living areas and kitchen dining spaces.

Other Matters

14. The development would provide one net additional housing unit in an accessible area¹, attracting a limited degree of weight in favour of the development. These benefits would not outweigh the harm I identify in relation to the main issues, and the consequential conflict with development plan policies, which attract significant weight against the development.
15. Concerns have also been expressed by interested parties about other matters. As I am dismissing the appeal for other reasons, I have not considered these matters further, as they would not change my decision.

Conclusion

16. For the reasons above, I conclude the development would conflict with the development plan as a whole and the approach in the Framework. There are no other material considerations that suggest a decision should be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR

¹ PTAL 6b