



---

# Appeal Decision

Site visit made on 22 November 2022

**by H Miles BA(hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 December 2022**

---

**APP/L5240/W/21/3285268**

**8 St Helen's Road, Norbury, London SW16 4LB**

- 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 BMR Compass Ltd against the decision of London Borough of Croydon.
  - The application Ref 21/00323/FUL, dated 25 January 2021, was refused by notice dated 21 April 2021.
  - The development proposed is refurbishment and extension of the site to provide five residential units (Use Class C3) and associated parking and landscaping.
- 

## Decision

1. This appeal is dismissed.

## Preliminary Matters

2. There is another appeal for development at 8A St Helen's Road<sup>1</sup>. For the avoidance of doubt, I have determined these appeals on their individual merits. Nonetheless, due to their shared location some of the language used is common to both of these decision letters.
3. I have been provided with updated plans which include the following changes: reducing the size of the car parking area and the inclusion of new windows to units 1 and 3. The submitted information also changes the description of a double bedroom to single bedroom in unit 5 and changes unit 4 to be a studio, the only physical change being the removal of an internal door to unit 4. These changes are minor in nature and were submitted with the appeal submission and therefore the LPA have had the opportunity to respond to the content of these drawings. For the reasons above, the parties would not be prejudiced if I were to consider these plans, and therefore the appeal is assessed on the basis of the amended plans.

## Main Issues

4. The main issues are:
  - The effect of the proposed development on the character and appearance of the area, with particular regard to the London Road (Norbury) Local Heritage Area.
  - Whether the development would promote the use of sustainable modes of travel including whether it would provide acceptable car parking.

---

<sup>1</sup> APP/L5240/W/22/3293896

- The quality of living conditions of future occupiers with particular regard to the size of the proposed dwellings, refuse storage, light and privacy.
- The effect of the proposed development on the supply of homes of different sizes.

## **Reasons**

### *Character and appearance*

5. The appeal site is within the London Road (Norbury) Local Heritage Area. Its features of significance include its traditional layout and architectural features including red brick gabled facades and decorative brickwork. The appeal site is part of the group of properties at 2-8 St Helen's Road which have attractive external appearance including brickwork detailing and Dutch gable frontages. They face onto an area of open space which is an important part of the original pattern of development in this area. The host property therefore has a degree of heritage significance meriting consideration in planning decisions.
6. The appeal site and the adjoining half of this semi detached pair retain their original façades and the symmetry between this pair. This makes a positive contribution to the significant features of the area, described above. Nos 2 and 4<sup>2</sup> both have two storey side extensions. These are dominant additions which differ in scale and design from one another, eroding the uniformity of this pair and the group at Nos 2-8. Nevertheless, the symmetry between Nos 6 and 8 remains important.
7. The proposed development would result in the introduction of a 2 storey side extension in a highly visible position. This would harmfully undermine the appearance of the original façade. It would also be unacceptably prominent in the streetscene and would erode the important symmetry between the two adjoining properties.
8. The proposed side extension would be set back and in materials to match the existing building. However, given the specific characteristics of this site within a Local Heritage Area set out above, these features would not overcome the harm to the townscape and the existing rhythm of the street including the symmetry of pairs of houses described above.
9. Therefore, the proposed development would have a harmful effect on the character and appearance of the area including with regard to the London Road (Norbury) Local Heritage Area. As such, in this regard it would be contrary to Policies DM10 and DM18 of the Croydon Local Plan 2018 (CLP), and Policies D3 and HC1 of the London Plan (2021) (LP). Together these seek high quality design using a design led approach and to preserve and enhance the character appearance and setting of heritage assets including Local Heritage Areas, amongst other things.

### *Transport Network*

#### *Sustainable Transport*

10. Policy DM29 of the CLP and Policy T4 of the LP seek to promote sustainable travel including public transport, cycling and walking, in part by requiring new residential development to contribute towards mitigation of adverse transport

---

<sup>2</sup> LPA ref: 85/00446/P

impacts. These measures would improve transport choices and reduce car dependence. They also require that development must not have a detrimental impact on highway safety or have a severe impact on local transport networks.

11. The Council has sought a legal agreement to secure up to £7500 towards improvements to sustainable transport measures. I have not been provided with a mechanism to secure any contribution for these purposes. Without measures to promote alternative modes of travel to the car, the proposal would fail to comply with the aims of the above policies.

#### *Car Parking*

12. The submitted plans show that for a medium sized car to exit in a forward gear a three point turn would be required and this would cross the area for bulky waste items shown on the proposed site plan. I am not provided with details for larger cars. As such, I am not satisfied that cars would enter and exit the site in a forward gear. This would lead to a situation where cars may be reversing across the footpath, with poor visibility of pedestrians, leading to an unacceptable effect on highway safety.
13. An updated parking survey has been provided which shows a level of around 80% parking stress in this area. The Council have stated that, on this basis, the proposal would not have a detrimental impact on on-street parking. Taking into account the likely low number of vehicles parking on street as a result of this development, and the capacity of nearby streets to accommodate this, I agree with this conclusion.

#### *Summary*

14. I am therefore satisfied that the proposal would be acceptable in terms of on street parking. However, the lack of contribution towards promotion of sustainable transport and the inadequacy of the car parking spaces means that there is conflict with DM29 of the CLP and Policy T4 of the LP, the aims of which are set out above.

#### *Living Conditions*

15. The amended plans show that both units 1 and 3 would have windows on two external walls on opposite sides of the dwelling. However, there remains dispute as to the light and privacy that would be achieved to these units. The new windows would be located within the side passage between no 8 and 8A close to the refuse and recycling store. Particularly at ground floor this would be a highly enclosed location and therefore light to this window would be restricted. Furthermore, the introduction of a ground floor window in very close proximity to the front door would create direct views into the bedroom of unit 1 from the occupiers of four flats entering and leaving. This would result in poor levels of privacy for the occupiers of this unit. As such I am not satisfied that the occupiers of unit 1 would have adequate levels of light or privacy.
16. Policy D6 of the LP states that for a 1bedroom 1person unit a minimum of 37sqm of floorspace should be provided, and this is supported by Policy SP2 of the CLP. Unit 4 provides around 39sqm. Although the bedroom is larger than a single room, the floorspace as a whole would lead to this property being suitable for occupation by 1 person.

17. The refuse and recycling store is located over 20m from the highway. The Appellant's suggested condition that a private refuse company could be used is in dispute. Notwithstanding this, there is sufficient space within the site that bins could be moved on collection day. As such I am satisfied that such details could be resolved by condition, and would not have an unacceptable effect on the character and appearance of the area.
18. Only one unit would have a private garden area. Policy D6 of the LP and DM10 of the CLP require that a minimum of 5sqm of private outdoor space should be provided for each dwelling. Nevertheless, all occupiers would have access to a generous, open communal back garden. This would provide functional and pleasant amenity space for all occupiers. Therefore, the development would provide suitable living conditions for future occupiers in this respect, even though it would not fully comply with Policy D6 of the LP and Policy DM10 of the CLP.
19. I do not find harm with regard to the size of the units, refuse storage, and outdoor space. Therefore, I do not find conflict with Policy T7 of the LP and Policy DM13 of the CLP which require safe and efficient servicing for refuse and recycling amongst other things and Policy DM18 which requires that development should preserve and enhance the character, appearance and setting of Local Heritage Areas. Nor the Technical housing standards – nationally described space standards (2015) which sets requirements for the internal floor area of new dwellings.
20. However, the absence of harm in these regards does not outweigh the inadequate living conditions for the future occupiers of unit 1 with regard to light and privacy. Therefore, in this regard, the proposed development would be contrary to Policies SP2 and DM10 of the CLP and Policy D6 of the LP which, in part, requires adequate light for future occupants, homes that meet the needs of residents and provide qualitative aspects of adequate daylight and privacy.

#### *Supply of Homes of Different Sizes*

21. Policy SP2.7 of the LP sets a strategic approach to achieve a mix of homes by size and seeks to ensure that homes that meet the borough's need for homes of different sizes are available. Policy DM1.2 provides further detail with regard to the redevelopment of residential units and requires that such development should not result in the net loss of 3 bedroom homes.
22. The proposed development would result in the loss of a four bedroom house but would re-provide a three bedroom home at second and third floor. The floorspace would be suitable for a 3 bedroom, 4 person unit, and it would have a generous communal rear garden. It would be accessed via stairs and would not have any private garden size, as such it may not be suitable for all families. Nevertheless, it would contribute to a varied mix of homes by size and would be a suitably sized three bedroom property.
23. Therefore, the proposed development would be in accordance with Policy SP2.7 of the CLP and DM1.2 of the CLP, the aims of which are set out above.
24. However, the lack of harm in this respect is a neutral factor that does not overcome the multiple and notable harm to the character and appearance of the area, sustainable transport and future living conditions.

## **Conclusion**

25. The proposal would not accord with the development plan and there are no other considerations to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*H Miles*

INSPECTOR