



Appeal Decision

Site visit made on 11 November 2022

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/L5240/W/21/3287035

Norbury Shoes, 1a and 1b St Helen's Road, Norbury SW16 4LG

- 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 U Nagar against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01917/FUL, dated 14 April 2021, was refused by notice dated 5 October 2021.
 - The development proposed is the erection of first and second floor above the existing ground floor shops to provide 2 No one bedroom flats with refuse and cycle store on ground level.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether the proposal would make adequate provision for parking, and
 - iii) whether the proposal would include adequate measures to ensure fire safety.

Reasons

Character and appearance

3. The appeal site lies within the London Road (Norbury) Local Heritage Area. The Council has provided a review document for the area setting out its heritage significance, which derives from it being the first area of Norbury to be developed, specifically the area around the appeal site dating from the late 19th century. The shopping parades on London Road are a particular feature of the area, noted for their imposing high quality features and consistent appearance. The area is not designated as a conservation area, but on the evidence before me, it can be regarded as a non-designated heritage asset.
4. The appeal relates to two retail units fronting St Helen's Road which form part of a single storey parade which wraps around onto London Road. The parade exhibits uniformity in its form and detailing that contributes positively to the street scene. The parade wraps around one of two three storey buildings, No 1384 London Road, with twin pitched roofs and prominent gables on both frontages which adds a sense of scale within an otherwise predominantly single storey stretch of the street, but which reflects the generally taller scale of

buildings elsewhere along London Road. Residential dwellings at three and then two storeys are located further along St Helen's Road and St Helen's Crescent to the east of the appeal site.

5. The proposed two storey extension would stand above the single storey retail units at the end of the St Helen's Road side of the parade. The first floor level would be faced in brick, with timber framed windows, reconstituted stone lintels and an offset gable to the front elevation. The second floor level would take the form of a contemporary, box-like shape with slate grey cladding to the exterior. The structure would abut the rear corner of No 1384 behind the parade, extending beyond its rear elevation where it would be angled to avoid enclosure of the neighbouring balcony and windows.
6. The change from a single storey structure to one of three storeys would represent a significant increase in scale. Given the openness of the whole parade to views from the junction on London Road, the proposal would be highly visible and prominent in the street scene. In these views, the existing and longstanding consistency of scale and form of the parade would be severely eroded by the insertion of a substantial, two storey upward extension that would also stand completely forward of the existing building at the rear. Whilst the parade itself is flat-roofed, pitched roofs prevail at higher levels within the surroundings and the very prominent, flat-roofed design of the extension would add to its incongruous appearance, particularly when viewed against the grander scale and traditional pitched roof form of the adjacent three-storey building at No 1384.
7. In terms of detailed design, the first floor level would appear as an isolated, inauthentic facade of brickwork, unconnected with any adjacent built form and visible from east of the site as only being used to the front elevation. The use of gables on two sides seems an attempt to evoke the traditional form of the adjacent three storey building, but these would appear as token features that would be wholly outweighed in prominence by the substantial, metal-clad box to the second floor. The insertion of traditional timber sash windows within the metal box at second floor level would exemplify the awkward juxtaposition of styles being proposed. Overall, the design would fail to draw from the traditional form of surrounding buildings, but would introduce a highly conspicuous and jarring mix of styles which would overpower the parade, destroying its historic scale and form, whilst also attaching itself to the three-storey building behind in a crude manner which would detract from its appearance and presence in the street scene.
8. The convoluted design would continue at the rear where pebble dash render would be a third facing material, ostensibly to match the façade of the adjacent building, along with glass balustrades to proposed terraces, all of which would be visible within the public realm from St Helen's Crescent, as well as neighbouring dwellings. This use of different materials, balconies of different sizes and angled walls which are not a feature of any surrounding buildings would add to the disjointed design of the extension and exacerbate its incongruous presence in the street scene.
9. In reaching a view, I am aware that planning permission was granted in 2004 for redevelopment of the site along similar lines in terms of scale and use, but differing in its external design. However, this permission has long since lapsed and no longer forms a potential fall-back option for the appellant. Moreover, it

was permitted under a different policy context, and I am not furnished with details of the particular circumstances of the case or the Council's reasoning in approving the proposal at the time. Consequently, it is not possible to draw direct comparisons with the context of the appeal before me. Therefore, the very limited weight I afford to this permission is not determinative of this main issue, which I have considered on the basis of the specific planning merits of the proposal and the existing policy context.

10. For these reasons, I conclude that the proposal would fail to reflect the surrounding scale or design of the built form and so would significantly harm the character and appearance of the area. It would also have an adverse effect on the significance of the London Road (Norbury) Local Heritage Area through loss of the distinctive consistent form and appearance of the shopping parade. This would conflict with Policies DM10 and DM18 of the Croydon Local Plan (February 2018) (the CLP), and Policies D3 and HC1 of the London Plan (March 2021) (the LP21), which together require development of high quality which responds to the existing character of a place; respects development pattern, layout, siting, scale, height and massing; and which preserves or enhances the significance of heritage assets.
11. Paragraph 203 of the National Planning Policy Framework (the Framework) adds that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The asset has local significance, and the degree of loss in this case would be limited to one part of the wider area. Consequently, I find that the harm arising from the adverse effect on the NDHA should be afforded limited weight in the overall planning balance.

Effect on Parking Provision

12. The appeal site has a PTAL¹ rating of 4, indicating a good level of access to public transport². I saw a number of bus stops close to the site, with Norbury train station a short 5 minute walk away. Parking outside of the site is limited to 30 minutes with marked bays, with this stretch of the street otherwise designated as a red route between 7am and 7pm. Two hour parking limits exist a short distance to the east around St Helen's Crescent.
13. Policy DM29 of the CLP seeks sustainable growth and to reduce traffic congestion by promoting measures to increase the use of public transport, cycling and walking. Policy DM30 seeks to achieve this by reducing the impact of car parking in any development located in areas of good public transport accessibility or areas of existing on street parking stress.
14. The flats would each be one-bedroom, two-person units with no off-street parking proposed. The Council does not seem to criticise the lack of off-street parking, but rather argues that the appellant's parking stress survey is inadequate in that it surveyed areas some distance from the site which are unlikely to be realistically used by residents of the development. The appellant argues that the survey simply indicates the availability of parking nearby should spaces not be available immediately outside of the site.

¹ PTAL - Public transport accessibility level

² As defined by Footnote 97 of the CLP within Policy DM30(a)

15. The appellant's survey was taken over two days in March 2021, assessing occupancy at 5am, with St Helen's Road being between 64.7% and 73.5% full, or between 9 and 11 free spaces out of 34. St Helen's Crescent was recorded at 87% occupancy on both days, with 3 free spaces out of 23. Across all surrounding streets, the survey recorded some 73% occupancy on both days.
16. I am not advised as to any specific threshold for parking occupancy which indicates a saturation level beyond which further parking demand could not be accommodated. However, there is a reasonably good level of access to public transport and many local amenities accessible on foot or bicycle. As such, the site's location would encourage sustainable modes of transport and would go some way to reducing the expected demand from future occupants to own a car. Even if each flat were to generate demand for one parking space, the appellant's survey, which is not contradicted by any alternative evidence from the Council, shows there to be a reasonable level of parking available in the immediate surroundings of the site, and also on other nearby streets. Therefore, I consider that there would be sufficient parking capacity to meet any expected demand arising from the development.
17. On the evidence before me, I conclude that the proposal would not have a harmful impact in terms of the local parking provision, nor would it lead to unacceptable effects on highway safety or a severe cumulative effect on the transport network. Consequently, I find no conflict with the aforementioned aims of Policies DM29 and DM30 of the CLP, nor with those of Policy T4 of the LP21, which require that the cumulative impacts of development on public transport and the road network capacity including walking and cycling should be taken into account and mitigated.

Fire Safety

18. The Council cites conflict with Policy D12 of the LP21, which requires that all development proposals achieve the highest standards of fire safety. The Council sets out that insufficient information was provided in respect of the design of the proposal and how it would ensure fire safety for future occupiers of the development. An interested party representing owners of flats in the adjacent three storey building points to the proposal removing an existing fire escape ladder serving this building, which enables escape via the existing flat roof of the single storey commercial units.
19. The appellant argues that these requirements were not in place at the outset of the application, but had they been raised, information could have been provided at an earlier stage, or sought by condition. It is also asserted that the fire escape from the neighbouring building is trespassing on the appellant's land and should be diverted.
20. It would have been possible for details of fire safety measures to have been included at the outset of the application as it was submitted after the adoption of the current London Plan in March 2021. I recognise that details of fire safety measures for the proposal itself could potentially be addressed by way of a suitably worded condition, and that the issue of the existing fire escape and any rights of access over land is ultimately a private matter to be addressed by the parties themselves. However, this is relevant to the proposal in so far as an existing means of escape is potentially to be lost, with no indication as to how it might be re-provided to prevent a worsening of fire safety conditions for neighbouring residents. As I have no clear information as to how this matter

would be addressed, I am not satisfied that details relating to fire safety could be wholly left to be dealt with by condition.

21. In the absence of satisfactory information in respect of fire safety, I conclude that the proposal would conflict with Policy D12 of the LP21.

Other Matters

22. An interested party questions the partial loss of commercial floorspace at ground floor level to accommodate the access to the proposed flats and the exacerbation of inactive frontages along the St Helen's Road frontage of the parade, contrary to the aims of Policy DM4.3 of the CLP. The Council did not refuse permission on this basis, and I have no substantive evidence to indicate that the partial loss of floorspace of one unit would be harmful to the vitality and viability of the district centre. I do note that the plans before me show the three ground floor units are amalgamated internally into a single premises, in which case the loss of part of one unit would represent a minor degree of change that would not have a significant effect on the amount or quality of commercial floorspace retained on the ground floor.
23. Concerns are also raised in respect of the living conditions of neighbouring occupants in flats to the rear of the site, and in particular the absence of a sunlight and daylight assessment. The Council did not refuse on this basis either, referring to the development not breaching a 45 degree test in respect of the rear facing windows and balconies of the adjacent flats. Given this, I have limited evidence from either party at appeal stage addressing this issue further. However, given my findings on the main issues point to the dismissal of the proposal, it is not necessary to explore this matter in more detail, as it would not have a bearing on the outcome of the appeal.
24. The proposal would add two units to the Council's housing stock. This would represent a benefit, albeit a modest one given the scale of the proposal. Nonetheless, given the importance placed on boosting the supply of housing in the Framework, this benefit attracts moderate weight in the planning balance.
25. Limited weight is also afforded to the modest economic benefits for local contractors from the construction of the extension, and from occupants of the flats spending money in the local economy.

Conclusion

26. For the reasons set out, I conclude that the proposal would cause significant harm to the character and appearance of the area, limited harm to the significance of an NDHA and would fail to demonstrate that fire safety would be suitably addressed for existing and future residents. This results in conflict with the development plan, taken as a whole, to which I afford significant weight. Material planning considerations in this case, taken together, do not indicate that planning permission should be forthcoming in spite of this conflict.
27. Therefore, the appeal should be dismissed.

K Savage

INSPECTOR