



Appeal Decision

Site visit made on 8 January 2021

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2023

Appeal Ref: APP/L5240/W/20/3248015

11 Blunt Road, South Croydon CR2 7PA

- 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 Sterling Rose Developments Limited against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/05640/FUL, dated 3 October 2019, was refused by notice dated 24 February 2020.
 - The development proposed is conversion of flat 6 into two one bedroom one persons flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A new/replacement London Plan was published by the Mayor of London in March 2021 and it has replaced all previous versions of the London Plan. Given that the London Plan 2021 (the London Plan) forms part of the development plan for the Council's area and policies of the predecessor plan were cited in the Council's refusal reasons and/or its officer report, the Council was requested to submit a London Plan policy update. That update was provided on 10 May 2021 and the appellant has had the opportunity to comment on the change to the development that has arisen since this appeal's submission. I have only had regard to the replacement London Plan's policies that have been drawn to my attention and I have disregarded any references to the predecessor plan's policies.
3. Planning permission was granted by the Council under reference 18/03200/FUL (the planning permission) for six flats within a four storey block, as a replacement for the original property at 11 Blunt Road (No 11). A four storey block of flats has been built and occupied. However, the design of the block that had been constructed is not entirely consistent with the details shown on the drawings accompanying the appealed planning application. In that regard the south-eastern corner of the block at third floor level has been constructed with walls that form a right angle, rather than there being a canted junction between the walls.
4. To assist my understanding of the development benefiting from the planning permission, as compared with the block that has been built and the details shown on the drawings accompanying the appealed planning application, the appellant was requested to submit copies of the drawings approved as part of

the planning permission. Those drawings were submitted in July 2021 and show planning permission was granted for a block with a canted south-eastern corner at third floor level. The Council has advised that a variation to the design of the block's south-eastern corner has not been permitted by it. I have therefore determined the appeal on the basis of it concerning proposed changes to the block's design, rather than a proposal seeking to retain elements of the block's design that have arisen during its construction.

5. The floor plan showing the proposed top floor flats (drawing P9/001) is labelled as relating to both the second and third floors of the block. For the avoidance of doubt, I have considered the drawing P9/001 as being a third floor plan.

Main Issues

6. The main issues are:
 - whether the development would contribute to the provision of a range of housing accommodation in the Council's area;
 - whether the development would provide adequate living conditions for its occupiers, with particular regard to the receipt of natural light; and
 - the effect of providing the proposed third floor balcony on the privacy of the occupiers of 57 St Peters Road (No 57) and 12 and 14 Blunt Road (Nos 12 and 14) and the appearance of the 11 Blunt Road (the flat block) and the local area.

Reasons

Provision of a range of housing accommodation in the area

7. The planning permission was for four one bedroom flats, one two bedroom flat and one three bedroom flat. It is proposed that the originally approved third floor, two bedroomed flat (the upper flat) would be subdivided into two, one bedroom flats. The upper flat has a floor area of 71.6 square metres (sqm) and each of the proposed flats would have floor areas of around 37 sqm¹. No 11 is located around 100 metres from South Croydon railway station and various bus routes operate in the nearby area.
8. Sub-paragraph A of Policy H10 of the London Plan states, amongst other things, that '*Schemes should generally consist of a range of unit sizes. To determine the appropriate mix of unit sizes in relation to the number of bedrooms for a scheme, applicants and decision-makers should have regard to ...*' the evidence of need where available. The sixth criterion of Sub-paragraph A of Policy H10 goes on to indicate that when regard is paid to the nature and location of a site, a higher proportion of one and two bed units will generally be '*... more appropriate in locations which are closer to a town centre or station or with higher public transport access and connectivity*'.
9. Policy SP2.7 of the Croydon Local Plan of 2018 (the Local Plan) indicates that the Council will seek to ensure that a choice of homes is available to meet Croydon's need for homes of different sizes. Policy DM1.2 of the Local Plan states that the redevelopment of residential units will be permitted when that would not result in the loss of homes smaller than 130 sqm. While the

¹ As notated on the existing and proposed floor plans

adoption of the Local Plan predates the publication of the London Plan, I consider that Policies SP2.7 and DM1.2 of the Local Plan are consistent with Policy H10 of the London Plan because they seek to ensure a range of home sizes are available within the Council's area.

10. The conversion of the upper flat into two, one bedroom flats would be contrary to Policy DM1.2 of the Local Plan because it would result in the loss of a home that is less than 130 sqm in area. The appellant has submitted that *'... the principle reason for the conversion of the third floor is purely for viability reasons'*, with there having been little interest ('consideration') for the purchasing of the two and three bedroom flats within the block.
11. However, no marketing evidence has been submitted by the appellant addressing matters such as: the length of the marketing period; the number of viewings the upper flat has received; and the reasons why any viewings for this flat have not yielded offers to purchase it. I am therefore of the view that the appellant has not substantiated its proposition that there is no demand for the upper flat to be occupied as a two bedroom dwelling.
12. The appellant has also submitted that as this flat does not have a lift a two bedroom, third floor flat *'... is not practical for a family to occupy'*. However, I consider that contention to be problematic. That is because a third floor, two bedroom flat was included in a design for which planning permission was originally sought and subsequently granted. If such a flat would be impractical for occupation, then I would have expected planning permission never to have been sought for it. While a third floor, two bedroom flat might be impractical for occupation for some families that would not necessarily be the case for all families requiring such a dwelling. I therefore consider that very little weight should be attached to this aspect of the appellant's case.
13. I therefore conclude that the development would not make an adequate contribution to the provision of a range of housing accommodation in the Council's area. That is because the proposed development would reduce the choice of dwellings of different sizes to meet the housing need in area, resulting in conflict with Policy H10A of the London Plan and Policy SP2.7 of the Local Plan.
14. While the upper flat, as a dwelling with a floor area of 71.6 sqm, is a home of less than 130 sqm, it would be replaced by two homes of less than 130 sqm. Given that I consider that for the purposes of Policy DM1.2 of the Local Plan this proposal would not involve the loss of homes smaller than 130 sqm because there would be a net increase of one home of less than that floor area.

Living conditions for the occupiers of the development

15. The rearmost of the proposed flats, 'Flat 7', would have a northerly aspect. That would have some implications for the receipt of natural light within the interior of Flat 7 and its external space (balcony), given the orientation of this flat relative to the sun. The two bedroom flat benefitting from the planning permission being a dual aspect dwelling, with an open plan kitchen/dining/living area served by south facing fenestration, while also having a south facing balcony with north facing bedrooms.

16. While there would be some limitations upon the receipt of natural light to Flat 7, that effect on the living conditions for its occupiers would be comparable with the situation for the occupiers of the rearmost flats on the first and second floors within the flat block. Those lower floor flats predominantly having a northerly aspect and recessed balconies with the same aspect. The Council in its officer report has referred to the first and second floor flats being 'dual aspect'. However, I do not consider those flats to have a dual aspect, because they are essentially served by rearward facing windows and balconies. Given the strong similarity in the orientations for the first and second floor flats and proposed Flat 7, I consider that there would be no discernible difference in the level of natural lighting received by their respective occupiers.
17. Accordingly, I am not persuaded that the northerly aspect of Flat 7, of itself, would result in unacceptable living conditions for its occupiers. In that regard I consider there would be no unacceptable conflict with either Policy DM10.6's third criterion or the third criterion of Policy D6 of the London Plan, because I consider the occupiers of Flat 7 would receive an adequate level of natural lighting, comparable with that experienced by the occupiers of similar flats on the first and second floors of the flat block.
18. I therefore conclude that the development would provide adequate living conditions for its occupiers.

Proposed rear balcony

19. A rear balcony serving Flat 7, given its height, could cause a loss of privacy for the occupiers of: No 57, a house that has been converted into flats; and Nos 12 and 14, a pair of houses. To avoid a loss of privacy arising it is proposed that privacy screening would be installed, albeit no details of the appearance for any such screening have been submitted.
20. I consider it would be possible to install screening that would safeguard the privacy of the occupiers of No 57 and Nos 12 and 14. The installation of privacy screening would have the potential to cause some change in the appearance of the flat block. However, that change of appearance would be at the block's rear and at height. Given those circumstances, I consider the installation of privacy screening would be unobtrusive and would harm neither the appearance of the flat block nor its surroundings.
21. On this issue I therefore conclude that the provision of the proposed third floor balcony would neither adversely affect the living conditions of the occupiers of No 57 and Nos 12 and 14 nor the appearance of the flat block or the surrounding area. I therefore consider that there would be no conflict with Policy DM10 of the Local Plan or Policy D6 of the London Plan. That is because the development would be of an acceptable appearance and would protect the amenity (living conditions) of the occupiers of the adjoining properties, with it being possible to avoid direct overlooking of No 57 and Nos 12 and 14. I consider that balcony screening could be installed without it having an incongruous appearance. Accordingly, I consider there would be no conflict with section 6, most particularly paragraph 2.26.6² of the Council's 'Suburban Design Guide' Supplementary Planning Document of 2019.

² As referred to in the Council's officer report as opposed to paragraph 2.26.2 cited in the third reason for refusal

Other Matters

22. I recognise that the flat block is in an accessible location, given the immediate proximity of Croydon South railway station and the bus services that are available nearby. However, that accessibility to public transport applies equally to a two bedroom flat or to two, one bedroom flats occupying the third floor of the flat block. I therefore consider that the access to public transport does not justify the subdivision of the upper floor flat into two flats.
23. Attention has been drawn to section 5 (Delivering a sufficient supply of homes) of the National Planning Policy Framework. However, the appeal development would result in a net increase of one dwelling compared with the scheme subject to the planning permission. Given that context, I consider that a net increase of one dwelling would do very little to boost the supply of homes in the Council's area, not least because the redevelopment of No 11 has already yielded a net increase of five homes.

Conclusions

24. I have found that the development would provide acceptable living conditions for its occupiers and would not be harmful to the living conditions of the occupiers of No 57 and Nos 12 and 14. I have, however, found that the development would inadequately contribute to the provision of a range of housing accommodation in the area, resulting in harm and unacceptable conflict with Policy H10A of the London Plan and Policy SP2.7 of the Local Plan. I therefore conclude that the harmful aspect of the development outweighs its benefits. The appeal is therefore dismissed.

Grahame Gould

INSPECTOTR