



Appeal Decision

Site visit made on 7 December 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal Ref: APP/L5240/W/22/3292483

Wandle Apartments, 19 Bartlett Street, South Croydon CR2 6TB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by N Gani of Ganco Asset Management against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/01352/CONR, dated 15 March 2021, was refused by notice dated 26 August 2021.
 - The application sought planning permission for Alterations; Construction of third floor to provide 7 one bedroom and 2 two bedroom flats; alterations to provide balconies to replacement doors at first and second floor levels (without compliance with Condition 2 - provision of bin store - attached to planning permission 15/02743/p) without complying with condition attached to planning permission Ref 18/01587/CONR, dated 3 July 2018.
 - The conditions in dispute are Nos 1 and 2 which state that:
 - 1) *Unless otherwise previously agreed by the Local Planning Authority in writing the development shall be carried out entirely in accordance with the approved drawings and other documents submitted with the application.*
 - 2) *Unless otherwise previously agreed by the Local Planning Authority in writing the parking and turning areas, refuse and cycle stores shall be provided as specified within the application and retained for so long as the development remains in existence.*
 - The reasons given for the conditions are:
 - 1) *To ensure that an acceptable standard of development is provided and retained while access is safeguarded to the upper floor flats.*
 - 2) *To ensure that an acceptable standard of development is provided and retained.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision, the Croydon Suburban Design Guide Supplementary Planning Document (2019) (the SPD) was revoked (25 July 2022) with immediate effect. Therefore, the reference to this SPD in the reason for refusal is no longer relevant and in reaching my decision I have not had regard to it.
3. The Council referred to the strategic objectives of the London Plan 2021 and paragraph 105 of the National Planning Policy Framework on the decision notice. Within its Statement of Case the Council confirm that it is not in conflict with these more general policies.

Background and Main Issue

4. The appeal site comprises an apartment block, with a gated, private courtyard area containing car and cycle parking, waste storage and an electricity substation, accessed off Bartlett Street. Planning permission was granted for an additional level of apartments in 2015, subject to conditions, and was later varied in 2018. The appellant now wants to remove eight of the nine parking spaces on the site, leaving the single disabled parking bay, and requiring variations to the conditions on the planning permission.
5. The main issue of the appeal is whether the conditions are reasonable or necessary in the interests of the parking conditions in the area, and consequently highway safety.

Reasons

6. The appeal site is located within a highly accessible area with a Public Transport Accessibility Level (PTAL) of 6a. My attention has been drawn to Policy T6.1 of the London Plan (2021) which states that new residential development should not exceed specified maximum parking standards. In the case of an area with a PTAL of 6, new development would be required to be car free. However, this policy did not form part of the development plan when the existing car parking area was approved. Therefore, Policy DM30 of the Croydon Local Plan (2018) (the Local Plan) is relevant which requires that if "development would result in the loss of existing car parking spaces" it must be demonstrated "that there is no need for these car parking spaces by reference to occupancy rates at peak times". No such evidence was provided as part of the planning application, nor with this appeal.
7. Although no cars were parked in the courtyard during my site visit, and no representations have been submitted by occupiers of the apartments, I have no compelling evidence before me to suggest that existing car parking spaces are never in use. Combined with the lack of information regarding occupancy rates, I am not persuaded that there is no need for the existing car parking spaces.
8. Within the surrounding area, the number of on street parking bays are limited and are subject to a variety of restrictions for drivers with and without a permit for the West Permit Zone (WPZ). No parking is permitted on Bartlett Street alongside the appeal site between 7am and 7pm, and at all times on the other side of the road. Other residential developments near to the appeal site have off street parking with either restricted access or security monitoring. On street parking on nearby Selsdon Street requires payment during the daytime (Monday-Saturday between the hours of 9am-5pm) and is restricted to a maximum of two hours. Permits do not provide an exemption from this charge. The nearby A235 Brighton Road has a dedicated bus lane with no parking bays located close to the apartments.
9. The nearest daytime on street parking bays to the appeal site for drivers with a WPZ permit are located on Nottingham Road and Heathfield Road. Non-permit holders are also able to park in both these locations, subject to a fee and up to a maximum time of two hours. Whilst representative of a snapshot in time, during my site visit, a significant number of the car parking spaces highlighted above were in use. Therefore, occupiers of the appeal apartments requiring space to park a private car during the daytime may not be able to locate a bay

within a reasonable distance of the appeal site. Due to the busy nature and one-way direction of some of the roads in the area, this may result in drivers having to circle the block several times before finding an available bay. It also has the potential to encourage drivers, to minimise inconvenience to themselves, to park in illegal or potentially unsafe and hazardous locations which could prejudice the safety of pedestrians, cyclists and other drivers in the area.

10. Although a revised Site Layout Plan (Ref 1059/10/A), was submitted with the planning application, this does not show how the existing car parking courtyard will be used should permission be granted. Whilst the existing disabled parking bay, cycle parking, waste storage, electricity substation and the incidental areas of landscaping are shown on the plan, the remainder of the courtyard is devoid of any detail. Irrespective of the lack of public access to the courtyard, based on the information before me, as the design of private space is not well defined on the plan, it is unclear how this area would be used.
11. The appellant argues that the proposal does not constitute development, as defined by Section 55 of the Act, for the purposes of Policy DM30. However, notwithstanding the lack of information regarding its subsequent use, it has not been demonstrated that a "material change in the use of any buildings or other land"¹ would not be implemented.
12. I conclude that the proposed amendments would cause unacceptable harm to the parking conditions in the area and, consequently, highway safety, contrary to policies DM10 and DM30 of the Local Plan. The provisions within these policies concern, amongst others, ensuring new development creates well defined and designed private spaces, and reduces the impact of car parking on the local area.

Conclusion

13. Having considered all other relevant matters raised, I conclude that the conditions are reasonable and necessary in the interests of parking conditions and highway safety in the surrounding area. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR

¹ Section 55(1) of the Town and Country Planning Act 1990