



Appeal Decision

Site visit made on 24 January 2023

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2023

Appeal Ref: APP/L5240/W/22/3297851

67 Edith Road, South Norwood, London SE25 5PG

- 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 Mrs Sahra Obuli against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/04209/FUL, dated 10 August 2021, was refused by notice dated 8 April 2022.
 - The development proposed is described as “change of use of a single family dwelling to 2no self-contained flats comprising 2no x 3 bed units including alterations to the ground floor rear roof and the erection of a dormer over the rear addition”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, the property had been sub-divided into two self-contained dwellings. I have therefore determined the appeal on this basis.
3. I understand that Policy D10 of the Croydon Local Plan 2018, adopted 2018 (CLP) should have been Policy DM10 of the CLP. I have taken that policy into account in coming to my decision.

Main Issues

4. The main issues are:
 - the effect of the development on the living conditions of future residents, with particular reference to the size of bedrooms, overlooking, and private amenity space;
 - whether space is available within the appeal site for cycle parking and waste storage facilities; and
 - the effect of the development on fire safety.

Reasons

Living Conditions of Future Occupiers

5. To the rear of the property is a relatively small, paved and enclosed garden. The garden would be subdivided in two, with the appellant stating within their Grounds of Appeal, that the areas would be demarcated with a 2m high close boarded timber fence. The gardens would have an irregular shape. Direct access into the garden would be provided for occupants of Flat A, however, the

access for occupants of Flat B (occupying the second and third floors) would be lengthy, convoluted and involve exiting the front door and walking along a narrow, enclosed path alongside the building; factors that are likely to deter the occupants of Flat B from utilising the space. The proposed gardens would therefore be impractical, not fit for purpose and low in quality.

6. The garden area of Flat B would be immediately beside the ground floor window of bedroom 1 of Flat A, with the potential for users of the garden to affect the privacy of the occupiers of the bedroom. Although blinds, curtains or other such window coverings could be used to restrict overlooking, this would not completely eliminate the issue and could not be conditioned, as it would not meet the tests detailed in paragraph 56 of the National Planning Policy Framework (NPPF).
7. During my site visit, I noted that the existing bedrooms contained within the roofspace have areas where the headroom is restricted, and the room annotated as 'study' was being used as a bedroom. A dotted line on the Proposed Floor Plan drawing appears to correspond with the areas that have restricted headroom in each of these rooms, but it is unclear if this line denotes areas that are under 1.5m in height for the purposes of measuring the internal floorspace of these bedrooms. Notwithstanding this, the 'study' has a sloping ceiling for most of its floor area which made the room feel cramped and enclosed, resulting in accommodation that is detrimental to the living conditions of future occupiers.
8. In respect of the first main issue, the development would have a detrimental effect on the living conditions of future residents, with reference to the size of bedrooms, overlooking, and private amenity space. The development would be contrary to Policy DM10 of the CLP and Policy D6 of The London Plan¹, adopted 2021 (LP) that, amongst other things, require all new residential developments to provide private amenity space that is of high design quality, enhances and respects local character and provides functional space, and will support development that ensure the amenity of occupiers of adjoining buildings are protected, and do not result in direct overlooking at close range of habitable rooms in main rear or private elevations.
9. The development would also be contrary to the Housing Supplementary Planning Guidance, adopted 2016² and the Croydon Council Suburban Design Guide Supplementary Planning Document, adopted 2019 (SPD)

Cycle Parking and Waste Storage Facilities

10. The property is set back from the road by a front garden that has been paved and its front boundary wall has been removed. At the time of my site visit, five wheelie bins and a car were positioned within the front garden, with space remaining. Within its curtilage, the development would be required to house four covered and secure cycle storage spaces, two 23 litre food caddies, two 180 litre bins dedicated to landfill waste and four 240 litre bins dedicated to recycling waste.
11. From the information before me, it is unclear whether the existing parking space is to be retained by the appellant or is required to be retained by the

¹ The London Plan The Spatial Development Strategy for Greater London, March 2021

² Mayor of London Housing Supplementary Planning Guidance London Plan 2016 Implementation Framework, March 2016, updated August 2017

Council. The front garden could be of a sufficient size to accommodate the required cycle parking and waste storage facilities. However, I cannot be certain that sufficient space would be available for them to be accommodated together with a parking space. Therefore, this matter could not be conditioned.

12. In reference to the second main issue, insufficient information has been provided to demonstrate that space could be made available within the appeal site for cycle parking and waste storage facilities. The development would therefore conflict with Policies DM29 and DM30 of the CLP and Policies T1, T2, T4 and T5 of the LP which, amongst other things, seek to promote measures to increase the use of public transport, cycling and walking and provide cycle parking spaces. The development would also conflict with paragraphs 2.31.1 and 2.31.2 of the SPD.

Fire Safety

13. In the Council's list of suggested conditions, they have included a condition for the submission, approval and implementation of details in respect of a Planning Fire Safety Statement. However, the submission of a Fire Statement is only required when the proposal involves major development, of which the appeal proposal is not. Subject to amendments to the wording of this condition to reflect the requirements of Part A of LP Policy D12, and for the details to be submitted and implemented against an alternative trigger (as the dwellings are already occupied), I agree that such a condition would be an acceptable means of securing the required fire safety measures. The appellant is also agreeable to the imposition of such a condition.
14. In reference to the third main issue, subject to the imposition of a condition in respect of these details, the development would not have an adverse impact on fire safety and would comply with Policy D12 of the LP which, amongst other things, seeks to ensure the safety of all building users and requires development to achieve the highest standards of fire safety.

Other Matters

15. The appellant has stated that both dwellings would have adequate daylight and sunlight; that they comply with relevant technical standards and design requirements; and that the Public Transport Access Level (PTAL) for the appeal site is 4 and therefore would allow occupiers to commute and complete daily tasks by walking, cycling and using public transport. However, these are neutral matters that would not outweigh the harm I have identified in respect of the adverse impact the development would have on the living conditions of future occupiers.
16. Concerns have been raised that the Council did not request further details in respect of cycle storage, waste storage and fire safety prior to determination, and that the planning application process was protracted. However, these matters do not affect my consideration of the planning merits of the development.

Conclusion

17. I have found for the appellant in regard to the main issue of fire safety. However, the lack of harm in this respect would be insufficient to weigh against my findings and subsequent conflict with the development plan in respect of

the harm to the living conditions of future occupants and whether sufficient space could be made available for cycle parking and waste storage facilities.

18. For the reasons given above, the appeal scheme would conflict with the development plan as a whole and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

A Berry

INSPECTOR