



Appeal Decision

Site visit made on 15 February 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22ND March 2023

Appeal Ref: APP/L5240/W/22/3307446

72 Sumner Road, Croydon CR0 3LJ

- 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 DWZ Properties Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/01542/FUL, dated 11 April 2022, was refused by notice dated 20 July 2022.
 - The development proposed is the conversion of the single-family dwelling house into two self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the single family dwelling house into two self-contained flats, the erection of single storey rear extension with first floor roof terrace; erection of loft conversion with dormers on the rear and outrigger roof slope; rooflights on the front roof slope; and associated refuse and cycle storage at 72 Sumner Road, Croydon, CR0 3LJ in accordance with the terms of the application, Ref 22/01542/FUL, dated 11 April 2022, and the plans submitted with it, subject to conditions in the attached schedule.

Preliminary Matters

2. The description of development as stated on the application form is set out above. The Council on the decision notice has described the development as conversion of the single-family dwelling house into two self-contained flats, the erection of single storey rear extension with first floor roof terrace; erection of loft conversion with dormers on the rear and outrigger roof slope; rooflights on the front roof slope; and associated refuse and cycle storage. This more accurately describes the proposals as shown on the plans and I have considered the appeal on this basis.
3. Since the Council made its decision, the Croydon Suburban Design Guide Supplementary Planning Document (2019) (the SPD) was revoked (25 July 2022) with immediate effect.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.
4. At my site visit I observed that the development has commenced and is now substantially complete. The upper floor flat was occupied.
5. The appellant has submitted amended plans with the appeal. I have given consideration to the 'Wheatcroft Principles' and whether any prejudice would occur to any party if I were to determine the appeal on the basis of the amended plans. In this case, the amended plans include minor changes to the

labelling of internal accommodation and the indicative location for cycle storage, which would not materially affect the nature of the scheme. Furthermore, the Council has provided comments on the amended plans. I am therefore satisfied that no party's interests have been prejudiced by my determining the appeal on the basis of the revised plans, and I have proceeded accordingly.

Main Issues

6. The main issues of the appeal are:

- The effect of the development on the character and appearance of the area;
- Whether the development provides satisfactory living conditions for the occupiers of 72 Sumner Road, Croydon with particular regard to the floor to ceiling height of the internal accommodation; and
- Whether the development makes adequate provision for cycle storage.

Reasons

Character and Appearance

7. The appeal site comprises a two-storey, end terrace property located on Sumner Road in Croydon. The property is located close to the junction with Lambeth Road; however, there is an intervening pair of semi-detached houses meaning that the property, although visible, is not prominently located.
8. The surrounding area is characterised by a mixture of residential and commercial uses, with a high degree of variance to the design, materials, and appearance. The appeal site forms part of a terrace of 4no. similar dwellings, which retain a sense of uniformity to their front elevations.
9. The Council's first reason for refusal relates to the provision of a dormer extension to the roof slope of the rear outrigger extension to the property. This part of the property has a mono-pitched roof and a tall, flank wall. It is a visible feature from a gap in between dwellings on Lambeth Road. The overall dormer takes the form of a L-shaped extension and is set inside the edges of the roof slope. The outrigger dormer is lower in height than the dormer to the main roof slope and forms a stepped appearance when viewed from the rear or side elevations. It is only partially visible above the existing side wall of the extension.
10. The development comprises the conversion of the single-family dwelling house into two self-contained flats. The physical works to the property which include a single storey rear extension with roof terrace, loft conversion with dormers in the rear and outrigger roof slope and rooflights in the front slope have been substantially completed. Some minor works are still to be completed, which includes the provision of waste and cycle storage. I have had regard to the Council's Officer Report, which found the majority of these works to facilitate the conversion of the property were acceptable. I consider that these works reflect the character and appearance of the property. I note this reflects the conclusions of the Council.
11. Whilst the dormer has been erected on an end-terrace property, it is only partially visible from Lambeth Road, and these views are not unduly prominent

within the immediate or wider area. The scale, bulk and design of the dormer does not detract from the character and appearance of the existing property and the surrounding area. In this context, the dormer is not a dominant feature.

12. Therefore, I conclude that the proposed development would be an appropriate form of development that responds to the site's context. The development does not cause harm to the character and appearance of the existing property or the surrounding area. The proposal would therefore be in accordance with Policies SP4.1 and DM10 of the Croydon Local Plan (2018) (CLP) and Policy D3 of the London Plan (2021) (LP), which amongst other things seek to ensure that new development is appropriate to its context, high-quality and respects the development pattern, scale, and massing of the surrounding area.

Living Conditions

13. The works undertaken to date, have facilitated the conversion of a single-family dwelling into 2 self-contained flats. The ground floor flat provides a 2 bedroom, 2 bathroom flat with open plan living, kitchen and dining areas. The ground floor flat also has access to a large basement, which has been converted and has heating and lighting. The submitted plans show this as a storage area and not therefore included within the floorspace calculations.
14. The upper floor flat provides 4-bedroom, 3 bathroom accommodation with a roof terrace and rear garden area. The flat is currently occupied and I observed the rooms to be furnished and in use.
15. The floor to ceiling heights of the upper floor flat varies from a consistent 2.68m across the first floor, rising to 2.82m in the outrigger and between 1.98 to 2.16 metres in the loft floor and rear dormers. Approximately, 39% of the floorspace falls below the minimum standard required by Policy D6 of the London Plan, which requires no more than 25% of the floorspace to be below 2.5m. The Loft Floor provides bathroom and bedroom accommodation, with the main habitable room located on the first floor, where the floor to ceiling height exceeds the minimum requirements.
16. Alongside the appeal, the appellant has provided a set of amended plans which indicate that Bedroom 3 could be used as a storage room, thereby reducing the amount of habitable accommodation from a 4-bedroom dwelling to a 3-bedroom dwelling. This amendment has sought to address the requirements for the provision of a minimum standard of floor to ceiling height within the habitable accommodation. The appellant has confirmed that as a 3-bedroom dwelling, the required ratio of 75% of the floor space being at least 2.3m, contained within the Nationally Described Space Standards (NDSS) would be met. However, the NDSS floor to ceiling height requirement is less, at 2.3m that the 2.5m required by the London Plan, meaning there remains conflict with Policy D6.
17. The Council considers that the labelling of the plan would not address the conflict with Policy D6 and is concerned that the room would be used as a bedroom. I do not disagree that this is a possibility. However, the purpose of Policy D6, as well as Policies SP2.8, SP4.1 and DM10 of the CLP, is to ensure that new housing provision is of an adequate quality, especially in terms of daylight penetration, ventilation and cooling, and sense of space. The

accommodation provided within the appeal site achieves these objectives and provides high-quality residential accommodation.

18. Consequently, I find that the overall layout, design and size of accommodation provided would ensure that this upper floor flat is capable of providing adequate living conditions for the occupiers of No. 72, with particular regard to the floor to ceiling height of the internal accommodation.
19. The development conflicts with Policy D6 of the London Plan due to the size of the accommodation provided. However, I have found the flats contain adequate accommodation, such that this material consideration indicates that I should find other than in accordance with the development plan in this case. For these reasons, I conclude that this development provides satisfactory living conditions for the occupiers.

Cycle Storage Provision

20. Policy T5 of the LP requires the provision of 4no. cycle spaces to serve the 2no. units of accommodation. An amended plan has been provided indicating that cycle storage for Flat 2 will be provided within the front forecourt; however, the submitted plan lacks details of these arrangements. Whilst these details are not shown on the submitted plans, the plan and space in front of the property does indicate a scheme would be possible. As such, I consider that an appropriately worded planning condition could be imposed to require these details to be provided, implemented, and retained in perpetuity.
21. I therefore conclude that the development would not conflict with Policy T5 of the LP and Policies DM10 and DM30 of the LP in so far as these policies seek to ensure adequate provision for cycle storage is provided.

Conditions

22. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure the conditions comply with these documents.
23. I have imposed a condition requiring the development to be retained in accordance with the submitted plans. A second condition is imposed to ensure that materials to be used for the balcony screening, provision of cycle storage and parking, and refuse storage are submitted, approved, and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of these details before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
24. The matter of fire safety compliance is covered by Part B of the Building Regulations and the development is substantially complete. As such, whilst the Council has suggested a condition to ensure adherence to the submitted Fire Statement Strategy, such a condition is not considered to be necessary in this instance.

Conclusion

25. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR

Schedule of Conditions

1. The development shall be retained entirely in accordance with the documents and approved drawings listed below:
 - REVA_SR-PR-00 (Proposed Rear Garden)
 - REVA_SR-PR-01 (Site Plan)
 - REVB_SR-PR-02 (Proposed Floor Plans)
 - REVB_SR-PR-03 (Proposed Floor Plans)
 - REVB_SR-PR-04 (Proposed Elevations)
 - REVB_SR-PR-05 (Proposed Elevations)
 - REVB_SR-PR-06 (Proposed Sections)
 - REVB_SR-PR-07 (Proposed Sections)
 - REVB_SR-PR-08 (Proposed Views)
2. Unless within three months of the date of this decision a scheme for the materials to be used for the balcony screening, provision of cycle storage and parking, and refuse storage, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within six months of the local planning authority's approval, the occupation of the site shall cease until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within six months of the date of this decision, the occupation of the site shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved details specified in this condition, they shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.