



Appeal Decisions

Site visit made on 20 March 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 MAY 2023

APPEAL A

Appeal Ref: APP/L5240/W/22/3296511

18 Norfolk Road, Thornton Heath CR7 8ND

- 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 HAB Property Holdings against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/06335/FUL, dated 23 December 2021, was refused by notice dated 24 February 2022.
 - The development proposed is the conversion of a single dwelling into one 3-bedroom flat and one 1-bedroom flat, single storey rear side extension, alterations to existing rear extension to raise the roof by 0.4m and form a roof terrace, insertion of roof lights in rear roof slope and cycle store to front.
-

APPEAL B

Appeal Ref: APP/L5240/W/22/3300510

18 Norfolk Road, Thornton Heath CR7 8ND

- 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 HAB Property Holdings against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/01485/FUL, dated 7 April 2022, was refused by notice dated 1 June 2022.
 - The development proposed is the erection of a single storey side/rear extension and alterations to existing rear extension including raising of roof; insertion of roof lights to rear roof slope; conversion of single dwelling into 2 flats with associated refuse and cycle storage to frontage.
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matters

3. I have been appointed to determine two appeals on the same site, the details of which are set out in the banner heading above. The two schemes are broadly similar, although not identical. While I have considered each proposal on its own merits, in order to avoid duplication, I have dealt with the two schemes together except where otherwise indicated.

4. The Council's officer reports referred its 2019 *Suburban Design Guide* Supplementary Planning Document ("the SPD"), although its appeal statement indicated that this had subsequently been revoked. I have therefore made my decision in the two appeals without having regard to guidance in the SPD.

Main Issues

5. The main issues in both appeals are:
- The effect of the proposed developments on the character and appearance of the area;
 - The effect of the proposals on living conditions for the occupiers of neighbouring properties at 16 and 20 Norfolk Road, with particular regard to outlook and whether or not it would be overbearing;
 - Whether or not the developments would provide adequate communal and private amenity space for future occupiers;
 - Whether or not the proposals would lead to an unacceptable increase in demand for on-street car parking spaces; and
 - Whether or not the proposals make adequate provision for residents' cycle storage.
6. There are two further main issues in respect of Appeal A only:
- Whether or not the proposed refuse storage and collection facilities are acceptable; and
 - Whether or not it has been demonstrated that the development would achieve the highest standards of fire safety.

Reasons

Character and appearance

7. The appeal relates to a late-Victorian, two-storey mid-terrace dwelling on the eastern side of Norfolk Road, currently arranged as a three-bedroom single family dwelling. There is an original rear outrigger attached to and mirroring that of the neighbouring property at No 20; beyond this the appeal property has a later flat-roofed, single-storey extension.
8. The appellant wishes to erect a single-storey extension, which would be connected to the side of the outrigger and its existing extension at the rear of the property; the external dimensions and form of the extension would be the same in both appeals. The property would be reconfigured internally to create a three-bedroom flat on the ground floor, with a one-bedroom flat on the first floor; for Appeal A only the upper flat would have a terrace on part of the flat rear roof. A bicycle storage unit would be installed in the small front forecourt; for Appeal B only refuse bin storage units would also be installed in the forecourt.
9. The proposed extension would not be built from the existing main rear elevation of the house, but instead a space (approximately 3.7m deep, by the Council's measurement) would be left to form an enclosed courtyard accessed from bedroom 3 of the ground floor flat. Beyond this, the extension would have a depth of approximately 7.16m, infilling the area between the side wall of the

- outrigger and existing extension and the boundary with No 16. The extension would be approximately 2.95m tall, 0.4m higher than the existing rear extension (which would also be raised to the same height as part of the development).
10. I saw on my site visit that several other properties on the same side of Norfolk Road also have ground floor extensions beyond their rear outrigger, although for the most part those that I could see appeared to be neither as long nor as wide as the proposed development in these appeals. The combined length and width of the extension would overwhelm and subsume the rear outrigger, an effect which would detract from the generally regular rhythm of spaces between outriggers which is a distinctive feature of the rear of the terrace.
 11. I acknowledge that the adjacent property No 16 *does* have a rear extension which is broader than the original outrigger. In my view the size and siting of extension at No 16 gives the rear of the terrace a somewhat cramped feel, an effect which I consider would be exacerbated by the proposed additions to the appeal property.
 12. The appellant drew my attention to the space at the side of the outrigger and existing extension having been "infilled with a lean-to covered area" until 2021. However, my starting point for determining these appeals is the property as it now is. In any event based on the limited information before me (a photograph from January 2021) the previous extension was not a feature which enhanced the character or appearance of the appeal property. While I acknowledge that the appeal proposals would be of a rather neater design, and would use higher quality materials, than the former extension, this does not outweigh my concerns about the impact of the massing of the extension which I have set out above. The appellant also referred to a "side extension with retained courtyard space" at No 8 Norfolk Road. However, no further details which might enable me to assess its similarity (or otherwise) to the appeal proposals have been provided; it does not therefore weigh in their favour.
 13. While the roof terrace proposed in Appeal A would not be large, the aluminium balustrading and glass screens (including higher "privacy screens" on the side-facing elevations) would be an unusual and incongruous feature in the surrounding area, drawing the eye of people in the neighbouring homes and gardens.
 14. From the garden of the appeal site, I was able to see the roof terrace at the rear of "Elmhurst", a dwelling on Manchester Road to the east, to which the appellant had drawn my attention. I accept that the distance between the two plots may be as little as 5m or so, as the appellant suggests; however, the distance between the existing and proposed terraces is somewhat greater. However, as far as I could see in the limited views which were possible, the Elmhurst terrace appears to have open railings which are less intrusive than the balustrade and screening proposed in Appeal A; given these differences, it does not add significant weight in favour of the appeal proposal. In any case, while the Elmhurst balcony is undoubtedly a feature of the local area, it is a single limited example which does not amount to setting or defining the character of the area.
 15. The proposed cycle storage sheds (in both appeals), and the open storage of wheelie bins (Appeal A) or bin storage units (Appeal B) would add some clutter to the front forecourt. Based on what I saw during my site visit it appears that

refuse storage already has a harmful impact on the appearance of some other properties on Norfolk Road, though this is perhaps as much a consequence of the need to accommodate wheelie bins in the small forecourts or gardens of terraced properties as anything else. The drawings submitted as part of the Appeal B proposed provided sufficient detail for me to be satisfied that the cycle and refuse storage would not cause significant harm to the character and appearance of the area; if the Appeal A scheme were acceptable in all other respects this is therefore a matter which I consider could be dealt with by a condition requiring the submission and approval of similar details. However, this does not outweigh the other harm which I have found.

16. I conclude that the bulky and dominant nature of the proposed rear extension would be harmful to the character and appearance of the area; the proposed balcony would lead to additional harm in Appeal A only. Both appeal proposals would therefore conflict with Policy DM10 of the 2018 Croydon Local Plan ("the CLP") and Policy D3 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development is well-designed and respects the scale, massing and built features of its surroundings.

Neighbours' living conditions

17. In both appeals, the proposed infill extension would be very close to side- and rear-facing windows on the adjoining property No 16. It appeared to me on my site visit, because of the presence of obscure glazing and drain outlet pipes, that the two side-facing windows do not serve habitable rooms, and therefore a loss of outlook would not cause significant harm to occupiers. However, the proposed extension would severely constrain the outlook from the rear-facing ground floor room which has its window in the main rear elevation of No 16; this appeared to be a habitable room, and such a loss of outlook would cause significant harm to occupiers of the neighbouring property.
18. I saw that the outlook from that room is already likely to be restricted by the scale and mass of the outriggers, both at No 16 and at the appeal property. I also recognise that some of this restriction would be a consequence of the wide extension built at the rear of No 16 which I have described in paragraph 10 above. However, that the existing position may already be poor is not a justification for making it significantly worse. The appellant again referred to the previous "lean-to" at the side of the appeal property but, again, my decision is based on the site as it is now. The appellant also referred to the possibility of using permitted development rights to create an extension, but, while such an extension could potentially be closer to the rear window of No 16, the limitations on permitted development mean that it would be unlikely that such a long extension would be possible. It is therefore unlikely that a permitted development extension to the appeal property would cut off the outlook from No 16 in quite the same way as the appeal schemes. None of these arguments add significant weight in favour of the appeal proposal.
19. I acknowledge that the appeal proposals would be unlikely to have any significant adverse effects on daylight or sunlight in respect of No 16, but this is a different matter (which did not form part of the Council's reasons for refusing planning permission) and does not outweigh the harm I have found.
20. There would be no increase in the length of the extension visible at the rear of No 20 on the other side of the appeal site. The extension would be increased in height by around 0.4m. In my view this is sufficiently small that it would be

unlikely to have any significant detrimental effect on outlook from any of the rooms at the rear of No 20, nor would it be overbearing when seen from either within the house or outside in its rear garden; I find no harm in respect of that property. Again though, this does not outweigh or negate the other harm I have found.

21. I conclude that the proposed development would result in loss of outlook at the rear of No 16 Norfolk Road, which would be harmful to the living conditions of the occupiers of that property. Both appeal proposals would therefore conflict with Policy DM10 of the CLP and Policy D3 of the London Plan 2021 which, among other things, seek to ensure that development protects the amenity of the occupiers of adjoining buildings, including in respect of outlook.

Amenity space

22. Policy DM10.5 of the CLP requires new flatted developments to incorporate "high quality communal outdoor amenity space". The appellant argues that the policy is only relevant for *new-build* flatted developments, but that is not what the policy says. The appeal schemes would convert an existing single dwellinghouse into two new flats, but no communal outdoor amenity space would be provided.
23. Policy DM10.5 also refers to "major housing schemes" but, while I note the appellant's argument that "it is illogical for the policy not to seek communal/play space for, say, 9 new family houses, but expect provision in a 2 flat conversion scheme", the policy is quite clearly worded so as to require communal outdoor amenity space in any development of flats. The ground floor flat would have a reasonably generous rear private garden, which in my view would offer more than adequate compensation for a lack of shared amenity space provision. The proposed upper flat would not be a family unit and therefore unlikely to require play space for children; I therefore agree with the appellant that specific play space provision would not be realistically necessary. However, this would not mitigate the lack of other amenity space for the future occupiers of that flat.
24. In Appeal B only, the upper flat would also have no private amenity space. The appellant drew my attention to the availability of a public open space at St Paul's Road 150m or so from the appeal site. I was able to view this at the time of my site visit, and consider that the small, fenced green surrounded by roads and parked cars would be unlikely to be seen by future occupiers of the appeal property as an adequate substitute for on-site amenity space.
25. I conclude that the proposed developments would not include adequate communal amenity space, and so both appeal proposals would conflict with the provisions of Policy DM10.5 which I have set out in paragraph 22 above. In addition, for Appeal B only, the lack of private amenity space for the upper flat would conflict with Policy D6 of the London Plan 2021, which sets minimum standards for the provision of private outdoor space.

Car parking

26. The Council's officer reports (for both appeal proposals) indicate that the appeal site has a Public Transport Accessibility Level ("PTAL") of 3, which it considers represents a good level of public transport connectivity. The site is within the Thornton Heath Controlled Parking Zone ("CPZ"), and occupiers of

the existing dwelling are entitled to hold parking permits for the CPZ. No off-street car parking would be provided within the appeal site due to a lack of space. The Council also describes the proposals as being for car-free development (though this is not in fact borne out by my reading of the appellant's submissions), and there is no means before me by which such a status could be secured.

27. Policy DM29 of the CLP seeks to reduce the impact of car parking spaces "in any development located in areas of good public transport accessibility", which it defines as those places with a PTAL of 4 or higher (and so which would not include the appeal site). Even so, the Council considers that a planning obligation removing the right of future occupiers of the proposed developments would be necessary to prevent undue parking stress in the area.
28. At the time of my site visit I got the strong impression that probably more than half of the on-street spaces on Norfolk Road itself were unoccupied, though I did not attempt to carry out a detailed survey. While this was a snapshot in time during the working day (and I accept that there is likely to be a greater demand for residents' parking overnight and at weekends) the picture I got was not one of a street with excessive parking stress, and no evidence substantively demonstrating otherwise was put before me. Occupiers of the existing three-bedroom house are eligible for CPZ permits, and the circumstances of the appeal site are such that it does not seem to me that it would be necessary or reasonable at the present time to remove that eligibility for the proposed three-bedroom flat.
29. I also find myself in agreement with the appellant, that the demand for parking spaces which might be generated by the creation of a further one-bedroom flat does not appear likely to be at a level which would cause undue parking stress in the area. I note the Council's comment that "this argument could be replicated for all development within the Borough" but based on my experience dealing with other appeals in Croydon I consider that there are many other places in the borough where it would be unlikely to be persuasive. My conclusion on this matter is very much related to the specific circumstances of the appeal site and the proposed developments.
30. I conclude that the proposed developments would not lead to an unacceptable increase in demand for on-street car parking spaces. For both appeal proposals I therefore find no conflict with Policies DM29 and DM30 of the CLP, or with Policy T6 of the London Plan 2021. Among other things, these policies seek to manage the demand for car parking, ensure that development does not lead to undue parking stress, and to support and promote the use of sustainable means of transport. I also find no conflict with Policy SP6 of the CLP which was referred to in both decision notices, and which relates to the environment and climate change.

Cycle storage

31. The proposed developments both include a cycle locker in the front forecourt which would provide secure storage for up to three bicycles; this would be for the use of occupiers of the proposed upper flat. Occupiers of the three-bedroom ground floor flat would be expected to use the existing outbuilding in the rear garden for cycle storage (as well as for other paraphernalia).

32. The cycle storage provision for the upper flat would be conveniently located close to the front door of the property, and its capacity would exceed that required by Policy T5 of the London Plan 2021. In respect of the lower flat, while the rear outbuilding would have ample capacity for cycle storage, its location in the rear garden would require occupiers to manoeuvre their bikes through the property. This would not comply with the guidance set out in the *London Cycling Design Standards* ("the LCDS"), which is applied by Policy T5. However, the proposed developments would both effectively simply maintain the existing situation in respect of the ground floor flat.
33. The siting of the outbuilding means that cycle storage provision for the lower flat would fall short of the ideal. However, in both quantitative and qualitative terms, there would be an overall improvement on the existing provision of cycle storage on the appeal site. I therefore conclude that the developments would make adequate provision for residents' cycle storage. For both appeals, notwithstanding the limited failure to comply with the guidance in the LCDS, I therefore find no conflict with Policy DM30 of the CLP or with Policy T5 of the London Plan 2021, which among other things seek to support the uptake of sustainable modes of travel, including cycling, by ensuring that developments provide appropriate amounts of secure and accessible cycle parking.

Refuse storage – Appeal A only

34. Policy DM13 of the CLP requires that development should provide "adequate space for the temporary storage of waste (including bulky waste) materials generated by the development". In respect of Appeal A, the Council considers that the absence of a "bulky goods area" (which it suggests should measure 10m²) is unacceptable.
35. A relatively modest development, converting an existing dwelling into two separate flats, would be unlikely to lead to a significant increase in the amount of bulky waste being generated. As the appellant suggests, for most households bulky waste is only likely to be generated infrequently, such as when a new refrigerator has been purchased. Given the limited size of the front forecourt, it does not seem to me to be either necessary or reasonable to expect that a relatively large 10m² space might be found and set aside specifically for the relatively rare instances when bulky waste needs to be put out for collection.
36. Although the proposed development in Appeal A does not include waste bin storage areas as in Appeal B, I note that (notwithstanding its concerns about character and appearance which I have addressed above) the Council considered the number of bins and the space provided for them to be acceptable. The remaining forecourt space would be adequate for the storage of such bulky waste as might be generated from time to time. I accept that there might be some inconvenience for future occupiers in accessing the waste bins and cycle storage locker for the usually short periods between bulky waste being put out for collection and actually taken away, but this would not be likely to amount to significant or enduring harm.
37. Overall, I consider that the proposed refuse storage and collection facilities are acceptable. The proposed development would therefore comply with Policies DM10 and DM13 of the CLP and Policy T7 of the London Plan 2021, which among other things seek to ensure that development includes adequate space for servicing and storage, including for refuse and recycling.

Fire safety – Appeal A only

38. Policy DM12 of the London Plan 2021 requires all development proposals to achieve the highest standards of fire safety. Although the original planning application did not include one, the appellant's statement for Appeal A included a Planning Fire Safety Strategy ("PFSS").
39. The PFSS for Appeal A is to all intents and purposes the same as that submitted with the planning application for the Appeal B scheme. In its appeal statement, the Council indicated that it considered the PFSS to be acceptable. It went on to state that it would therefore no longer seek to uphold the fire safety reason for refusal subject to the imposition of a condition in the event of the appeal being allowed requiring the development to be carried out in conformity with the submitted PFSS. On the basis of the evidence which has been put before me, I see no reason to take a different view.
40. I conclude that, subject to such a condition, the development would achieve the highest standards of fire safety; it would therefore comply with Policy D12 of the London Plan 2021, the principle aim of which I have set out above.

Planning Balance and Conclusion

41. Both appeal schemes would provide an additional dwelling in a location with good access to services, at a time when the government is seeking to significantly boost the supply of housing. Given the small scale of the proposals, this is a benefit which carries moderate weight in their favour.
42. I have found that both schemes would not lead to an unacceptable increase in demand for on-street car parking, and they would make an adequate provision for future residents' cycle storage. In respect of Appeal A only, I have also found that the scheme would make acceptable provision for refuse storage and would comply with the development plan requirements in respect of fire safety. These are all neutral factors in the overall balance.
43. However, both proposals would cause significant harm to the character and appearance of the area and to neighbours' living conditions and would have shortfalls of amenity space. These are matters which carry considerable weight, and outweigh the benefits associated with the schemes. The proposals would conflict with the development plan taken as a whole, and there are no other considerations, including the Framework, that outweigh this conflict.
44. For the reasons set out above, I therefore conclude that both appeals should be dismissed.

M Cryan

Inspector