



Appeal Decision

Site visit made on 5 April 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 MAY 2023

Appeal Ref: APP/L5240/W/22/3306049

14 Preston Road, Upper Norwood, Croydon, London SE19 3HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Leah Feldman of Soflor Holdings Limited against the Council of the London Borough of Croydon.
 - The application Ref 22/01089/FUL, is dated 11 March 2022.
 - The development proposed is the erection of a single dwellinghouse and vehicle crossover fronting Grecian Crescent.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single dwellinghouse and vehicle crossover fronting Grecian Crescent, at 14 Preston Road, Upper Norwood, Croydon, London SE19 3HG, in accordance with the terms of the application, Ref 22/01089/FUL, dated 11 March 2022, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made on behalf of the appellant against the Council of the London Borough of Croydon. This application is the subject of a separate decision.

Preliminary Matters

3. I have been advised that had the Council determined the application, planning permission would have been refused on the grounds that the application failed to demonstrate that appropriate cycle parking could be provided, that sufficient headroom would be available in the rooms in the roof space, maximum car parking standards would be exceeded, and the vehicle crossover and large front parking forecourt would result in harm to highway safety, flood risk and urban greening.
4. A revised site plan was submitted with the appellant's final comments showing an amended vehicle crossover and visibility splays, reduced onsite parking, amended cycle parking and bin storage, boundary treatment and additional landscaping. An annotated plan, to further clarify the ceiling height of rooms in the roof space, was also submitted.
5. The Council were invited to make comments on these amended plans, which I have taken into account in reaching my decision. I am satisfied that the minor amendments would not change the proposal to such an extent that any other party would be prejudiced by not having an opportunity to comment upon

them. I have therefore determined this appeal based upon the amended drawings.

Main Issues

6. The main issues are i) the living conditions of future occupiers of the proposed development with regard to internal space standards and ii) whether the external layout of the development would be satisfactory having regard to vehicular access, car parking, cycle parking, bin storage and landscaping.

Reasons

Living conditions

7. The submitted drawings show four bedrooms and two bathrooms on the first floor of the proposed dwelling and an office, bathroom and storage in the roof space. The application form confirms that four bedrooms are proposed. However, the proposed office in the roof space could potentially be used as a fifth bedroom.
8. Policy D6 of The London Plan (2021) reflects the Nationally Described Space Standards (NDSS). Treating the proposal on the basis that it would potentially create a 5-bedroom, 8-person, 3 storey dwelling, the minimum gross internal floor area should be 134 square metres with 3.5 square metres of built-in storage. Any area with a headroom of less than 1.5 metres should not be counted within the gross internal floor area.
9. The application included floor plans and a section plan, drawn to an appropriate scale, both of which clearly indicate the usable floor area within the roof space, excluding those areas under the lower sections of the roof slope that would not have the minimum headroom of 1.5 metres. The amended floor plans submitted during the appeal process include some additional annotation to further clarify this, without having to measure from the drawing, but are otherwise unchanged.
10. It is clear to me from the submitted drawings and information provided that the proposed dwelling would comply with the required internal space standards and that accordingly future occupiers would have an appropriate quality and standard of space.
11. I therefore find no conflict with the NDSS or those policies and supplementary planning guidance documents that refer to these standards. I also find no conflict with Policy DM10 of the Croydon Local Plan (2018) (the local plan), which makes no reference to space standards.

External layout

12. The originally submitted plans identified secure enclosed cycle storage for a minimum of two bicycles to the rear of the proposed dwelling, that would be accessible via a gated path to the side. A bin storage area was also shown to the front of the dwelling, together with a wide vehicular crossover and a large frontage parking forecourt.
13. As a result of concerns raised by the Council during the appeal process, an amended site plan was submitted. The secure enclosed cycle parking for two bicycles has been relocated to the front of the dwelling. Whilst space to store an adapted cycle has not been shown, I am satisfied that there would be

sufficient space to the front of the site to provide this should any future occupiers of the dwelling require it.

14. Details of an enclosed bin storage area to accommodate 2 x 240ltr bins and 1 x 180ltr bin, with space to the side for 1 x 23ltr food caddy, to the front of the house is also now proposed.
15. The vehicle crossover and parking forecourt have been reduced in width and appropriate low level boundary treatment, that retains visibility, has been shown. The boundary treatment would consist of a low wall of approximately 600mm, with railings above. The maximum height of the front boundary treatment would be approximately 900mm and as such would not obstruct visibility for drivers of vehicles exiting the site. The amendments would also result in off street parking for only one car and would retain part of the grass verge and a greater area of soft landscaping to the front of the dwelling. These measures would assist in discouraging private car use and would respond more positively to matters such as urban greening and surface water drainage than the original plans.
16. Grecian Crescent is a quiet residential street. The road is straight, with dwellings set back behind low boundary walls, affording all highway users good visibility. There is no footway along this part of the street and the new vehicular crossing over the grass verge would require the consent of and would need to be constructed to the required standard of the local highway authority. I am therefore satisfied that the proposed new vehicular access would not be detrimental to highway or pedestrian safety.
17. I conclude that the proposal would provide satisfactory vehicular access, parking, cycle parking, bin storage and soft landscaping to the front of the proposed dwelling, without detriment to highway safety or the character and appearance of the area. The proposal would therefore accord with Policies T1, T2, T4, T5, T6, D3 and D4 of The London Plan and Policies DM10, DM16, DM29, DM30, SP4 and SP8 of the local plan, which seek amongst other things to encourage good design and sustainable travel.
18. Policies G5-G7 of The London Plan relate to plan making, strategic development and the protection of trees and woodland. They are not directly relevant to this single dwelling on garden land, which contains no trees. Policies SI 12 and SI 13 of The London Plan and Policy DM25 of the local plan relate to flood risk management and sustainable drainage. As there is no evidence before me to suggest that the proposed dwelling would be at risk of flooding or would increase the risk of flooding in the area, I have had little regard to these. Policies DM27, DM28 and SP7 of the local plan seek to protect biodiversity and trees. Policy SP6 of the local plan is aimed at major developments. There is no evidence before me to suggest any conflict with any of these policies.
19. I also find no conflict with the National Planning Policy Framework (the Framework). As the Cambridge Cycle Parking Guide (2010) does not form part of and is not referred to in the Council's adopted development plan, I afford no weight to this, particularly as it appears to conflict in parts with the more recent cycle parking guidance in the London Plan. I have not been provided with a copy of the council's guidance note on vehicle crossovers (2021) and I have no evidence to show how or why the proposal would conflict with this.

Conditions

20. In addition to the standard time limit condition, I have imposed a condition listing the approved drawing numbers for the avoidance of doubt. It is necessary to condition the external materials to be those detailed in the application, and to require the provision and retention of appropriate bin storage and landscaping, to ensure the proposal has a satisfactory end appearance in keeping with the area. Conditions to ensure the access and parking are provided in accordance with the approved details prior to first occupation, and are thereafter retained, are necessary in the interests of highway safety. The provision and retention of cycle storage is necessary to encourage cycling as a sustainable form of transport. Although the development is only small, given the limited amount of space around the site and its proximity to existing dwellings, a plan to minimise disturbance during the construction phase is necessary to protect the occupiers of adjacent dwellings.
21. As hot water boilers and fire safety measures are controlled by Building Regulations and I see no reason why a fire appliance could not reach the site, I do not consider the fire safety and boiler conditions to meet the tests for conditions set out in the Framework. I note that Policy D12 of the London Plan only requires Fire Statements be submitted for major developments and I have not been provided with copies of any policies requiring building regulation standards to be exceeded. As there is nothing before me to suggest that the dwelling would be fitted with any vibrating plant or machinery, an anti-vibration measure condition is not necessary. As permitted development rights exist on the basis that the changes they permit would be unlikely to result in any harm, subject to meeting the criteria and conditions set out within the relevant legislation, I do not consider it necessary to impose a condition withdrawing such rights.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

R Bartlett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. PR.14.EX.PR.SP.00 Rev.A, PR.14.PR.01 Rev.A, PR.14.PR.02 and PR.14.EX.PR.SS.00.
- 3) The external materials to be used in the construction of the development hereby approved shall be those detailed on the application form and on the approved drawings listed above.
- 4) All planting, seeding or turfing of the soft landscaping areas shown on drawing no. PR.14.EX.PR.SP.00 Rev.A. shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or

the completion of the development, whichever is the sooner; and any planting which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season.

- 5) The dwelling hereby approved shall not be occupied until the vehicle access and parking area has been laid out, surfaced, and made available for use, in accordance with drawing no. PR.14.EX.PR.SP.00 Rev.A. These areas shall thereafter be retained at all times for their intended use.
- 6) The dwelling hereby approved shall not be occupied until the cycle parking and bin storage facilities shown on drawing no. PR.14.EX.PR.SP.00 Rev.A have been provided and made available for use. These facilities shall thereafter be kept available at all times for their intended use.
- 7) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) a scheme for recycling/disposing of waste resulting from construction works;
 - vi) delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.