



Appeal Decision

Site visit made on 13 June 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 JULY 2023

Appeal Ref: APP/L5240/W/22/3307735

1 and 2 Grant Place, Croydon CR0 6PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeal is made by Mr David Hancock against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/03135/GPDO, dated 25 July 2022, was refused by notice dated 13 September 2022.
 - The development proposed is change of use of existing building at 1-2 Grant Place to form 4 dwellings.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr David Hancock against the Council of the London Borough of Croydon. This application is the subject of a separate Decision.

Preliminary Matters

3. There are minor variations in the location of the proposed development as given on the application form and subsequent documents. I have used the location as given on the appeal form as this accurately represents the appeal site.
4. It was requested that I view the appeal site from the neighbouring property of 56 Grant Road, and I was able to do so at my visit.

Main Issue

5. The main issue is the transport impacts of the development.

Reasons

6. Class MA of the GPDO permits a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) to a use falling within Class C3 (dwellings). Paragraph MA.2 sets out that development under Class MA is permitted subject to an application to the local planning authority for a determination as to whether prior approval is

required in relation to the matters set out in paragraph MA.2(2). This includes matter MA.2(2)(a) which relates to the transport impacts of the development, particularly to ensure safe site access. Although MA.2(2)(a) refers particularly to safe site access, this does not preclude the consideration of other direct transport impacts of development.

7. Vehicular and pedestrian access to the appeal site is via a narrow lane which also serves a number of other properties, including a row of garages directly opposite the site. Due to the limited width of this lane, any obstruction placed in the highway would be likely to hinder the movement of vehicles and pedestrians, as well as the manoeuvring of vehicles associated with the garages opposite the site.
8. The submitted plans do not show a dedicated space for the storage of refuse. This would be likely to result in refuse bins being stored to the front of the building. The appeal site is located close to the edge of the highway, and it has not been demonstrated that there is sufficient space for bin storage without this projecting onto the highway. Given the limited width of the rear lane, the number of refuse bins arising from 4 dwellings would lead to an unacceptable effect on the movement of vehicles and pedestrians along the highway of the rear lane.
9. The Council also refers to a lack of evidence regarding access for refuse vehicles and operatives. However, it has not been demonstrated how these concerns in respect of the appeal proposal differ from waste storage arising from the original business use. Nevertheless, this does not lead me to a different conclusion regarding the storage of refuse bins to the front of the site.
10. There would be no dedicated car parking provision associated with the proposal. The Council refers to parking congestion in the area, and I observed that there were few on-street spaces available at the time of my visit. I am also mindful that my visit took place during the day when the greatest demand for parking in this residential area is likely to be in the evening and at weekends.
11. The matter of car parking could be addressed through the submission of a legal agreement preventing residents of the proposal obtaining parking permits. However, there is no such mechanism before me.
12. The appellant refers to the parking standards of the London Plan, and submits that the existing use of the site would generate a need for 4 parking spaces, which would be greater than the parking generated by the proposal. However, there are vehicular access doors to the front of the building, and some parking would therefore be available in the existing workshop area. This facility would be removed as part of the proposal. There is also no substantive evidence that the original business generated on-street parking demand in the area, even given the parking standards of the London Plan.
13. Based on what I have seen and read, the proposal would not make suitable provision for car parking and would lead to an increase in demand for on-street parking, with resultant harm to highway safety and access to on-street parking that nearby residents could reasonably expect.
14. I am required to have regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if

the application were a planning application. The Framework sets out that opportunities to promote cycling should be identified and pursued when considering development proposals, and that appropriate opportunities to promote sustainable modes of transport can be taken up. It has not been demonstrated how the proposal would include secure cycle parking, with a resultant impact on the provision of sustainable transport.

15. Two of the dwellings would be accessed from an alleyway to the side of the site, which would not appear to be part of the adopted highway. However, the submitted plans indicate that the extant building has access to the alley, and there is no evidence that this access would not be available to future residents of the building. The submitted plans also indicate that the proposal would not alter access to nearby residential properties served by this alley compared to the existing situation.
16. Notwithstanding my conclusions in respect of access to the alleyway and for refuse vehicles, I conclude that the transport impacts of the development would be unacceptable in respect of the effect on the movement of vehicles and pedestrians along the rear lane, parking congestion and the provision of sustainable modes of transport. The proposal would therefore be contrary to the Framework with regards to promoting sustainable transport. Insofar as they are relevant to this issue, the proposal would conflict with Policies DM13 and DM30 of the Croydon Local Plan 2018 with regard to the safe provision of refuse and recycling as well as the provision of cycle parking.

Other Matter

17. Reference has been made to private rights of way to the side and rear of the building which serve adjacent properties, and the potential encroachment of built development. Class MA of the GPDO relates to the change of use of a building and any land within its curtilage. Had I been minded to allow this appeal I would have considered the matter of curtilage further.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR