



Appeal Decision

Site visit made on 28 June 2023

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/L5240/W/23/3315363

25 Haling Park Road, Croydon, CR2 6NJ

- 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 CMT Construction Ltd against the decision of London Borough of Croydon.
- The application Ref 22/01862/FUL, dated 29 April 2022, was refused by notice dated 11 October 2022.
- The development proposed is the creation of 1no. residential unit at lower ground floor level and associated alterations.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted with the appeal, incorporating an additional side window. A daylight and sunlight assessment was also submitted. These documents were not before the Council at the time of its decision. I am satisfied that the altered elements within these submissions are minor in nature and the interests of no party are prejudiced by my acceptance of these documents.
3. During my site visit I observed the external parts of the property, together with the internal layout of the proposed flat. The flat is largely complete, but is not occupied. It is also not laid out in accordance with either the proposed lower ground floor plan as originally submitted, or the amended proposed lower ground floor plan submitted with this appeal, and their corresponding east elevation plans¹. The primary difference is the addition of an ensuite bathroom to the larger of the two bedrooms. The ensuite is served by a window, and the bedroom by a pair of glazed doors. The additional window included in the amended lower ground floor plan was not in place at the time of my visit.

Main Issue

4. The main issue is whether future occupiers of the proposed flat would have adequate living conditions, with particular regard to sunlight, daylight and outlook.

¹ "Proposed lower ground floor" plans 1101 rev P1 and rev P2, and "Proposed east elevation" plans 2103 rev P1 and P2.

Reasons

5. A previous Council planning approval² permitted eight flats in a four-storey building with basement accommodation. Due to the steep slope of the site, which rises upward to the rear, the basement level is generally level with the car parking area to the front of the building. The flat proposed as accommodation in this appeal is within the basement level and comprises a combined living/dining/kitchen room opening onto the front elevation, together with two bedrooms to the side. Both bedrooms have openings onto a terrace which, due to the site's slope, is one to two storeys below the ground level on the side elevation.
6. *Croydon Local Plan* (2018) (CLP) Policy DM10 states that the Council will support proposals that provide adequate sunlight and daylight to potential future occupants, amongst other considerations. *The London Plan* (2021) Policy D6 states that qualitative aspects of development are key to ensuring successful sustainable housing, with such aspects including daylight and sunlight, and outward views that optimise opportunities for visual interest, amongst other considerations.
7. The appellant's additional daylight and sunlight research indicates that with the addition of a window in the proposed south bedroom, all of the habitable rooms would exceed the benchmark daylight minimum. The benchmark is set by the Building Research Establishment in its guide *Site layout planning for daylight and sunlight: a guide to good practice* (2022), which is recognised as 'best practice' in such matters. I consider that the daylight levels within the proposed flat would be acceptable.
8. Sunlight modelling indicates that the living/dining/kitchen room would not receive any direct sunlight on 21 March, which is below the BRE benchmark of 1.5 hours of sunlight on this date. The appellant notes that due to site constraints, this recommendation cannot always be met and that other flats within the block with north-facing rooms of this nature share this characteristic.
9. The view from the combined living/dining/kitchen room would be to the front of the property, through a window and glazed doors. The terrace outside the flat would be partly enclosed by a wall, with some views of the communal carpark beyond this area. The view would not be unduly enclosed and would be acceptable. The bedrooms, however, are a different matter. Views from these would be into a narrow lightwell of significant depth below ground level. The restricted views would result in a sense of enclosure for users of these rooms.
10. Although the flat would have more than one aspect, I do not agree with the appellant that its outlook would be comparable with, if not better than, the other flats in the building, which have main rooms that face the front and rear of the site and views that are not restricted by close structures. That the proposed flat would comply with other standards does not negate the need for its future occupiers to experience adequate living conditions. Additionally, there is a single decent view from one room of the flat – that towards the front of the site – and this does not mitigate the poor living conditions that would result from restricted outlook and enclosure within its other two habitable rooms. Combined with the lack of direct sunlight, there would be sufficient harm to the living conditions of future occupiers to render the proposed flat unsuitable.

² Council ref: 18/04236/FUL.

11. I therefore conclude that, as a result of the unsatisfactory outlook from the bedrooms and lack of direct sunlight to the other habitable room, the combined living conditions would not be adequate and would be harmful to future occupiers. The proposal would conflict with CLP Policy DM10 and London Plan Policy D6 for the reasons set out above.

Other Matters

12. The Council also referred to CLP Policy SP4 in its decision. This policy is concerned with urban design and local character and does not refer to living conditions.
13. Although the development would contribute to the local housing supply, the benefit of this minor addition would not overcome the harm that I have identified.

Conclusion

14. The proposal would conflict with the local development plan, and there are no considerations that lead me to a decision otherwise than in accordance with the plan.
15. The appeal is dismissed.

G Rollings

INSPECTOR