

Appeal Decision

Site visit made on 3 July 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2023

Appeal Ref: APP/L5240/W/22/3301402

222-224 London Road, Croydon CR0 2TF

- 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 Mr K Lobo against the decision of the Council of the London Borough of Croydon.
 - The application Ref 21/04764/FUL, dated 13 September 2021, was refused by notice dated 20 January 2022.
 - The development proposed is described as 'construction of first and second floor and roof extensions to create 3 additional flats.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address used in the banner heading above has been taken from the decision notice and appeal form, and more accurately reflects the location of the development, as shown on the proposed plans.
3. The proposal description refers to the creation of 3 additional flats. Both parties confirm that the proposal would provide 2 new flats and reconfigure an existing flat, resulting in a net gain of 2 residential units. This accords with the plans before me and I have determined the appeal upon this basis.
4. A draft planning obligation has been submitted with the appeal; however, this is not signed or complete. I return to this matter below.
5. Following determination of this planning application, the Council's Suburban Design Guide Supplementary Planning Document (SPD) has been revoked and is no longer a material consideration. Both parties have had the opportunity to comment on the revocation of this SPD.

Main Issues

6. The main issues are:
 - i) whether the proposed development would provide acceptable living conditions for existing occupants of the flats at first and second floor level, with particular regard to outlook and pedestrian access;
 - ii) whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to outlook, outdoor amenity space and pedestrian access;

- iii) whether the proposed development would provide appropriate refuse and cycle storage facilities; and,
- iv) the effect of the proposed development on parking in the area, having particular regard to highway safety and development plan policies, which seek to reduce car usage.

Reasons

Living conditions of occupants of the existing flats

7. The appeal property relates to a part 2 and part 3 storey building, which is located on a corner plot. The property consists of a ground floor shop and flat, with 5 flats above. The first and second floor flats are accessed via an external stair to the rear of the building.
8. The proposal seeks to increase the floor area of Flat 1, which is a first floor flat, located at the rear of the site. The increase in size of this flat, combined with the additional staircase would reduce the size of the external courtyard. The external courtyard currently provides a sense of space, which residents experience when accessing their properties. The reduction in size of the external courtyard, combined with the increase in built form would have a harmful enclosing effect, which would harm the living conditions of existing occupants and would be particularly oppressive to residents when accessing and leaving their properties.
9. The proposal seeks to extend one of the second floor flats and provide an additional flat at second floor level to the rear of the property, which is referred to as Flat 2 on the proposed plans. Flat 2 would be separated from the other flats by a narrow external walkway. The external walkway would create a harmful sense of enclosure, which would dominate the space outside of the entrance doors of the existing properties and create a cramped, dark and dismal environment. Residents of one of the existing second floor flats would be faced with a blank wall directly in front of their entrance door, which would appear particularly oppressive.
10. The existing flats do not have any outdoor amenity space. However, it was evident from my site visit that existing residents use the wider walkway as an area of outdoor amenity space, for sitting and drying washing etc. While the proposal would not obstruct access to the flats, the creation of a narrow walkway would result in the loss of this small area of outdoor amenity space, which is beneficial for existing residents.
11. Although the proposal would not be sited in close proximity to any windows that serve primary habitable rooms, the proposed built form would be sited directly opposite a bedroom on the first floor and would reduce outlook from this room. The existing windows on the second floor, rear elevation are obscured glazed and consequently the proposal would not harm outlook from these windows.
12. The proposed drawings show bin storage within the external courtyard and on the first floor landing. The proposed bin store would be sited close to the entrance of one of the flats and has the potential to be harmful to occupants of this unit in respect to noise and disturbance. The provision of bin storage in this area, would increase the sense of enclosure and cramped conditions, which would be harmful to the living conditions of existing and future occupants.

13. For the reasons set out above, I conclude that the proposed development would be harmful to the living conditions of existing occupants of the flats at first and second floor level, with particular regard to outlook and pedestrian access. The proposal would fail to comply with Policy DM10 of the Croydon Local Plan (CLP) 2018 and Policy D3 of The London Plan (LP) March 2021. These policies among other matters require that the amenity of adjoining occupiers is protected and that proposals deliver appropriate outlook. I do not find that Policy D4 of the LP is relevant to this main issue as it relates to design, rather than living conditions.

Living conditions of future occupants

14. Flat 1 has 2 large windows, which serve a living room/kitchen that face the flank wall or the adjoining 2 storey terraced property. Given the orientation of these windows and the proximity of the neighbouring flank wall, outlook, daylight and sunlight are restricted. The proposal seeks to retain these windows and would result in no greater harm than exists at present to Flat 1. The proposal seeks to replicate this arrangement for the flat above. Although this arrangement already exists on the floor below, it does not justify creating a further unit of residential accommodation, which has poor outlook from its main habitable room.
15. The proposed 2 bed flat within the roof space would be served by rooflights and windows that face into a lightwell. Given the amount of glazing proposed, this flat would receive adequate levels of daylight and sunlight. However, outlook from the windows facing the lightwell would be poor and no section drawings have been submitted to demonstrate adequate outlook would be provided from the proposed rooflights. I am therefore not persuaded that appropriate outlook would be delivered for future occupants of this flat.
16. The proposed flats would meet the minimum internal floor space requirements; however, no private outdoor amenity space is proposed. While the existing flats within the building and others in the locality do not have any private outdoor amenity space, current development plan policies seek to ensure that all new residential developments provide private outdoor amenity space for future occupants. This is required to ensure appropriate housing quality and standards for future occupants. The proposal would fail to provide any private outdoor amenity space for the new flats and would be contrary to Policy D6 of the LP.
17. The appellant ascertains that communal outdoor amenity space could be provided on the roof or within the courtyard. However, this is not shown on the proposed plans and I am required to make my decision based on the scheme before me. There would be limited space within the courtyard to accommodate any amenity space, given it would be reduced in size and also used for refuse storage. Based on the evidence before me, I am not convinced that the required levels of communal outdoor amenity space can be achieved. As a result, it is not possible to leave such a matter to a planning condition. Furthermore, the provision of communal outdoor amenity space could prejudice third parties who have not had the opportunity to comment on such details.
18. The proposed flats would be accessed via an external stair. No lifts are proposed as part of the development. The proposal would fail to provide accessible housing for all members of the community including disabled people, older people and families with young children. The provision of cycle and refuse storage above ground floor level, would also not be easily accessible for future

occupants. The proposal would conflict with Policy D7 of the LP, which seeks to secure accessible dwellings.

19. The need to submit details in relation to Secure by Design is not a requirement of the policies listed in reason for refusal 2 and I therefore find no conflict in this regard. However, the only means of access to the development would be via an alleyway to the rear of the building and some of the proposed units would be accessed via a narrow enclosed walkway. The access to the proposed development would appear particularly confined and would create poor living conditions for future occupants.
20. Although not part of the reason for refusal, the Council raise concerns that future residents could be disturbed by traffic noise and by people using the alleyway. Should the appeal be allowed, details of noise mitigation measures could be secured by condition to ensure internal noise levels within the proposed units are acceptable.
21. I conclude that the proposed development would be harmful to the living conditions of future occupants, with particular regard to outlook, private outdoor amenity space and pedestrian access. The proposal would conflict with Policy DM10 of the CLP and Policies D5, D6 and D7 of the LP. These policies among other matters require that the highest standards of accessible and inclusive design are achieved; that easily accessible storage space for refuse and recycling is provided; and, that private outdoor amenity space is provided for each dwelling.
22. While none of the policies listed in the second reason for refusal refer to outlook for future residents, Policy D3 of the LP, which is referenced in the first reason for refusal requires that proposals deliver appropriate outlook. Consequently, I also find conflict with this policy.
23. No objection is raised by the Council on fire safety grounds and I therefore find no conflict with Policy D12 of the LP in respect to this main issue.

Refuse and cycle storage

24. The proposed refuse and cycle facilities would be sited above ground floor level. The internal cycle store appears large enough to accommodate the storage of bicycles associated within the 2 new flats. However, there is no lift within the building and occupants of the development would need to carry their bicycles up and down the stairs to access the cycle store. The proposal fails to provide cycle storage facilities that are conveniently located for future occupants. While there is no cycle parking provision for the existing development, the proposal would conflict with current development plan policies which require that cycle parking is provided for all new residential development.
25. The proposed refuse storage facilities would not be conveniently located or easily accessible by occupants, operatives and their vehicles. The refuse would need to be transported to the ground floor for collection, which could have health and safety implications. The location of the refuse store could obstruct the access.
26. Given the constrained nature of the site, it is necessary to have some certainty that refuse and cycle storage can be provided and as a result further details on these matters cannot be left to a condition.

27. I conclude that the proposal would fail to provide appropriate refuse and cycle storage and would conflict with Policies SP8, DM13, DM29 and DM30 of the CLP and Policies T2, T4 and T7 of the LP. These policies among other matters require that new development makes adequate provision for cyclists, including the provision of cycle parking spaces; ensures that refuse storage is conveniently located and easily accessible by occupants, operatives and their vehicles; and, that development proposals facilitate safe servicing.

Parking

28. The appeal site is located within a Controlled Parking Zone (CPZ). At the time of my site visit (mid-morning), there were plenty of car parking spaces available. I appreciate that this is only a snapshot in time and at other times parking demand may be greater. The site is well located in relation to existing services/facilities and is highly accessible by public transport, with a Public Transport Accessibility (PTAL) rating of 6a. As a result, future occupants of the development would not require a car to meet their day-to-day needs.
29. The proposal would not provide any parking for future residents, which would accord with Policy SP8 of the CLP, which seeks to encourage car free development. The creation of 2 additional flats would at most result in a small increase in on-street parking demand in the locality. There is no clear evidence before me to indicate that the CPZ is at capacity and could not accommodate this small increase.
30. The creation of 2 additional units would have a minor impact on traffic movements on the local highway network and would not be harmful to highway safety. There is no detailed information before me to indicate that there are current issues with highway safety at or near the site. Furthermore, the residual cumulative impacts on the road network would not be severe. I therefore find no conflict with Policies DM29 of the CLP, Policy T4 of the LP and paragraph 111 of the National Planning Policy Framework.
31. Paragraph 57 of the Framework requires that planning obligations meet 3 tests, including that they are necessary to make the development acceptable in planning terms. Given that I find no conflict with the development plan in respect to this issue, I do not find that a planning obligation would meet the relevant tests.
32. I conclude that the proposed development would not have a harmful effect on parking in the area or highway safety and would comply with Policies SP8 and DM29 of the CLP and Policy T4 of the LP. These policies among other matters seek to encourage car free development in areas where there are high levels of PTAL, reduce the need for car use and ensure developments are not harmful to highway safety

Conclusion

33. For the reasons given above, having regard to the development plan as a whole, the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

A James

INSPECTOR