



Appeal Decision

Site visit made on 30 May 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2023

Appeal Ref: APP/L5240/W/22/3313393

59 Willow Wood Crescent, Croydon, London SE25 5PZ

- 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 Harbhajan Gahir against the decision of the London Borough of Croydon.
 - The application Ref 22/00821/FUL, dated 25 February 2022, was refused by notice dated 17 August 2022.
 - The development proposed is change of use from single family dwellinghouse (C3) to House of Multiple Occupation (HMO) (C4).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted an amendment¹ to the scheme for my consideration in this appeal. The amendment details three car parking spaces (as opposed to the four spaces originally proposed) and revisions to facilities for the storage of refuse and cycles, including the positioning of bulky waste storage adjacent to the side boundary of a neighbouring property.
3. Procedural advice² is that an applicant should normally make a fresh planning application if they consider that an amended scheme would overcome the Council's reasons for refusal. Furthermore, the appeal process should not be used to evolve a scheme. In considering whether to accept the amended scheme, I have had regard to the 'Wheatcroft Principles'³. Although the Council has commented on the amended scheme, it is clear that interested and other third parties would not have been aware of these changes, nor have they had a fair opportunity to comment on them. I have therefore determined the appeal on the basis of the application as originally submitted and upon which consultation took place.
4. The Croydon Local Plan is in the process of review; and it has reached Regulation 19 stage. The Council advises that limited weight should be afforded to its emerging policies. However, the main parties do not rely on any emerging policies within their appeal submissions, nor did the Council reference any emerging policies in their refusal reasons. Therefore, I have determined the appeal in accordance with the adopted Croydon Local Plan 2018 (CLP).

¹ Drawing ref KAD-01-A-SP-Revision K

² Procedural Guide – Planning Appeals – England

³ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

Main Issues

5. The main issues are the effect of the proposed development upon highway safety; and whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the provision of facilities for refuse and cycle storage.

Reasons

Highway safety

6. The appeal site is a large two storey detached property located in a residential area at the head of a cul-de-sac, which includes a turning head. The proposed HMO would have 9 bedrooms, and four car parking spaces are proposed within the property frontage.
7. The main parties are in dispute as to whether the proposal would result in significant demand for car parking within the local area. The site has a moderate PTAL⁴ of 3 and is not located within a controlled parking zone.
8. There is a considerable difference between the main parties with regard to evidence of car parking stress. The appellant's car parking survey details a 'worst-case' scenario of a stress level of approximately 64.7% with at least six spaces available, while the Council's position is that the worst case scenario would be 93%, with an average of some 87%, which would be above a capacity threshold of 85%. The difference between the main parties is due to the inclusion of areas within the appellant's survey which have existing double yellow lines and crossovers; and areas where vehicles should not park due to the narrowness of the road, together with the inclusion of spaces that would be too short to meet standards. In this regard, I find the Council's evidence more compelling.
9. Consequently, overspill parking arising from the proposed development would significantly exacerbate existing parking stress within the road, and existing residents would find it more difficult to find a parking space. Drivers would be travelling up and down the road in search of space. Given the narrow nature of the road, this could result in reversing manoeuvres for a considerable length, increasing the danger to other highway users.
10. Therefore, the provision of car parking spaces within the proposed development is highly material in this case. While there are no car parking standards for HMOs explicitly referenced within development plan policies, it is clear that the maximum number of spaces required by Table 10.3 of Policy T6 of the London Plan 2021 (LP) would be seven.
11. My attention is drawn to other planning decisions⁵ regarding HMOs within the borough. From the limited details provided, none of these examples refer to levels of parking stress, and therefore they are not directly comparable to the appeal scheme before me. The appeal decision was determined in the light of a much earlier development plan context and prior to the current National Planning Policy Framework (the Framework). Nevertheless, I accept that HMOs typically generate lower levels of car ownership. However, there is no

⁴ Public Transport Accessibility Level

⁵ APP/L5240/W/17/3172187; 20/05826/FUL; and 20/02172/FUL.

compelling evidence before me as to the minimum number of car parking spaces that would be acceptable.

12. Even if I were to agree that the four spaces proposed were the minimum necessary to prevent increased parking stress, the proposed spaces would need to be safely delivered.
13. Two spaces are proposed adjacent to the turning head near No.57 Willow Wood Crescent, with the third space adjacent to the easterly flank of the appeal property, and the fourth space located at an angle to its front elevation, very close to the pavement. All four spaces would be accessed by an existing dropped kerb, which is not depicted on the submitted plans. A swept path analysis depicts the manoeuvres that would be required to serve these four spaces.
14. The Council suggests that the proposed spaces do not align with the Council's Dropped Kerb and Crossover policy document, to the extent that two of the proposed spaces would not meet the required standards. However, this document has not been provided in evidence. Therefore, I cannot be certain that the proposed development would result in the safe movement of vehicles between the proposed spaces and the road. From my visit, I am far from persuaded that such manoeuvres would be safely achieved across the existing dropped kerb.
15. Furthermore, I saw many vehicles parked astride the pavement along Willow Wood Crescent, due to the narrowness of the road. Interested parties also draw my attention to parking stress and the need for pedestrians and wheelchair users to use the road rather than the obstructed pavement.
16. Consequently, there is a significant risk that the proposal would result in the obstruction of the highway by vehicles, particularly as drivers stop or undertake manoeuvres to find a parking space, or if they were to perform a reversing manoeuvre along the narrow road. This risk, if realised, would result in increased danger to pedestrians and other highway users.
17. I therefore conclude that the proposed development would result in an unacceptable impact upon highway safety. It would conflict with Policy T4 of the LP, and Policies DM29 and DM30 of the CLP. Among other things, these policies seek to ensure that impacts on the capacity of the transport network are fully assessed; that development proposals reduce the impact of car parking in areas of existing on-street parking stress; and that development proposals should not increase road danger, nor have a detrimental impact upon highway safety.

Living Conditions

18. Due to the proposed position of refuse bins adjacent to the westerly flank of the proposed HMO, the side access to the flank of the HMO would be restricted to about 1m. Such a width would fail to comply with the required standard of 1.2m to allow ease of access by cycles and riders in residential areas as specified in the London Cycling Design Standards 2014 (LCDS).
19. The proposed cycle store, located in the rear private amenity space would not meet other standards within the LCDS. For example, it would not be enclosed or weatherproof and it would not provide for wider and adaptive cycles, nor provide sufficient width between spaces to easily access cycles. Although the

appeal site is within 500m walking distance of a station and within 450m of London/Local Cycle Route 23, the lack of suitable provision for cycling would not encourage future occupiers to use cycling as a more sustainable form of travel.

20. While the proposed bin storage would be within 20m of a kerbside collection vehicle, the proposed bulky waste storage area would not be fully accessible, being immediately behind the proposed cycle store. The restricted width along the flank of the property would also impede the free movement of bulky waste.
21. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupiers, with particular regard to the provision of facilities for refuse and cycle storage. It conflicts with Policy T5 of the LP and with Policies DM13.1 and DM30 of the CLP. It fails to comply with the standards of the LDCS and the guidance within the Croydon Waste and Recycling in Planning Policy Document 2015. These policies seek to ensure that refuse and cycling facilities are safely and conveniently located in accordance with defined standards, in order to ensure high quality development that promotes sustainable travel and facilitates safe and efficient refuse collection services.

Other Matters

22. The appellant suggests that the provision of cycling storage would support the promotion of sustainable travel. However, this position is predicated on my acceptance of an amendment to the scheme. The proposal before me does not meet the required standards for cycle storage.
23. While the proposal would contribute to housing supply and choice for Londoners; and be supported by the government's objective to significantly boost the supply of homes, such benefits would not outweigh the harm that I have found. In accordance with paragraph 111 of the Framework, a refusal is justified if there would be an unacceptable impact upon highway safety.

Conclusion

24. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with the development plan, and the appeal is dismissed.

J Moore

INSPECTOR