



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: 14 August 2023

Appeal Ref: APP/L5240/W/22/3313462

1 Abingdon Road, Norbury, Croydon, London SW16 5QP

- 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 Chang Jin Huang against the decision of the Council of the London Borough of Croydon.
- The application Ref 22/00795/FUL, dated 24 February 2022, was refused by notice dated 26 September 2022.
- The development proposed is conversion of existing house to 3 flats (1 x 3 bedroom, 2 x 1 bedroom) with internal alterations and provision of refuse and cycle facilities.

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing house to 3 flats (1 x 3 bedroom, 2 x 1 bedroom) with internal alterations and provision of refuse and cycle facilities at 1 Abingdon Road, Norbury, Croydon, London SW16 5QP in accordance with the terms of the application, Ref 22/00795/FUL, dated 24 February 2022, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2: Location and Block Plan; 11C: Floor Plans as Proposed (except insofar as it shows the outbuilding); 12A: Second Floor and Roof Plans as Proposed; 13B: Elevations and Sections A-A as Proposed; and, Fire Strategy Statement dated 22 February 2022.
 - 2) Within 3 months from the date of this decision, the rear garden shall be subdivided as shown on drawing no. 11C and the boundary treatment shall thereafter be retained.
 - 3) Within 3 months from the date of this decision, details of cycle parking shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and fully implemented within 3 months from the date of the discharge of this condition and thereafter retained.

Preliminary Matters

2. This appeal is part retrospective. Works have been carried out to subdivide the property and the building now has 2 front doors. There are works still to be completed, including the installation of a new door on the rear elevation.
3. The appellant's submission references an enforcement notice appeal at the same site. However, the appeal before me relates to the refusal of planning permission only. The appellant also states that they have submitted a planning application to retain the existing outbuilding for the ancillary use of Flat A (ref:

22/01325/FUL). At the time of the appellant's submission, the aforementioned planning application was pending consideration. While no update on this application has been provided, I do not find that the outcome of application ref 22/01325/FUL would affect the determination of this appeal.

4. The appellant has submitted an indicative alternative layout with their submission. However, no revised plans have been formally submitted and I am required to make my decision based on the plans before me, which have been subject to consideration by the Council. To do so otherwise could potentially prejudice other parties who have not had the opportunity to comment.

Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the area and the host dwelling, with particular regard to the subdivision of the garden; and (ii) whether the proposed development would provide acceptable living conditions for occupants, with particular regard to outdoor amenity space.

Reasons

Character and appearance

6. The appeal property is a 2 storey end of terrace property, which has a single storey outbuilding adjacent to its rear boundary. To the rear of the appeal site are mature trees. The property has a moderate sized rear garden, which is predominantly paved, with a small area of soft landscaping in the middle. It is enclosed by closed boarded fencing.
7. The proposal seeks to subdivide the rear garden using timber fencing, to provide an area of private amenity space for each flat. The boundary treatment by reason of its height and materials would be in keeping with the existing boundary treatment and that used within the gardens of neighbouring properties. The rear garden is screened from the public realm by the existing built form and trees. Consequently, the proposed boundary treatment would not be harmful to the character and appearance of the street scene. While the proposal would be visible from neighbouring residential properties, the extent of subdivision would not appear excessive and would preserve the character and appearance of the area and the host dwelling.
8. For the reasons given above, I conclude that the proposed development would preserve the character and appearance of the host dwelling and the area and would comply with Policies SP4 and DM10.4 of the Croydon Local Plan 2018 (Local Plan) and Policy D3 of The London Plan 2021 (LP). These policies amongst other matters require that development is of high quality and enhances and respects the local distinctiveness of an area. Policy DM10.5 is not applicable to this appeal as it refers to proposals for new flatted development, whereas the scheme before me is for the conversion of an existing building.

Living conditions

9. My attention has been drawn to appeal reference APP/L5240/W/20/3254063, which was for a similar proposal at the same site. The plans submitted as part of the previous scheme did not show how the private amenity space would be laid out for the proposed flats. As a result, the previous Inspector was not persuaded that the required levels of private amenity space could be achieved.

Consequently, the previous Inspector found that the proposal would fail to provide satisfactory living conditions for future occupiers with regard to amenity space. The appeal before me clearly shows how the garden would be subdivided. The size of the proposed private outdoor amenity space for each flat would exceed the space standards set out within Policy DM10.4 of the Local Plan. As a result, the proposal would provide a good size and good quality area of private amenity space for future residents.

10. Policy DM10.5 of the Local Plan requires that new flatted development and major housing schemes provide high quality communal outdoor amenity space. The proposal does not provide new flatted development, rather it seeks to convert an existing building into flats. The proposal is also not a major housing scheme and therefore the requirement to provide communal outdoor amenity space under Policy DM10.5 is not applicable to this appeal.
11. I conclude that the proposed development would provide adequate outdoor amenity space for future occupants of the development and would comply with Policies SP4 and DM10.4 of the Local Plan and Policy D3 of the LP. These policies amongst other matters set minimum space standards for private amenity space for new dwellings, require that proposals deliver appropriate outdoor amenity for new development and enhance well-being.

Other Matters

12. Concerns have been raised by third parties in respect of matters not addressed above, including: over development; harm to the character and appearance of the area from the whole scheme; pressure on local infrastructure; obtrusive design; harm to living conditions of neighbouring properties in respect to loss of privacy and outlook; and, insufficient parking. Based on the evidence before me and my site visit, I find no reason to reach a contrary conclusion to the Council on these matters.

Conditions

13. A standard time limit condition and external materials condition are not required as the works have already commenced and the materials are specified on the proposed plans. In the interests of certainty and fire safety, I have included a condition requiring the development to be carried out in accordance with the approved plans and fire safety assessment. Given that the scheme has to be carried out in accordance with the approved plans which show obscure glazing for the side windows and an area for refuse storage, no further conditions regarding obscure glazing or refuse storage are necessary. A condition securing the implementation of the private outdoor amenity space is required, to ensure appropriate outdoor amenity space is provided for occupants of the proposed development. Details of cycle storage are required by condition to ensure appropriate cycle parking is provided.

Conclusion

14. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James INSPECTOR