



Appeal Decision

Site visit made on 30 August 2023

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2023

Appeal Ref: APP/L5240/W/23/3316505

187 Shirley Road, Croydon CR0 8SA

- 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 William Sym against the decision of London Borough of Croydon.
 - The application Ref 22/01185/FUL, dated 21 March 2022, was refused by notice dated 11 August 2022.
 - The development proposed is conversion of the property into 5 self-contained flats, including the construction of a ground floor rear extension and associated external alterations.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application form confirms the applicant's name simply as 'Sym'. The appeal form confirms the full name of the appellant as 'Mr William Sym' and I have included this in my banner heading.

Main Issues

3. The main issues are whether the proposal would:
 - (i) provide a suitable housing mix having regard to the development plan and national policy;
 - (ii) provide acceptable living conditions for occupiers of the development with particular regard to internal and external space, including but not limited to accessibility and fire safety;
 - (iii) provide suitable facilities for cycle storage, refuse and recycling; and
 - (iv) have an acceptable effect on the highway having regard to parking and sustainable transport provision.

Reasons

Housing mix

4. The National Planning Policy Framework (the Framework) seeks mixed and balanced communities. Paragraph 62 of the Framework states that the size, type and tenure of housing needed for different groups should be reflected in planning policies.

5. In that respect, Policy SP2 (Homes) of the Croydon Local Plan (2018) (LP) sets out that the Council will seek to ensure that a choice of homes is available to address the borough's need for homes of different sizes and sets a strategic target for 30% of all new homes to have three or more bedrooms.
6. As only one of the proposed flats would have three bedrooms, equating to 20% of the new homes that would be provided within the development, the proposal would fall short of the strategic target. Even so, the policy does not specify a minimum percentage of such units to be provided within developments.
7. The Council has provided a copy of its Strategic Housing Market Assessment Update (2019) (SHMA) and suggests that on the basis of its findings approximately 50% of homes should have three or more bedrooms. However, Paragraph 5.58 of the SHMA includes suggested ranges for the mix of market housing including that 20-25% should be 3-bed properties and that 15-20% should be 4-bed properties. I have not been directed to any cumulative figure for properties with 3 or more bedrooms within the SHMA. In any case, as 20% of the development would be 3-bed, this would resonate with the suggested figures for that house type in the SHMA.
8. In addition, I am also mindful that there would not be a net reduction in units of three or more bedrooms on the site in this particular case. The proposal also incorporates three one-bedroomed units and a two-bedroomed unit. Even if the two-bedroomed unit is not defined as a family unit in the LP, the proposal would provide a choice of homes of different sizes and would add to the number and mix of housing in the area.
9. Having regard to all the above factors, I conclude that the proposal would provide a suitable housing mix having regard to the objectives in the LP and the Framework to ensure that a choice of homes is available to address the need for homes of different sizes.

Living conditions for occupiers of the development

10. The government's 'Technical housing standards - nationally described space standard' (the Standards) require that in order to provide 2 bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m². The same requirement is also set out in Policy D6 (Housing quality and standards) of the London Plan (2021).
11. The Council suggests that one of the first-floor level '1 person flats' would have a bedroom with a floor area of roughly 16m². No counter measurement has been provided to suggest that this measurement is inaccurate. I agree with the Council that having regard to the Standards and Policy D6, the bedroom in this flat would therefore have the potential to accommodate more than 1 person.
12. A condition restricting the number of occupants would be difficult to monitor and therefore is unlikely to be enforceable. The Council indicates that the flat would have an internal floorspace of 47m². This would fall short of the 50m² set out as the minimum gross internal floor area for a one-bedroomed 2 person dwelling in the Standards and Policy D6. As a result, there would be conflict with these requirements in the event that more than one person occupied the flat in question.
13. The front windows serving the ground floor flats would face onto the building's forecourt. These windows are set away from the public footpath and occupiers

- of these flats would be entitled to install blinds. Therefore, suitable levels of privacy would be provided to these bedrooms.
14. One of the bedrooms in the three-bedroomed unit would have a window facing onto a small internal courtyard. This feature would provide a source of outlook and light to this room albeit not of a high quality. However, the main open plan lounge, kitchen and dining areas serving this flat would be served by large patio windows looking out onto a long rear garden. The other bedrooms would also have a more open aspect to the front elevation. Therefore, I am satisfied the overall indoor environment for this flat would be appropriate in line with the requirements of Policy D3 (Optimising site capacity through the design-led approach).
 15. Policy D7 (Accessible housing) of the London Plan 2021 requires that residential development takes into account requirements in the Building Regulations in respect of M4(3) 'wheelchair user dwellings' and M4(2) 'accessible and adaptable dwellings'. The appellant has suggested that these requirements could be subject of a condition. Indeed, the Council has included a suggested condition with its statement of case requiring that one of the two ground floor flats be constructed to this standard.
 16. However, without specific details to demonstrate that the requirements of Policy D7 and the Building regulations would be met, I cannot be certain that the proposal would comply with this policy.
 17. The appellant has provided a Fire Safety Strategy (FSS). The Council has raised no concerns in respect of its content and I find no reason to reach an alternative finding. The Council's suggested condition could be attached requiring the development to be completed in accordance with the FSS. Accordingly, I find that the proposal would meet the requirements of Policy D12 (Fire safety) of the London Plan (2021).
 18. In terms of external space, Policy DM10 (Design and character) of the LP and the Standards set out that a minimum of 5 sq.m of private outdoor space should be provided for 1 – 2 person dwellings and an extra 1 sq.m should be provided for each additional occupant thereafter.
 19. The ground floor flats would be served by rear gardens which meet the minimum requirements of the LP and the Standards. While details of boundary treatments could be subject to a condition, these gardens would be directly overlooked by the upper floor flats which would compromise privacy and so to the quality of the external space for occupiers of these flats.
 20. Moreover, while the flat within the loft would be served by a terrace, no private outdoor space would be provided for the first-floor units. Therefore, these flats would not meet the minimum requirements of the LP or the Standards.
 21. Policy DM10 also requires that all flatted development provides a minimum of 10m² per child of new play space calculated using the Mayor of London's population yield calculator. As the proposal does not include any communal space the upper floor flats would all be deficient in this respect. The appellant suggests that they are open to contributing to local community amenity space as part of a Section 106 Agreement. However, I have not been provided with any planning obligation in this regard and only attach limited weight to this possibility. This adds to the deficiencies in external space already identified.

22. Pulling the various strands together, the proposal does not meet internal space standards for one of the first-floor flats, would be deficient in terms of external space and does not demonstrate that accessibility requirements of Policy D7 could be met. For these reasons, I conclude that the proposal would not provide suitable living conditions for occupiers of the development and would conflict with the indoor and outdoor space standards and accessibility requirements of Policies D3 (Optimising site capacity through the design-led approach) D6 (Housing quality and standards) and D7 (Accessible housing) of the London Plan 2021, Policies SP2 (Homes) and DM10 (Design and character) of the LP and the 'Technical housing standards - nationally described space standard'.

Cycle storage, refuse and recycling facilities

23. Policy T5 (Cycling) of the London Plan 2021 sets out the minimum requirements for cycle parking within developments. The Council suggests that the development would generate a requirement for 8 cycle spaces and this figure has not been disputed by the appellant. From my own observations, this figure would account for one of the first-floor one-bedroomed '1 person' flats being capable of accommodating 2 persons. If I were to base the calculation on the occupancy levels envisaged by the appellant, this would reduce the number of cycle spaces required to 7 based on the requirements at Table 10.2 under Policy T5.

24. Policy DM13 (Refuse and recycling) of the LP requires that refuse and recycling facilities are sensitively integrated within the building envelope or where that is not possible that covered facilities are located behind the building line where they will not be visually intrusive or compromise the provision of shared amenity space.

25. The proposed site plan includes areas within the host building's forecourt allocated for 'bin storage' and 'bicycle storage'. Whether I base the bicycle storage requirements on the Council's calculated figure or the appellant's envisaged occupancy levels, the specific size of a bicycle stand or housing sufficient to accommodate the bicycles is not before me. The number and cumulative dimensions of the bins that would need to be stored has also not been provided. Therefore, there is nothing to suggest that the size of the denoted storage areas would be capable of accommodating the bicycle, refuse and recycling storage requirements that would be generated by the development.

26. Furthermore, the building and its plot do not allow for a refuse and recycling facility behind the building line in this instance, therefore full compliance Policy DM13 could not reasonably be achieved. Even if I were to take a lenient approach in this regard, a condition requiring the subsequent submission of more precise details on the storage facilities would not be appropriate. This is because there is the possibility that the storage areas would not need to be larger than indicated on the proposed plan. In that event, there is the potential that the storage facilities could impede upon the turning space shown on the vehicular tracking drawing, and this could compromise the use and function of the shared forecourt.

27. I conclude, it has not been adequately demonstrated that the proposal would provide suitable facilities for cycle storage, refuse and recycling. In that regard, the development conflicts with the cycle parking requirements of Policy T5

(Cycling) of the London Plan 2021 and Policies DM10 (Design and character) and DM13 (Refuse and recycling) of the LP.

Parking and sustainable transport

28. Shirley Road is a busy dual carriageway and a classified A road. No stopping is permitted on the section of road fronting the appeal site on Mondays to Saturdays between the hours of 7.00am and 7.00pm, except for 1 hour of parking between 7.00am and 4.00pm with no return within 2 hours.
29. When I visited the site, there were no vehicles parked on Shirley Road in close proximity to the site. I also noted that on nearby side roads such as Valley Walk, there were multiple opportunities for on-street parking at the time of my site visit. I accept that these observations are only a snapshot of the parking conditions in the area.
30. Policy T6 (Car parking) and Policy T6.1 (Residential parking) of the London Plan 2021 confirm that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and confirm that new residential development should not exceed the maximum parking standards.
31. The supporting text to Policy T6 confirms that the maximum standards for parking take account of the Public Transport Availability Level (PTAL) in the area. The Council has confirmed that the site has a PTAL rating of 2. For developments in outer London with this PTAL rating, up to 0.75 spaces are required for 1 – 2 bedroomed dwellings and up to 1 space is required per 3 bedroomed dwelling. This equates to a maximum of 4 spaces for the proposed development. The layout plan provided indicates that 2 off-street parking spaces would be provided. Consequently, the proposal would not exceed the maximum parking requirements of the London Plan 2021.
32. The Council suggests that the development would be likely to result in increased parking stress in the area. However, there is nothing before me to suggest that on-street parking requirements generated by the development would be significant. The appellant's parking survey considers parking stress levels on roads within 200 metres walking distance of the appeal site and was carried out early in the morning on 2 consecutive days when it would be likely that many local residents would be at home. The parking stress levels recorded were low in respect of the restricted spaces on Shirley Road and unrestricted spaces on Valley Walk. The highest levels of parking stress recorded on Shirley Avenue indicated that a minimum of 13 out of a potential 31 spaces were available at the times the survey was undertaken. These results indicate that there is plenty of capacity for on-street parking close to the site.
33. The Council contends that the scoping of the parking stress survey was not agreed with its officers. Whether or not that is the case, no counter evidence has been provided to demonstrate that the results of the survey cannot be relied upon. Furthermore, the Council has not specified any developments within the local area or provided any substantive evidence to suggest that parking conditions have significantly changed since the parking survey was undertaken. Without any objective evidence to suggest otherwise, I find that any overspill parking likely to be generated by the development would be at levels which could be accommodated on local roads without resulting in an unacceptable effect on the highway.

34. From what I have seen, there are shops and several bus routes in close proximity to the site. However, the Council's Officer report suggests that a financial contribution of £7,500 (£1,500 per unit) would be required towards improving sustainable travel in the area. The appellant has confirmed their willingness to enter into a legal agreement concerning sustainable transport alternatives, albeit no such agreement is before me.
35. In any case, the Council has not provided any substantive evidence to suggest that the proposal would have a significant impact on sustainable transport options or that mitigation through a financial contribution would be appropriate in this instance. Furthermore, I have not been directed to any adopted formula to show how the indicated level of contribution was calculated nor has it been indicated where the money would be directed. Therefore, having regard to the tests set out at paragraph 57 of the Framework, such a planning obligation could not be substantiated.
36. I conclude, on the basis of the evidence before me, the development would have an acceptable effect on the highway having regard to parking and sustainable transport provision in the area. In these respects, the proposal would not conflict with the parking, sustainable transport and mitigation requirements in Policies SP8 (Transport and Communication), DM29 (Promoting sustainable travel and reducing congestion) and DM30 (Car and cycle parking in new development) of the LP and Policies T4 (Assessing and mitigating transport impacts), T6 (Car parking) and T6.1 (Residential parking) of the London Plan 2021.

Conclusion

37. The proposal would not provide acceptable living conditions for occupiers of the development with particular regard to internal and external space requirements and this includes that it has not been demonstrated that the accessibility requirements of the development plan could be incorporated. Furthermore, it has not been adequately demonstrated that the proposal would provide suitable facilities for cycle storage, refuse and recycling. The proposal therefore conflicts with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

M Russell

INSPECTOR