



Appeal Decision

Site visit made on 15 August 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/L5240/W/23/3314412

48 Waddington Avenue, Coulsdon, Croydon CR5 1QF

- 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 Ali Muhammad against the decision of London Borough of Croydon.
 - The application Ref 22/03780/FUL, dated 9 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is new build one bedroom single storey bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the neighbouring occupiers of 48 Waddington Avenue, with regard to privacy, noise and disturbance.
 - Whether or not the proposal would provide a satisfactory standard of accommodation for future occupiers, with particular regard to the size of the dwelling.

Reasons

Living conditions of neighbouring occupiers

3. Bedroom 1 within 48 Waddington Avenue (No 48) has a large bay window on the property's side elevation. The proposal would be accessed via a walkway immediately adjacent to this bay window and future residents would pass within very close proximity to it.
4. As a result, anyone accessing the proposal would have direct views into this residential window from very close proximity. This would create an unacceptable loss of privacy for the neighbouring occupiers. The submitted drawings indicate planted borders would be installed along No 48's side elevation. However, due to their placement these would not restrict views from the walkway into the central part of the bay window.
5. The appellant has indicated that obscure glazing of the bay window, up to a height of 1.7m from the exterior ground floor level could be installed to prevent direct views from the pathway into the bedroom window. At present, the window looks onto the open walkway and the boundary fence beyond. This

provides an adequate outlook for occupiers of the property. In contrast, due to its height, the obscure glazing would significantly restrict views out of the bedroom. As it is the sole window to the bedroom, the obscure glazing would remove the majority of outlook from the room. This would have a harmful impact on the living conditions of the occupiers of No 48.

6. The wall to the side of the bay window has been removed to provide access to the walkway. Whilst this opens up views out of the bedroom window to an extent, were obscure glazing to be installed up to a height of 1.7m from the exterior ground level, the benefits of this would be negated.
7. No 48's Bedroom 2 is located further to the rear of the property. It also has a window and a door which face directly onto the walkway. However, as it has an additional window which faces the rear garden, and which could remain free from any measures to protect privacy, the obscure glazing of the window and door onto the walkway would not have a significant impact on the outlook from this bedroom.
8. Given the minimal number of comings and goings associated with a two person, one bedroom dwelling, this is unlikely to cause significant noise or disturbance to the occupiers of No 48.
9. I have found that the neighbouring occupiers would suffer from a loss of outlook as a result of the installation of obscure glazing to Bedroom 1's bay window. Alternatively, without the installation of obscure glazing, the neighbouring occupiers would experience from a harmful loss of privacy. Consequently, the proposal would have a harmful impact on the living conditions of neighbouring occupiers. Therefore, in this respect, it would be contrary to Policy D3 of the London Plan (2021) (LP) and Policy DM10.6 of the Croydon Local Plan (2018) (CLP) insofar as they require that new development should not result in a loss of amenity to neighbouring residential occupiers.
10. The reason for refusal also refers to Policy SP4 of the CLP which relates to general urban design principles and not to neighbouring occupiers' living conditions. Therefore, I have not referred to this policy above. As I have found that the proposal is unlikely to cause significant noise and disturbance to neighbouring occupiers, I have not found any conflict with LP Policy D14.

Living conditions for future occupiers

11. CLP Policy SP2.8 and the Mayor of London's Housing Supplementary Planning Guidance (2016) (HSPG) require that all new homes achieve the minimum internal floorspace standards set out in the Nationally Described Space Standards (2015) (NDSS). The same standards are also set out in table 3.1 of LP Policy D6.
12. The NDSS indicates that a single storey, one bedroom, two person dwelling should have a gross internal area of at least 50 square metres. Whilst there is dispute between the main parties as to the proposal's exact internal area, even based on the appellant's measurements, there would be a 0.5 square metre shortfall against the standards set by the NDSS. The failure to meet the requirements of the NDSS, which is expressed as a minimum, would result in inadequate internal living space. Consequently, there would be unsuitable living conditions for future occupiers.

13. I note that the proposal would have a generously sized garden, additional storage space within the loft, regular sized rooms, and windows on three elevations which would provide natural light and ventilation. The proposal also provides cycle and bin storage and an off-street car parking space. However, these considerations do not address the harm arising from the shortfall against the NDSS.
14. The appellant suggests that a planning condition could be imposed to require amendments to ensure that 50 square metres internal floor area is provided. However, whilst these amendments could be relatively minor, as I do not have the proposed plans showing the necessary alterations, it is not possible to gauge the extent to which it would improve the living conditions for future occupiers or to assess its potential impact on the character and appearance of the area and the living conditions of neighbouring occupiers. Consequently, such a condition would not be appropriate in this instance.
15. The proposal would not provide adequate internal space for the proposed dwelling and therefore would not provide adequate living conditions for future occupiers. This would be contrary to CLP Policy SP2.8, LP Policy D6, the HSPG and the NDSS insofar as they relate to internal space standards.
16. The reason for refusal also refers to Policy SP4 and DM10 of the CLP which relate to general design and urban design principles and not to internal floor areas. Therefore, I have not referred to these policies above.

Other Matters

17. The National Planning Policy Framework (2023) (Framework) seeks to significantly boost housing supply and indicates the value of using suitable land within settlements for homes. It also encourages the optimal use of underutilised land. The proposal would contribute to local housing supply and would represent a more efficient use of the appeal site. However, there is no substantive evidence to demonstrate that the Council is failing to meet the needs for housing in its area. This tempers the weight I have attached to housing delivery. Notwithstanding that, it is still a benefit to be factored into the planning balance.
18. I acknowledge that residential development in this general location is acceptable in principle and the proposal may be compliant with various other provisions of the development plan, for instance providing policy compliant car parking and cycle and waste storage. However, the absence of harm or conflict with other relevant development plan policies is a neutral factor and does not weigh in favour of the proposal.
19. Although the development would contribute to local housing supply, the benefits of this minor addition would not overcome the harm that I have identified.
20. The concerns expressed regarding the Council's conduct during the processing of the planning application fall outside of the remit of this Decision.

Conclusion

21. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the

Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

B Pattison

INSPECTOR