



Appeal Decision

Site visit made on 19 September 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2023

Appeal Ref: APP/L5240/W/23/3319491

49A Clifford Road, South Norwood, Croydon, London SE25 5JS

- 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 C Jones (Maurice Laurent Ltd.) against the decision of the Council of the London Borough of Croydon.
 - The application Ref 22/04241/FUL, dated 11 October 2022, was refused by notice dated 13 January 2023.
 - The development proposed is described as a rear dormer extension with 3no rooflights within the front roof slope. Application also seeks change of use from C3 to C4.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that 49A Clifford Road (No 49A) is being used as a House in Multiple Occupation (HMO). For the avoidance of doubt, I have determined this appeal based on the plans as submitted.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the supply of smaller residential units below 130m²;
 - whether the proposal would provide acceptable living conditions for its future occupiers, with regard to internal and external space provision; and
 - whether the proposal makes adequate provision for cycle storage.

Reasons

Supply of Smaller Residential Units

4. No 49A is a first floor flat occupied as an HMO in a two-storey building that also accommodates a ground floor flat. The appeal flat has two bedrooms and an internal floor space of less than 130m².
5. Policy DM1.2 of the Croydon Local Plan 2018 (CLP) seeks the protection of homes smaller than 130m² in the borough, notwithstanding the number of bedrooms. The local plan presents compelling evidence that there is a growth in single person households, which is driving the requirement for smaller homes and this is supported by the Strategic Housing Market Assessment 2015. Although the proposal would contribute to the mix of housing type and

differing householder needs, I have not been provided with evidence to clearly demonstrate that there is an under provision of HMO's within the Borough. As such, the effect of the development would be that one smaller residential unit for which there is an identified need would no longer be available for accommodation. I accept that the property has been sub-divided in the past into two flats. However, this would not justify the proposed development.

6. Therefore, I conclude that the proposal would have a harmful effect on the supply of smaller residential units below 130m² in the area, contrary to Policies SP2 and DM1.2 of the CLP.

Living Conditions

7. Room 5 and Room 6 would be set within the roof pitch and their internal height would be compromised by the existing roof profile. In terms of outlook, Room 5 would be served by one rooflight and one side window facing towards the neighbouring property, whereas Room 6 would be served by rooflights only. These openings would only offer limited views to the external environment and, as such, future residents would not enjoy a good quality outlook.
8. The Council has raised concerns regarding the size of Room 5 which have not been disputed by the appellant. As such, this is the measurement that I have used to inform my determination. The room would not meet the minimum floorspace required by the Croydon Houses in Multiple Occupation Standards (2015). Its size, combined with its shape and limited ceiling height would result in unsuitable living conditions for future occupiers. The layout of Room 6 would be impractical due to its shape and limited ceiling height, thereby failing to provide functional accommodation.
9. It is not clear whether the future residents would have access to the property's rear garden albeit the site is close to public open spaces. However, the HMO would not have communal internal space and, consequently, its future occupiers would be provided with very limited space available on site other than their own bedrooms.
10. There is planning permission for a loft conversion on the property, although I have been provided with limited details of what was then proposed. Nevertheless, the rooms would have a materially different effect on occupiers' living conditions as part of a family house, where occupiers would reasonably be expected to spend more time living communally and the use of rooms is likely to be more flexible throughout the house. Therefore, this permission would carry limited weight in favour of the proposal.
11. Overall, I conclude that the proposal would fail to provide acceptable living conditions for its future occupiers, with regard to internal and external space provision. As such, the proposal would be contrary to Policies D3 and D6 of the LP, and to Policies SP2 and DM10 of the CLP. Collectively, these policies seek to ensure that new homes in Croydon meet the need of residents in respect of internal and external spaces, amongst other things.
12. I note the appellant's comments in relation to Policy D6 of the LP. However, the Council has assessed the space standards against its HMO standards rather than table 3.1. Policy SP2 is relevant insofar as it seeks to ensure good quality standards of internal accommodation. Policy DM10 is relevant as it requires proposals for new residential development to provide private amenity space.

Cycle Storage

13. The proposal would include the provision of four cycle parking spaces to the front of the property, which would fall below the minimum of six spaces required by Policy T5 of the LP. Furthermore, the proposed cycle storage appears limited in size and the layout is not practical, particularly in terms of access to the rearmost cycles. Further, there is no sufficient space in the front garden to overcome these matters or provide appropriate cycle parking to meet the requirements.
14. Although cycle storage could be provided within the property's rear garden, it has not been demonstrated how much of the garden would be for use by the occupiers of the HMO. In addition, it is not clear how the HMO's future occupiers would access the garden, given that the path to the side of the property has not been included within the red line and there is no direct access from the appeal flat into the garden. As such, this is not a matter that could be resolved by planning condition in the event of an approval.
15. To conclude, the proposal would not make adequate provision for cycle storage, contrary to Policy T5 of the LP, as well as Policy DM16 and Policy DM30 of the CLP, where these policies seek to encourage healthy behaviours and ensure that well designed cycle parking is provided in new developments. The proposal would also fail to comply with the London Cycling Design Standards 2014, which supports well designed parking facilities for all cycle users.

Conclusion

16. In conclusion, the proposal would conflict with the development plan read as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR