



Appeal Decision

Site visit made on 3 November 2023

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2023

Appeal Ref: APP/L5240/W/23/3317836

Flat, 9 Woodstock Road, Croydon CR0 1JS

- 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 Kiran Dhir against the decision of London Borough of Croydon.
- The application Ref 22/02881/FUL, dated 7 July 2022, was refused by notice dated 14 December 2022.
- The development proposed is Change of use from 3 bedroom self-contained flat to 1 x 2 bedroom and 1 x 1 bedroom self-contained flats. Alterations to fenestrations and insertion of rooflight in front roof slope.

Decision

1. The appeal is allowed and planning permission is granted for change of use from 3 bedroom self-contained flat to 1 x 2 bedroom and 1 x 1 bedroom self-contained flats, alterations to fenestrations and insertion of rooflight in front roof slope at Flat, 9 Woodstock Road, Croydon CR0 1JS in accordance with the terms of the application, Ref 22/02881/FUL, dated 7 July 2022, and subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. Reflecting the position in its Officer Report, the Council's appeal statement sets out that it would not raise any objection to its second reason for refusal from being withdrawn subject to the submission of a completed legal agreement covering parking permits. During the appeal, the appellant submitted a Unilateral Undertaking (UU) made as a Deed pursuant to section 106 of the 1990 Act and imposing obligations on the site.
3. By restricting the right of occupiers of the proposed top-floor flat (flat 2) to apply for on-street parking permits, the UU directly responds to the Council's second reason for refusal. The evidence before me also indicates that the main parties worked together in drafting and finalising it. Accordingly, although the Council did not comment on the submitted UU and has not formally withdrawn its second reason for refusal, I am satisfied that the UU resolves the matter and that the proposed development accords with Policy DM29 of the Croydon Local Plan 2018 (CLP) and Policy T4 of The London Plan (LP). Amongst other aspects, these seek to promote sustainable transport and mitigate transport impacts.

Main Issue

4. The main issue is therefore whether the living conditions of future occupiers of flat 2 would be sufficient in relation to access to private outdoor space.

Reasons

5. Although the proposed site plan refers to private amenity space for flat 1 (the first-floor flat), it also refers to communal amenity space and the appellant's

submissions clearly indicate that the rear garden would be available to occupiers of both flats. I have therefore determined the appeal on this basis.

6. While occupiers of flat 1 would have direct access to the good-sized rear garden via the external staircase (which serves the existing maisonette), occupiers of flat 2 would have to leave the building and use the shared side passage. However, I observed on my site visit that the passage, even taking account of the various bins left there, is wide enough for people to pass and for a bicycle to be wheeled into the garden. Accordingly, although occupiers of flat 2 would not have direct access to outdoor space, the access would not be inadequate, particularly given the flat is unlikely to be occupied by a family given its size. In coming to this view, I have taken into account that the passage provides an exit path for the dental surgery and the position of the parking spaces in relation to the side passage and building's front door. With level access not being a specific policy requirement, the reference to level access within the supporting text to LP Policy D6 does also not lead me to a different conclusion.
7. In addition, it seems to me that soft landscaping could be used to provide a small private area in the rear garden for each flat along with a communal area incorporating the proposed child play space. This would ensure that the occupiers of each flat could also have their own dedicated outdoor area without the garden being sub-divided into separate private gardens by fencing or walls for example. The Council's proposed landscaping condition could secure details of this and thus ensure that the proposal provides private outdoor space in-line with part 4c of CLP Policy DM10 and part 9 of LP Policy D6.
8. For the above reasons, I conclude that the living conditions of future occupiers of flat 2 would be sufficient in relation to access to private outdoor space. I therefore find that it accords with CLP Policies SP2 and DM10 and LP Policy D6. Amongst other aspects, these seek new homes to meet the needs of residents and require new residential development such as this to provide high quality, functional private outside space of sufficient size.
9. The Council also alleges a conflict with LP Policies D4 and D12 with regards to this matter. However, my attention has not been drawn to any words in them that are relevant to this issue. The policies have therefore not been determinative in my conclusion on this matter.

Other matters

10. As set out above, the submitted UU restricts the right of occupiers of the proposed top-floor flat to apply for on-street parking permits. Given the site's accessible location, close to various public transport options, and the limited on-street parking and high demand for it in the locality, the obligation accords with the development plan and is: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to it. Accordingly, I find that the obligation in the Deed meets the tests set out in the National Planning Policy Framework (Framework) and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Collectively, it therefore constitutes a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations.
11. The appeal site is within the Chatsworth Road Conservation Area (CA) which is significant for, amongst other aspects, its architectural features and cohesion, and the area's largely unchanged design and layout. Although some representations at planning application stage raised concern about the effect of the proposal on the character and appearance of the surrounding area and CA, including regarding bin

storage and the proposed rooflight installation and chimney removal, the Council does not allege that the development would harm the CA. On the basis of the available evidence and conditions securing details of the bin store and rooflight, I have no reason to disagree. Accordingly, I am satisfied that the appeal scheme would preserve the significance of the CA and its character and appearance.

12. A number of other matters have been raised by interested parties and I have taken them all into account. This includes: overdevelopment; loss of family accommodation and overprovision of smaller units; and front landscaping and unsightly bins. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised, such as regarding landscaping and bins, can also be covered by planning conditions.
13. Indicating that the development would be liable for the Mayoral and Croydon CIL, the Council has requested that their standard CIL informative be included should the appeal be allowed. However, with the appellant having access to this information in the Council's appeal submissions, it is not necessary for me to provide it again here.

Conditions

14. I have had regard to the suggested planning conditions. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, for clarity and consistency and to ensure that details are submitted for the Council's approval where relevant.
15. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. To ensure the safety of users of the building, a condition is necessary with regards to fire safety. A condition covering water usage is necessary in the interests of sustainable design and construction.
16. The securing of full details of the proposed roof light and landscaping by condition are necessary in the interests of the character and appearance of the surrounding area and CA, with the latter also related to future occupiers' living conditions. However, I have split the Council's suggested condition into two for clarity. With neither needing to be pre-commencement conditions and it being unreasonable to require soft landscaping to be maintained in perpetuity, I have also amended the wording accordingly.
17. I have imposed a condition covering cycle and bin storage to ensure sufficient storage is provided for both and that the bin store is acceptably designed. However, I have removed reference to the submission of a waste management plan for the dental surgery because this requirement would be unreasonable given the dental surgery already exists and on-site parking would still be provided for it.
18. The Council suggested two further conditions covering sound levels and the provision of a construction logistics plan. However, I have little substantive evidence that either condition is necessary to make the development acceptable and, given the scale of the development, it is likely that the construction works would not be significant. I have therefore declined to impose them.

Conclusion

19. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan as a whole. The appeal is therefore allowed.

T Gethin BA (Hons), MSc, MRTPI

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Plan; Existing basement plan and ground floor plan (Drawing No A1/204/01 Rev A); Existing first floor plan and second floor plan (Drawing No A1/204/02 Rev A); Existing elevations, roof plan and site plan (Drawing No A1/204/03 Rev A); Proposed basement plan and ground floor plan (Drawing No A1/204/10 Rev B); Proposed first floor plan and second floor plan (Drawing No A1/204/11 Rev B); and Proposed elevations, roof plan and site plan (Drawing No A1/204/12 Rev B).
- 3) Prior to occupation of the flats hereby permitted, full details of landscaping of the site (including of the rear garden and provision of child play space) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the flats. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.
- 4) Prior to occupation of the flats hereby permitted, full details of the refuse store (including the size and number of bins, as well as a dedicated area for the storage of bulky waste) and on-site cycle parking provision (including the type of cycle stands) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the flats and thereafter maintained for the lifetime of the development.
- 5) Prior to occupation of the flats hereby permitted, the development shall be completed in accordance with Drawing Nos A1/204/13 and A1/204/14, and the fire safety information contained in section 6.0 of the submitted Design and Access Statement (received by the Council on 7 July 2023) and thereafter maintained for the lifetime of the development.
- 6) Prior to its installation, full details of the roof light hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided prior to the first occupation of the flats and thereafter maintained for the lifetime of the development.
- 7) The flats hereby permitted shall achieve a minimum water efficiency standard of 110 litres per person per day.

END OF SCHEDULE