



Appeal Decision

Site visit made on 31 October 2023

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/L5240/W/23/3322248

87 Addiscombe Road, Croydon CR0 6SF

- 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 87 CR0 B Ltd against the decision of the Council of the London Borough of Croydon.
- The application Ref 23/00834/FUL, dated 6 March 2023, was refused by notice dated 25 April 2023.
- The development proposed is the conversion of basement flat to create two flats.

Decision

1. The appeal is allowed and planning permission is granted for Conversion of basement flat to create two flats at 87 Addiscombe Road, Croydon, CR0 6SF in accordance with the terms of the application, Ref 23/00834/FUL, dated 6 March 2023, subject to the conditions set out in the schedule.

Applications for costs

2. An application for costs was made by Mr A Dato of 87 CRO B Ltd against the Council of the London Borough of Croydon. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development was amended by the council in its decision letter. I have used the description of development as written on the planning application form.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of future occupiers of the studio flat with particular regard to outlook.

Reasons

5. The appeal site comprises the lower ground floor of an end of terrace building in use as flats. It is proposed to convert the existing vacant flat into two flats comprising a studio with aspects to the front and side elevations, and a 2-bedroom flat with aspects to the rear and side elevations. The proposed flats would be accessed from an external staircase to the side lightwell.
6. A similar proposal was dismissed on appeal¹ because of inadequate outlook and light levels to the proposed studio flat. The current proposal involves the same

¹ Reference APP/L5240/W/21/3288230 decision dated 9 November 2022.

subdivision, but some alterations have been made to the studio flat since the previous appeal including the introduction of new and larger windows to the front and side lightwells and some alterations to the internal layout including removal of the internal wall to the kitchen area. The appellant also proposes that the wooden slats and dwarf walls to the front and side lightwells could be replaced by clear toughened glazing in order to improve the outlook.

7. When taken together, the size and layout of the studio, along with the introduction of new windows to both the front and side elevations and introduction of glazed screens would in my mind provide an adequate quality of accommodation. The glazed screens would also have the effect of allowing a greater view of the sky from the lightwell windows, albeit a small increase. No detailed drawings of the screens have been provided with the appeal. This matter can be addressed by a condition requiring details to be submitted prior to the commencement of development, to which the appellants have agreed in their Statement of Case. Whilst I acknowledge that the outlook from the studio flat would still be limited, it would not be unusual for a lower ground floor flat in an urban area.
8. I therefore find that whilst the outlook is constrained to a degree, the overall standard of accommodation is acceptable given the size, layout and light levels and as such is consistent with the aims of Policy DM10.6 of Croydon Local Plan 2018 and Policy D6 of the London Plan 2021 both of which seek, amongst other things, to achieve appropriate living conditions within new accommodation. These policies are consistent with the National Planning Policy Framework (the Framework). I have also had regard to the Mayor of London's 2016 Housing Supplementary Planning Guidance.

Other Matters

9. The light levels assessed by the daylight and sunlight report show an acceptable Average Daylight Factor for both the studio and 2 bedroom flat, and that the outlook for the 2 bedroom flat is acceptable. The standard of accommodation proposed would be acceptable in terms of the level of light received by the proposed flats, their size and layout is consistent with the requirements of D6 of the London Plan 2021.
10. I have had regard to the comments provided by interested persons. There is no indication that the proposed flats would be for short-term letting purposes and the details provided with the appeal show the flats would be in Class C3 (residential) use. I note the comments made regarding neighbours' past experiences with unauthorised works, however these are not matters which are within the scope of the appeal before me. The issues of repairs or damage are not matters which are material to the consideration of this appeal.
11. Whilst there may be increased noise and activity as a result of a net addition of 1 flat, this would not be significant in terms of the effect on the noise environment over and above the activity in connection with the existing residential flats in the building.
12. Given the highly accessible location, the provision of off-street parking is not required by Policy T6 of the London Plan 2021 and I have not been provided with any substantive evidence to suggest that there would be an unacceptable increase in on-street parking pressure as a result of the proposal.

13. I have no reason to disagree with the Council's conclusions that the proposal would not increase the risk of surface water flooding, there would be no impact on trees or ecology. The appellant has provided a fire strategy in line with the requirements of Policy D12 of the London Plan 2021.

Conditions

14. The council have provided some suggested conditions which I have considered against advice in the Framework and Planning Practice Guidance and as a consequence I have amended or omitted some of the suggested wording. I have attached the standard time limit condition (1) and a plans condition (2) as this provides certainty. I have added a condition concerning materials to ensure a satisfactory appearance (3). A condition (4) requiring details of the glazed screens to the lightwells is necessary since detailed drawings have not been provided with the appeal. Condition 5 requires details of refuse storage since the works to the side lightwell may necessitate a revised arrangement of this storage area. Similarly, as the works to the lower ground floor necessitate alteration to the cycle storage, condition 6 requires the cycle storage shown on the proposed site plan to be provided prior to occupation of the development. I have not attached the Council's suggested condition to ensure the development is in line with the fire statement, since this matter is controlled by other legislation.

Conclusion

15. I have found that the proposal is in line with the development plan read as a whole, and no material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. For the reasons set out above, the appeal is allowed.

L Francis

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: location plan ref 2050; proposed site plan dated January 2023 ref 00003; proposed elevations dated January 2023 ref 00003; proposed floor plans dated January 2023 ref 00001; existing plans dated January 2023 ref 20231; existing plans dated January 2023 ref 00003.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) Prior to the commencement of development, full details of the glazed screen to replace the dwarf walls and timber slats to the front and side lightwells to the studio flat shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be provided prior to first occupation of the studio flat and maintained for the life of the development according to the details approved.
- 5) Prior to commencement of above ground works, full details of the refuse storage including the size and number of bins shall be submitted to and approved in writing by the Local Planning Authority. The approved storage shall be provided prior to first occupation of the development and maintained for the life of the development according to the details approved.
- 6) Prior to occupation of the development, the cycle storage shown on the proposed site plan ref 00003 dated January 2023 shall be provided and maintained for the life of the development.