



Appeal Decision

Site visit made on 6th February 2024

by Megan Thomas K.C. Barrister-at-Law

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 26th February 2024

Appeal Ref: APP/L5240/W/23/3324391

3 South Drive, Coulsdon, Croydon CR5 2BJ

- 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 Macar Developments Ltd against the decision of the London Borough of Croydon.
 - The application Ref.23/00380/FUL dated 26 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is the demolition of the existing buildings, erection of a three-storey building with roofspace accommodation comprising 8 no. residential apartments, provision of car and cycle parking, refuse storage and landscaped amenity areas.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing buildings, erection of a three-storey building with roofspace accommodation comprising 8 no. residential apartments, provision of car and cycle parking, refuse storage and landscaped amenity areas at 3 South Drive, Coulsdon, Croydon CR5 2BJ, in accordance with the terms of the application, Ref.23/00380/FUL dated 26 January 2023, subject to the Schedule of Conditions at the end of this decision letter.

Procedural Matters

2. The Council has confirmed that its sixth reason for refusal has been resolved following receipt of a satisfactory Unilateral Undertaking. The legal undertaking primarily addresses a sustainable transport contribution and informing future flat occupants that they are not eligible for resident's parking permits. I return to this matter later in my decision but have taken it into account in defining the main issues of the case.
3. An amended site plan dated May 2023 has been submitted (plan no. 22.071.101 Rev I.) It makes minor changes to the layout of the forecourt area, rearranging refuse storage and bulky waste storage areas, providing for a visitor cycle stand, rearranging parking bays and landscaping. All the proposed changes are minor and in my decision there are planning conditions which trigger the need to get details approved in relation to these matters. I have decided to accept the plan as the extent of the amendments do not change the development so as to deprive those who should have been consulted on the changes an opportunity of consultation. I have applied the principles in *Bernard Wheatcroft Ltd v Secretary of State for the Environment* [1982] JPL 37.

Main Issues

4. The main issues in the appeal are:

- the effect of the proposal on the character and appearance of the streetscene and wider area,
- the effect on the living conditions of the occupants of 5 South Drive in respect of outlook,
- the effect on the highway network with particular regard to parking standards, servicing and delivery arrangements and crossovers,
- whether the proposal would provide adequate cycle parking facilities to serve future occupants and their visitors,
- whether there would be adequate facilities for refuse collection and
- whether the proposal would contribute to the cause and effect of flooding.

Reasons

Character and appearance

5. The appeal site is located on the western side of South Drive and is occupied by a detached bungalow, with associated access, driveway and detached garage. To the north, the site adjoins no.5 South Drive, a two-storey semi-detached house. To the south, the appeal site adjoins no.1 South Drive, which is a recently completed development of 9 apartments which has four storeys of accommodation including accommodation in the roof. It has 6 off-street parking spaces on a front forecourt. The Council granted planning permission for the apartment building on no.1 South Drive.
6. There are 9 reasonably new self-contained apartments with some off-road parking at 13 South Drive which is also on the north side of South Drive. South Drive is accessed via The Avenue, a busy road, which is mostly defined by detached and semi-detached houses, generally of two storeys, interspersed with some newer flatted developments.
7. The topography of South Drive, including the appeal site, rises from south to north, so properties are sited slightly higher than the neighbour to the south and lower than the neighbour to the north. Continuing north from no.5, the topography continues to rise, until the road eventually levels out. The land also rises from east to west, meaning that the properties on the odd-numbered side of the road (where the site is located) are elevated from the street. This also means that the properties on the even-numbered side of the road sit lower than street level.
8. The site is on the very edge of Coulsdon District Centre as defined by the Croydon Local Plan and London Plan 'town centre hierarchy'. There is an array of town centre facilities and amenities on and around Brighton Road which is a couple of minutes walk away. Coulsdon Town Railway Station is approximately 250m away and it is about 1 km to Coulsdon South Railway Station. There are about eight bus routes available from Coulsdon District Centre to destinations including Whyteleafe, Purley, Croydon, Streatham, Epsom, Banstead, Wallington, Mitcham and Pollards Hill. Central London, the south coast and

Gatwick Airport can all be accessed by regular trains from Coulsdon South Station. The site's specific location records a good Public Transport Accessibility Level (PTAL) of 3-4. The two PTAL ratings of 3 and 4 are due to the fact that the site falls on the boundary of theoretical 100 metre grid squares, with one square of PTAL rating 3 and the other rating 4.

9. The proposal is to demolish the existing chalet bungalow and garage and erect a three-storey building with a fourth level of accommodation in the roof space. The units would comprise two x one-bed, three x two-bed and three x three-bed. There would be a forecourt at the front with 5 car parking spaces, visitor cycle parking, a bulky item storage area and a bin store area. The building would have internal resident cycle parking facilities. There would be a rear garden with some dedicated play space.
10. It is clear that there is significant pressure to incrementally densify sites in and around district centres such as Coulsdon when sites, like the appeal site, are partially "previously-developed land" (as defined by the NPPF) and become available for development. There is a national imperative to promote an effective use of land in meeting the need for homes while safeguarding and improving the environment and ensuring safe and healthy living conditions.
11. It is clear that apartment blocks are being permitted and are being erected in this general area causing it to evolve away from the uniformity of a typical suburban area to an area more urban in nature with more visible hardstanding and less vegetation. I appreciate that the Council's Suburban Design Guide was previously influential and has since been revoked. However, it is necessary to assess any scheme in its context. In this case, the context includes the apartment block at no.1 South Drive as well as all the other properties in South Drive making up the immediate streetscene. Whilst the proposed building providing 8 apartments would be large, it would mediate between the development at no.1 and the semi-detached houses from No.5 continuing northwards. It would continue the stepping up of rising roof lines moving northwards on South Drive, reflecting the topography. Its double hipped roof to the Drive would reduce its dominance and its fenestration would give it a more horizontal than vertical emphasis, which reflects the two storey semi-detached properties nos 5, 7, 9 and 11. It would stand back behind the forecourt rather than loom over the Drive and there would be a comfortable visual gap between its northern flank wall and the flank wall of no.5 (noting that there is a recessed detached single storey garage at no.5 in the gap).
12. The streetscene would appear less green and vegetated particularly when considered cumulatively with the parking forecourt at no.1. However, given the location of the site so close to the District Centre and the high number of properties that have off-road parking in South Drive this is not a factor that warrants refusal of permission. There is a landscaping condition which gives the Council control over approving an appropriate landscaping scheme and I consider that there is scope to provide some soft landscaping around the forecourt area. At the rear there would be some communal garden on rising land.
13. Consequently, I conclude on this issue that the proposed development would not harm the character or appearance of the streetscene or wider area. It would not be contrary to policies D3 or D4 of the London Plan 2021 or policies SP4 and DM10 of the Croydon Local Plan 2018.

Living Conditions for No.5 South Drive

- 14.No.5 South Drive sits to the north of the appeal site at a higher level, with the main property sitting between about 4.2m and 5.8m from the site boundary, between which sits a detached garage and an access path to the rear garden. This property features its main entrance to the flank elevation fronting the appeal site along with three further windows at ground floor and two further windows at first floor on this side elevation.
- 15.One of the ground floor side windows sits directly adjacent to the entrance door and serves a hallway and the other windows serves a kitchen which is dual aspect and the two first floor side windows are obscurely glazed and serve a bathroom. The front of the property features two bay windows, and there are a number of windows in the rear elevation.
- 16.The proposed building on the appeal site would extend back into the plot but it would allow space for a patio and steps up to a dedicated play space. There would be a marked change in outlook when using the rear garden of no.5 but I do not consider that the building would be unduly overbearing because no.5 and its rear garden angles away from the proposed flank wall and there would be comfortable separation distances from the proposed flank to no.5 of between about 6.2m to 7.4m.
- 17.On this issue, I conclude that the proposal would not unduly harm the living conditions of the occupants of no.5 South Drive in respect of outlook. There would be no conflict with policy D3 of the London Plan 2021 or policies DM10.6, SP4.1 or SP4.2 of the Croydon Local Plan 2018.

Effect on the highway network with regard to parking standards, servicing arrangements and crossovers

- 18.The proposal would provide 5 standard on-site parking spaces on a forecourt at the front of the property. The proposal is a "minor" development that is not required by policy to provide a blue badge parking space or wheelchair accessible housing. One of the proposed apartments would meet building regulations M4(3) standard relating to wheelchair accessibility but there is no requirement for it to be accompanied by the provision of a wider parking space.
- 19.The London Plan 2021 states that car-free development should be the starting point for all development proposals that are well connected by public transport. This appeal site is well connected by public transport and I consider that the starting point for consideration of the number of on-site parking spaces should be zero. The maximum number of spaces it could have to be compliant with Table 10.3 of the London Plan is 7. There is a shortfall of 2 on-site spaces on that 'maximum-allowed' basis but it is often not desirable to deliver the maximum amount of parking on site as this can, amongst other things, promote unsustainable travel patterns.
- 20.Parking on South Drive is unrestricted. Objectors have made reference to cars parking on South Drive whose owners are shopping in the nearby district centre or who are commuting from the nearby station. The level of parking stress in the immediate area is high. However, the London Plan also states that an absence of local on-street parking controls should not be a barrier to new developments and local councils should look to implementing controls (such as Controlled Parking Zones) where necessary. I have borne in mind that the

crossover removes an on-street parking bay but that the existing property has a crossover to its drive and garage which would return to kerb. I am satisfied that two 'new' on-street parking bays, which are shown indicatively by the Appellant, could be provided and are more suited to a later discussion with the Highway Authority pursuant to a s.278 agreement.

21. I have also noted that the executed Unilateral Undertaking provides a financial contribution for the Council to spend on improving sustainable transport options and also has measures to prevent future residents from obtaining parking permits for any future local controlled parking zone.

22. With all this in mind, I have come to the view that the provision of 5 standard on-site vehicle parking spaces is adequate in this case.

23. In relation to access to the site for delivery vehicles, I am satisfied with the swept path analysis for long wheel based vans and for 4.845m estate cars. Both show satisfactory manoeuvres could be carried out without harm to highway safety. The appropriate crossover widths have been applied to the analyses. Again, details and delivery of the crossover are matters better suited to Highway Authority discussions at s.278 agreement stage. I am also satisfied that all necessary visibility splays could be achieved.

24. On this issue I conclude that the proposed development would have appropriate parking space provision, could be accessed by service and delivery vehicles and could provide an adequate crossover so that highway safety can be preserved. There would be no conflict with policies T4, T5, T6 or T6.1 of the London Plan 2021 or policies SP8, DM29 or DM30 of the Croydon Local Plan 2018.

Provision of cycle parking facilities

25. Based on the London Plan 2021 standards, the residents of the proposed development would be required to be provided with 1.5 long-stay cycle parking spaces per one-bed units and two long-stay cycle parking spaces per two-or-more-bed units. This equates to 15 long-stay cycle parking units. The London Plan also requires two short-stay cycle parking spaces for visitors.

26. The provision shown on the submitted plan is greater than 15 long-stay cycle parking spaces – it is 18. The front door width to the building would need to be slightly wider than shown on the plans by about 20cm so that a cycle can easily pass through it but this can be secured by a planning condition. The corridor between the stairs and the lift would be sufficiently wide to avoid conflicts between users of cycles and residents. There is no need for a specific cycle space for an adaptable bike to be provided for the reasons given in paragraph 18 above and given the small scale of the proposed development. A Sheffield cycle stand for two visitor bikes can be provided near the front of the site which would be a usable, safe and secure location. I have required details of the stand and the location to be secured by condition. I am therefore satisfied that the proposed arrangements for on-site cycle storage and parking is suitable and adequate.

27. On this issue I conclude that the proposal would provide appropriate cycle parking for future occupiers and their visitors. It would not be in conflict with policies T4 or T5 of the London Plan 2021 or policies SP8, DM29 or DM30 of the Croydon Local Plan 2018.

Refuse Storage Arrangements

28. Site Plan drawing no. 22.071.101 I shows a bin area at the rear of the parking forecourt and shows a bulky goods storage area adjoining it. Both are acceptable locations for those facilities. The bin area would be within 20m walking distance of the 1 bedroom flat on the ground floor which is an acceptable distance. I consider that within the space available in the plot as a whole a suitable and sufficiently large bin store or area could be designed and provided, with room to manoeuvre the bins, and if screening was needed then that also could be provided. I consider that a planning condition could secure the finer details in line with the Council's published requirements. On this issue, I conclude that suitable refuse storage arrangements could be secured and the proposal would not be contrary to policy DM13 of the Croydon Local Plan 2018.

Flood Risk

29. The Appellant has submitted a Flood Risk Assessment and SUDS Report. The site is within one of the 16 Critical Drainage Areas identified in the Surface Water Management Plan for Croydon and so may be at risk of drainage issues. The Report sets out a strategy for the management of surface water run off recognising the underlying ground conditions and constraints of the site. It would incorporate a number of SUDs measures. It also postulates an alternative strategy in the event that infiltration is determined not to be viable. The Lead Local Flood Authority accepts the proposed drainage strategy subject to some additional technical information.
30. The information provided leads me to conclude that the proposed development would not cause undue flooding or flood risk. There are some further technical details which the Lead Local Flood Authority would want (e.g. a drainage layout plan) but I am content with the principle of what is proposed and it is achievable. A condition which sought submission and approval of finer details is appropriate in this case.
31. On this issue I conclude that the proposed development would not contribute to the cause and effect of flooding. It would not be contrary to policies SI 12 or SI 13 of the London Plan 2021 or policy DM25 of the Croydon Local Plan 2018.

Other Matters

32. I have had regard to a signed Section 106 Unilateral Undertaking dated 7 December 2023 which, amongst other things, secures a financial sustainable transport contribution from the owner/successors-in-title of the site, and an undertaking to inform each new owner and future owner of the apartments that they are not eligible to be granted a resident's parking permit for any current or future controlled parking zone local to the site. The obligations in the Undertaking meet the legal tests in regulation 122 of the Community Infrastructure Levy Regulations 2012 and I have taken them into account in coming to my decision.
33. I am satisfied that the Preliminary Ecological Appraisal dated January 2022 properly assessed the site in accordance with industry advice. It noted the small pond and acknowledged that some reptiles might use the site but did not recommend any further surveys. Given the low risk of habitats for protected or priority species I do not consider any further surveys are necessary and I note that the Council's Ecology Consultants agree with that approach. Subject to

the ecological planning conditions which are imposed below, I do not consider that ecological interests would be unduly harmed by the proposed development.

34. I have considered whether any of the proposed fenestration in the building would allow views which would interfere with local residents' privacy but the separation distances are such that there would be no loss of privacy to local residents. Similarly, having examined the daylight and sunlight studies, there would be no unacceptable loss of daylight or sunlight to neighbours. For the future occupants of the development there would be sufficient amenity space including some dedicated play space at the rear.
35. It is understandable that local residents refer to the disturbance that the construction of the scheme would bring because South Drive and the area generally has seen significant recent building works. There is a planning condition requiring a construction logistics plan to be approved and implemented, which would minimise disturbance. It is unlikely to eradicate disturbance and inconvenience entirely, but the residual construction works and impacts would not be sufficient to warrant refusing planning permission for these additional homes.

Conditions

36. I have considered the imposition of planning conditions in the light of advice in National Planning Practice Guidance. The Council provided some suggested conditions in the event that the appeal was successful. A condition which ties the built development to the approved plans is necessary for the avoidance of doubt.
37. In order to safeguard the amenity of surrounding residents and the area generally and to prevent adverse impact upon the transport network during the construction phase of the development there is a condition requiring a Construction Logistics Plan to be submitted and approved. It is necessary for this to be a pre-commencement condition so that all demolition and construction works are anticipated and considered prior to works commencing so as to avoid potential damage and disturbance. The Appellant agrees to this form of condition. To ensure the safe development of land which might potentially be contaminated, I have imposed a condition requiring contamination report(s) and if necessary remediation work. This needs to be a pre-commencement condition to ensure that all phases of demolition and construction do not adversely affect health. The Appellant agrees to this form of condition.
38. To ensure surface water run-off is managed safely and effectively to avoid flood risk there is a condition requiring surface water drainage details. To enhance the appearance of the development, provide quantitative and qualitative child play space and communal space and to protect the visual amenities of the locality, I have imposed a condition requiring details of hard and soft landscaping on the site to be approved and implemented. I have attached a condition requiring external facing materials to be approved and for detailed drawings to be approved. This would ensure there is a high quality development with an acceptable appearance. Biodiversity enhancement measures targeting protected and priority species are secured by condition in order to encourage such habitats and fulfil statutory duties. For the same reasons a condition secures all mitigation and other enhancement measures set out in the

submitted Preliminary Ecological Appraisal. To ensure that trees which contribute to visual amenity can be retained and are not damaged by the construction and associated works there is a condition tying the development to the tree protection plan in the submitted Arboricultural Report.

39. To ensure that refuse arrangements and cycle parking/storage arrangements are suitable in detail, I have attached a condition requiring the submission of details and their approval and implementation. There is a condition requiring the front door to be sufficiently wide to allow use by cyclists carrying/wheeling their cycles in and out. For highway safety reasons, a detailed car park management plan is required via condition.
40. I have imposed a condition requiring any upper-floor window located in a wall or roof slope forming a side elevation of the development to be obscurely glazed and partially non-opening in order to protect neighbours' privacy.
41. To ensure that the development incorporates necessary fire safety measures in accordance with the policy D12 of the London Plan 2021 I have tied the development to the submitted Fire Safety Strategy. For sustainability reasons there is a condition controlling how much water shall be used per person per day and a condition securing CO2 emission reductions in line with the submitted Energy Statement.

Conclusion

42. I acknowledge that there are benefits which flow from the provision of additional homes. There is a national imperative to boost the supply of housing in appropriate locations. There are also economic benefits which flow from the construction phase of the development and afterwards there are knock-on financial benefits from new occupants' spending in the area. I consider that the scheme would be in accordance with the statutory development plan and that material considerations indicate that the plan should have primacy. For those reasons I consider that planning permission should be granted.
43. Having taken into account all representations made, for the reasons given above, I allow the appeal and grant planning permission subject to conditions.

Megan Thomas K.C.

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall not be begun later than three years from the date of this permission.
- 2) The development shall be carried out in accordance with the following drawings:

22.071.101 I, 22.071.102 C, 22.071.103 B, 22.071.104 B, 22.071.105,
22.071.110 D, 22.071.111 C, 22.071.112, 22.071.120 A & 22.071.121 B.

- 3) Prior to the commencement of development including demolition, a Construction Logistics Plan (CLP) shall be submitted to and approved in writing by the Local Planning Authority. The CLP shall include the following information for all construction phases of the development:

- a) Hours of construction;
- b) Hours of deliveries;
- c) Parking of vehicles associated with deliveries, site personnel, operatives and visitors;
- d) Facilities for the loading and unloading of plant and materials;
- e) Details of any site hoardings;
- f) Details of the precautions to guard against the deposit of mud and substances on the public highway;
- g) Dust control methods.

All construction phases of the development shall be carried out strictly in accordance with the details so approved.

- 4) Prior to the commencement of development the following shall be submitted to and approved in writing by the Local Planning Authority:
- i) A Phase 1 Desk Study report detailing the historical uses of the site to provide an assessment into the possibility of soil contamination in line with current statutory guidance.

ii) If recommended by the Phase 1 report (as outlined in part 'i'), a Phase 2 intrusive site investigation and risk assessment into the possibility of soil, water and gaseous contamination.

If the site investigation (as outlined in part '(ii)') indicates the presence of significant potential pollutant linkages, a strategy detailing the remedial measures required to render the site suitable for its intended use must be carried out. The remedial works which are shown to be required must be submitted to and approved in writing by the Local Planning Authority before any such works are carried out and completed prior to the occupation of any building.

Prior to the occupation of the development hereby permitted, a validation report detailing evidence of all remedial work carried out shall be submitted to and approved in writing by the Local Planning Authority.

The developer shall notify the Local Planning Authority of any on site contamination not initially identified by the site investigation, so that an officer of the Council may attend the site and agree any appropriate remedial action.

- 5) Prior to the commencement of above ground works, a detailed surface water drainage scheme incorporating the following measures shall be submitted to and approved in writing by the Local Planning Authority:

- a) Calculation of the existing and proposed run-off rate (which should achieve greenfield run-off rates unless an alternative rate is adequately justified and achieved);
- b) Confirmation of the impermeable and permeable site areas used for the infiltration calculations;
- c) Details of the on-site infiltration drainage;
- d) Details of the on-site attenuation tank;
- e) Details of further sustainable drainage measures;
- f) An updated layout plan (to scale) of the proposed drainage scheme;
- g) Details of the ownership and / or maintenance agreement for the SUDS on the site.

The approved scheme shall be implemented prior to the first occupation of the development and retained thereafter.

- 6) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:
- a) Hard landscaping materials (including samples as appropriate),
 - b) Soft landscaping details, including existing planting to be retained, the species, size and density of proposed new planting, as well as the dimensions of new trees; replacement trees, including no less than two semi mature trees and maintenance,
 - c) Boundary treatments
 - d) Lighting
 - e) Children's play space
 - f) Secure by design features
- The details approved shall be provided and completed in accordance with this condition prior to the first occupation of the development, and retained for the lifetime of the development with the exception of new planting which shall be provided and completed in accordance with this condition prior to the end of the first planting season following completion of the development, and retained for at least a period of five years from the date of planting. Any new planting which dies, is severely damaged, becomes seriously diseased or is removed within that period shall be replaced by planting of a similar size and species to that originally planted.
- 7) Prior to the commencement of above ground works, full details of the following shall be submitted to and approved in writing by the Local Planning Authority
- a) External facing materials including samples of all facing materials and finishes;
 - b) Detailed drawings in plan/elevation and section at 1:5 through all typical external elements/details of the facades including all openings in external walls.
- The development shall be carried out strictly in accordance with the details thus approved.
- 8) Prior to the commencement of above ground works, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the Local Planning Authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate plans;
 - d) persons responsible for implementing the enhancement measures;
 - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.
- 9) Prior to the commencement of above ground works hereby permitted details of refuse and cycle storage including a visitor cycle stand, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to thereafter and be retained for the lifetime of the development.

- 10) Prior to the occupation of the development hereby permitted a car park management plan detailing the allocation and management of spaces shall be submitted to and approved in writing by the Local Planning Authority. The operation of the car park shall take place in accordance with the details approved and maintained for the lifetime of the development.
- 11) Prior to the occupation of the development hereby permitted the CO2 emission reductions, in the form of at least 19% beyond what is required to comply with Part L Building Regulations 2013 (as outlined in the submitted Energy Statement) shall have been carried out in full.
- 12) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal by Crossman Associates dated 5 January 2022. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works, to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 13) The development hereby permitted shall achieve a minimum water efficiency standard of 110 litres/person/day.
- 14) Unless otherwise agreed in writing by the Local Planning Authority the development shall be carried out in accordance with the submitted and approved tree protection plan within the Arboricultural Report by Crown Tree Consultancy dated 16 December 2022.
- 15) The development must be carried out in accordance with the provisions in the submitted Planning Fire Safety Strategy by Vemco Consulting dated January 2023.
- 16) Any upper-floor window and rooflight located in a wall or roof slope forming a side elevation of the building shall be fitted with obscured glass, and restricted to opening no more than 150mm unless the parts of the window which can be opened are more than 1.7 metres above the floor taken from a point immediately below the centre of the window upwards to the opening part of the window. Such measures shall be provided and completed prior to the first occupation of the development and retained for the lifetime of the development.
- 17) Notwithstanding the approved drawings referred to in condition 2 above, prior to the occupation of any of the apartments hereby permitted, the communal front door to the building shall be not less than 1.2m in width.